

The following is a draft for discussion purposes only and represents the current thinking of staff prior to County Manager & County Attorney final review

ACCESSORY DWELLING ISSUES MATRIX
Revised through 04/28/08 - STAFF DRAFT

Issue	Housing Commission Proposal	Civic Federation Resolution (as of 2/25/08)	Staff Proposal (as of 04/29/08)
Where could an AD be Considered?	Single-family detached dwellings and duplexes eligible; within main building and in detached accessory structures	Single-family detached dwellings and semi-detached dwellings eligible; within main building <i>only</i> . Do not support detached accessory buildings for this purpose. If done in the future, do by Use Permit only.	<i>Single-family dwellings only. ADs could be located within the structure as well as in an addition to the principal dwelling.</i> <i>Exclude ADs in detached accessory structures from consideration at this time.</i> <i>Exclude semi-detached dwellings¹ and duplexes² from consideration.</i>
Property Eligibility -- Compliance with other Regulations		To be eligible, must conform to Building Code, placement, lot coverage. Substandard lot size excluded.	<i>For a property to be considered for an AD approval, it must conform to all lot area requirements, including width.</i>
Maximum Occupancy	Favors a cap on occupancy (e.g. 2 persons or 2 adults) but was advised to wait for a County Attorney opinion on how to add an enforceable cap.	The allowable occupancy for the entire property (main building with AD) is limited to 4 unrelated persons. Cap must be enforceable, per County Attorney.	<i>Staff prefers maximum of 2 persons to keep subordinate to potential occupancy in principal dwelling.</i>

¹ Semi-detached dwellings are defined in the Zoning Ordinance as “A two-family dwelling with one dwelling unit beside the other, separated by a common party wall without openings.”

² Duplex dwellings are defined in the Zoning Ordinance as “A two-family dwelling with one unit above the other, having a single front entrance or one front and one side entrance on the first floor level and all exterior characteristics of a one-family dwelling; provided an outside, enclosed stairway located parallel and adjacent to the rear of the building shall be permitted for direct access to the second floor.”

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Size Limits	1,000 sq. ft. max. in detached building with max. footprint of 650 sq. ft.	No position on maximum square footage stated.	<i>50% of the Gross Floor Area of the principal dwelling (1/3 of the total gross floor area of the combined main and accessory unit) or 750 square feet, whichever is less.³</i>
Code Enforcement	Require owner to commit to providing access to investigate complaints as condition of AD Permit. Owner occupancy required. Illegal units required to come into compliance.	Ability of Code Enforcement to inspect is essential.	<i>Certificate of Occupancy at initial completion of the AD. Record a Covenant in County land records at initial approval of the AD (staff can develop a template as was done with family suites). Require annual inspection of the AD and inspection when tenants change. (Workload impact will be dependent on the number of units added over time.)</i> <i>Cooperation from owners and tenants will be essential for enforcement—we</i>

³ Size limit examples:

- 1) If you wished to make an interior AD in a 1,000 sq. ft. house, the AD can be no larger than 333 sq. ft.
- 2) If you wished to make an addition to the main dwelling, expanding the total sq. ft. of the main and accessory dwellings combined to 1,500 sq. ft., the AD could be no larger than 500 sq. ft.

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			<p><i>will not be able to force an inspection on an unwilling owner or tenant. To help mitigate this possibility, staff recommends that, as a condition of approval, the owner of AD be required to file an affidavit providing information on the tenants' identity. Owners will also be required to advise tenants of annual inspection requirement and the obligation to cooperate in the event there are complaints.</i></p>
Parking	Parking survey to determine if additional parking must be added	Same, but do not support tandem spaces in driveway	<p>Every AD triggers a parking survey to determine if the block meets the 65% threshold. <i>If the block is greater than 65% parked, and no off-street parking spaces exist, one off-street parking space must be created.</i> If the AD is in an existing Zone Parking area, occupant can obtain one 1 Regular Permit, 1 Flex Pass and 1 book of visitor passes.</p>

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Approval Process	Two-tiered approach—By-right within house, if can comply with code requirements, by Use Permit in detached building.	Same process	<i>Zoning Administrator review and approval, plus necessary permit approvals, inspections and Certificate of Occupancy when completed.</i>
Illegal Units	6 month grace period to come into compliance		<i>Investigate complaints as they are received, and bring into compliance if necessary.</i>
Owner Occupancy	Required, with some limited exceptions for Foreign Service or military for overseas assignments with waiver; also, with a waiver, a family member might fulfill the requirement.	Required, with some limited exceptions for military reserve and guard called to active duty	Required. <i>An Owner is defined as an individual who owns, or whose spouse, parent or child related by blood or adoption, owns 51% or greater interest in the property.</i>
Other Accessory Uses Permitted?			<i>No additional accessory uses, other than Home Occupations, would be permitted in the AD. Contractor or service business would not be a permitted Home Occupation.</i>
Agreement to Terms		Owner and tenant must agree to terms	<i>Initial approval requires owner agreement to cooperate if county</i>

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			<i>needs to inspect (i.e. to validate occupancy). Revoke AD approval for failure to cooperate or repeat violations.</i>
Public Notification		Public notified when application comes in for approval	<i>Note approval in County's Real Estate Database</i>
Notation in Real Estate database		Noted upon Use Permit approval.	<i>Note approval in County's Real Estate Database.</i>
Exterior Appearance		No exterior modifications that detract from single-family appearance (i.e. exterior stairs to 2 nd floor)	<ul style="list-style-type: none"> • <i>A voluntary style guide will be developed for owners considering an addition to their homes.</i> <i>For all ADs:</i> <ul style="list-style-type: none"> • <i>The entrance to the AD cannot be on the same side of the house as the main entrance.</i> • <i>On a corner lot the entrance to the AD must be on a side of the house that is not visible from the street.</i> • <i>No exterior stairs to 2nd floor can be visible from the front of the property.</i>

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Program Evaluation		Review provisions 3 years after implementation	<i>Review 3 years after implementation.</i>
Annual Report			<i>Prepare an annual report to document numbers approved.</i>

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