

Lake Forest Park City Council

Agenda Cover Sheet

Meeting Date 12/9/2021

Title **Planning Commission Recommendations for Amendments to Accessory Dwelling Unit and Accessory Building Regulations**

Item Type

- | | |
|---|--|
| <input checked="" type="checkbox"/> Work Session | <input type="checkbox"/> Ordinances & Resolutions |
| <input type="checkbox"/> Proclamation | <input type="checkbox"/> Introduction/Referral |
| <input type="checkbox"/> Special Presentation | <input type="checkbox"/> Council Discussion |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Action |
| <input type="checkbox"/> Consent Calendar | <input type="checkbox"/> Council Discussion/Action |
| <input type="checkbox"/> Final Confirmation | |

Originating Department Planning & Building

Contact Person Steve Bennett, Planning Director

Legislative History

- Council Discussion – Regular Meeting November 4, 2021
 - Council Discussion – Work Session December 9, 2021
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Attachments:

1. Planning Commission Recommended Amendments to Accessory Dwelling Unit (ADU) and Accessory Structure Regulations with background notes
 2. October 12, 2021, Planning Commission Memorandum to City Council
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Executive Summary

On November 4, Council received a presentation on the Planning Commission's Recommended Amendments to Accessory Dwelling Unit (ADU) and Accessory Structure Regulations which were approved by the Commission on October 12 (see Attachment 1). Attachment 1 also includes staff-generated notes in the comment column that is intended to explain the implications of the more significant proposed amendments.

Attachment 2 is a Planning Commission memorandum that was approved by Commissioners to accompany the recommended amendments. The memorandum provides some insights into the variety of issues that the Commission discussed.

In addition to the issues addressed in the memorandum, there was also discussion about the adequacy of the zoning definition for ‘family,’ which has not been amended since 1999. If Councilmembers are considering adopting the Commission’s changes to the height restrictions for accessory buildings as recommended, it may also be advisable to create a zoning definition for the term ‘subordinate’ clarifying that an ADU can be taller than the primary residence and still be subordinate. These are relatively minor issues that could be easily addressed with proposed language in the next draft if Council so desires.

<i>Options</i>	<i>Results</i>
<ul style="list-style-type: none"> • Provide direction to Administration to put the Planning Commission’s recommended amendments into ordinance form for consideration for adoption. 	<p>Council review will continue and Planning Director will issue a SEPA determination on the proposal and provide the State Department of Commerce 60-day notification of intent to adopt land use code amendments.</p>
<ul style="list-style-type: none"> • Request additional information or alternative language prior to reviewing proposal in ordinance form. 	<p>Council review can continue but it would not be advisable to start SEPA and State notification processes until the proposal is closer to the form being considered for adoption.</p>

Staff Recommendation

Direct Administration to put the Planning Commission’s recommended amendments into ordinance form for consideration for adoption.

ATTACHMENT 1

Planning Commission Recommended Amendments to Accessory Dwelling Unit (ADU) and Accessory Structure Regulations with explanatory notes

October 12, 2021

18.08.030 Accessory dwelling unit (ADU), attached.

“Attached ~~A~~ accessory dwelling unit” means a dwelling unit which is subordinate to a single-family dwelling unit which:

~~A. Is located within the or attached to a single-family dwelling unit, or~~

~~B. Is located within an accessory building.~~

18.08.033 Accessory dwelling unit (ADU), detached.

“Detached accessory dwelling unit” means a dwelling unit which is subordinate to a single-family dwelling unit which is constructed as part of an accessory building.

18.50.050 Accessory dwelling units.

Accessory dwelling units, as defined by this title, may be permitted on lots of at least 7,200 square feet, and provided they meet the following development criteria:

A. Only one accessory dwelling unit will be permitted per residential lot, ~~except that one attached and one detached accessory dwelling unit may be permitted on lots with an area over one acre (43,560 square feet);~~

B. The accessory dwelling unit floor area ~~must be at least 300 square feet, but~~ may not exceed ~~50 percent of~~ the total floor area of the principal residence or 1,000 square feet, whichever is less;

C. Accessory dwelling units on lots less than ~~15,000~~10,000 square feet in area must be ~~developed within the existing primary residence~~attached, except that:

1. On lots with an area between 7,200 and 10,000 sq. ft., accessory buildings existing as of the adoption date of Ordinance XXXX may be remodeled to include a detached accessory dwelling unit provided that 18.50.050(C)(2) is met;

2. The ADU must meet all other provisions of this chapter and there shall be no increase in the lot coverage or height of the subject accessory building;

Commented [SB1]: These changes to the definition section are intended to clarify the differences between attached and detached accessory dwelling units and facilitate the use of the ADU abbreviation in related provisions.

Commented [SB2]: Initial analysis indicates there are roughly 130 single family lots in LFP where this exception could be utilized.

Commented [SB3]: This deletion eliminates minimum floor area requirement. Building codes would ensure that no room for habitation is less than 7 ft. by 10 ft. and address other minimum living standards. All dwelling units (including ADUs) must also comply with this zoning definition:

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, not to exceed one family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

Commented [SB4]: The 50% limitation was eliminated to give more flexibility on lots with smaller primary residences.

Commented [SB5]: This amendment to subsection C. lowers the threshold so that lots of 10,000 (instead of 15,000) sq. ft. or larger can have a detached ADU.

Commented [SB6]: Lots with an area between 7,200 and 10,000 sq. ft. would only be allowed to have an attached ADU except if an existing accessory building can be converted to a detached ADU without changing its footprint or height.

1 D. Accessory dwelling units on lots of ~~15,000~~10,000 square feet or greater may be ~~developed as~~
2 ~~an accessory structure detached or part of an accessory building~~; provided, however, that the
3 accessory dwelling unit shall meet the requirements of LFPMC [18.50.060](#);

4 E. Either the primary residence or the accessory dwelling unit must be owner-occupied;

5 F. Garage space may be converted only if the same number of off-street parking spaces are
6 provided elsewhere on the property;

7 G. One off-street parking space per accessory dwelling unit, in addition to that required for a
8 single-family dwelling shall be provided;

9 H. The total number of people who may occupy principal residence and the accessory unit,
10 together, shall not exceed the number of people who may occupy a one-family dwelling.

11 **18.50.060 Accessory structures and buildings.**

12 Accessory buildings and structures are permitted uses in single-family dwelling zones, provided:

13 A. The total combined ~~lot coverage of accessory buildings shall occupy or cover no floor area of~~
14 ~~all accessory buildings shall not occupy~~ more than 10 percent of the total area of the lot up to a
15 maximum of 1,000 square feet; ~~provided that a maximum of 10 percent of the total area of the~~
16 ~~lot up to 1,500 square feet is allowed if a detached ADU is included in an accessory building on~~
17 ~~the subject lot;~~

18 ~~B. In no case shall an accessory building have a floor area of more than 1,500 square feet. For~~
19 ~~the purposes of this provision, 'floor area' includes floor area devoted to the parking and storage~~
20 ~~of motor vehicles.~~

21 ~~C.B.~~ Accessory buildings ~~that do not include an accessory dwelling unit~~ may only be placed in a
22 rear yard;

23 ~~D.C.~~ Accessory buildings shall be 10 feet or more from the ~~principal-main~~ buildings;

24 ~~E.D.~~ Accessory buildings may be placed no closer than five feet to the rear lot line, excluding
25 accessory dwelling units, which may be placed no closer than 15 feet to the rear property line;

26 ~~F.E.~~ Accessory building height shall not exceed 15 feet, ~~except those accessory buildings which~~
27 ~~include an accessory dwelling unit, which can be up to 25 feet in height provided that the~~
28 ~~building meets all zoning regulations pertaining to the primary or main building.~~

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Commented [SB7]: This amendment to subsection D. is necessary to be consistent with the change to subsection C. which lowers the threshold so that lots of 10,000 (instead of 15,000) sq. ft. or larger can have a detached ADU.

Commented [SB8]: LFP's residential zoning provisions generally regulate the horizontal size of buildings through 'lot coverage'. This change would make it the same for accessory structures.

Commented [SB9]: This change will allow owners of lots larger than 10,000 sq. ft. to have up to an additional 500 square feet of lot coverage devoted to accessory buildings, if there is a detached ADU on the property.

Commented [SB10]: This new provision limits enclosed floor area so that two-story accessory buildings with a lot coverage over 750 square feet cannot be completely enclosed (ex: 2nd story on an acc. building with 1000 sf footprint could only be 500 sf if the 1st story is all enclosed)

Commented [SB11]: This change works in tandem with proposed changes to subsections A. and F. (previously E.) to provide more flexibility for accessory buildings that include ADUs. The result of this change is to allow accessory buildings that include an ADU in the side and front yards, if all other setback, lot coverage and height restrictions are met.

Commented [SB12]: This change works in tandem with proposed changes to subsections A. and C. (previously B.) to provide more flexibility for accessory buildings that include an ADU. The result of this change is to allow accessory buildings that include an ADU to be 25 feet in height if all other setback and lot coverage restrictions are met.

ATTACHMENT 2



MEMORANDUM LAKE FOREST PARK PLANNING COMMISSION

TO: Lake Forest Park City Council

FROM: Lake Forest Park Planning Commission

DATE: October 12, 2021

RE: ADU Code Recommendations

The Lake Forest Park Planning Commission (“LFPPC”) is forwarding recommendations to the Lake Forest Park City Council regarding proposed changes to code sections (1) 18.50.050 Accessory dwelling units, and (2) 18.50.060 Accessory Uses and Buildings. We’ve arrived at these recommendations following six months of work to gather community input and use what we learned to inform our own monthly discussions. The bulk of the input we received came from a survey sent out through LFP’s social media channels which generated 260 responses. [The results](#) of the survey can be found in our July 2021 meeting materials and are worth reviewing as they provided insights on which parts of our code are important to many residents and which are considered serious barriers for building an ADU. We also want to share key items with you that we wrestled with – some of which are reflected in our recommendations and some that were strongly considered but did not make it into our recommendations. You may be interested in considering them in your own deliberations.

- 1. ADU Siting.** Community feedback demonstrated that the rear-yard restriction was a barrier to adding a detached accessory dwelling units (DADU). As a result, the single biggest change in our recommendations is to remove the rear-yard restriction and allow DADUs anywhere on a single-family lot of 10,000 square feet (down from 15,000 square feet) or larger – provided the DADU meets all other regulations in the underlying single family code provisions. What did not make it into our recommendations are design requirements to ensure DADUs sited in a front or side yard be complementary (same color, materials, roof line, etc.) to the primary structure. This was discussed as a way to ensure DADUs are not out of character with the rest of the neighborhoods in which they are built. We were advised this would be difficult to administer due the subjectivity of such provisions and we did not have the time to consider it further.

2. **Owner Occupancy Requirement.** While we did discuss what changes to this current code requirement could look like, all but one Planning Commissioners felt owner occupancy was critical to keep in place.
3. **Concerns for privacy between neighbors.** The Planning Commission has recommended that the height limit on DADUs be increased to 25ft (from 15ft) to allow building of an ADU above a garage or shop. We spent considerable time discussing the implications of changes to setbacks and height requirements given the impacts that changes to these provisions can have on neighbors with regards to noise, lighting, and privacy. The Commission ended up recommending that DADUs continue to meet all current required single family and accessory building setbacks.
4. **Incentivizing smaller, primary homes to build ADUs.** The current rules prohibiting the total floor area of an ADU to 50% of the primary structure or 1,000 square feet disproportionately and negatively impact smaller homes. Planning Commissioners did not sense this was the intent of the code and adjusted 18.50.050 accordingly.
5. **Encouraging additional housing units on larger lots by allowing one attached and one detached ADU.** In section 18.50.050, we are recommending lots of one acre or more be allowed one attached and one detached ADU provided they meet all other underlying code requirements including impervious surface limits.

Further, this work embodied the following core principles:

- Ensuring long term, affordable and diverse housing options
- Respecting the LFP quality of life, e.g., privacy, environmental stewardship, safety
- Valuing community participation and input
- Importance of collaboration

We are happy to answer any questions you may have about these recommendations.

Sincerely,
LFP Planning Commission