

June 11, 1997

**MARKHAM NEIGHBORHOOD
SOUTHWEST COMMUNITY PLAN**

Subject: Response to City of Portland's April 28, 1997 Comments on Markham Neighborhood Zoning Proposal

The Markham Neighborhood Association has reviewed the City planning staff's April 28, 1997 comments on our proposed Neighborhood Zoning Proposal. This memo details our response. To summarize the key points:

We continue to support our original Neighborhood Zoning Proposal submitted to the City in April, 1997, except for the following changes:

- a. We withdraw our support of the "a" overlay zone in our neighborhood.
- b. We reverse our recommendation that properties located along the west side of SW 26th between Taylors Ferry and the I-5 underpass be upzoned from R7 to R5.

"A" OVERLAY ZONE

In our submittal, Markham had agreed to support the "a" overlay zone in our neighborhood. However, since our report was submitted, the City has proposed changes to the "a" overlay which we do not support. We are concerned about making a commitment to something that is still in the process of being changed. **We therefore withdraw our support of the "a" overlay designation for our neighborhood.** At such time that the City adopts a final proposal for this designation, we will review it and make a determination if it something our neighborhood can support.

*Thanks
- goodness*

The original "a" overlay zone, as we understood it, was a "granny or mother-in-law" flat concept which would require owner-occupancy of the primary unit. The new "a" overlay is much broader than this. We understand that the City is proposing a new "accessory unit" overlay zone that is closer to the "granny-flat" concept, however, we oppose certain provisions included in it as well, namely:

- a. Allowing detached accessory units.
- b. Allowing existing single family dwellings on corners to convert to duplexes
- c. Deleting the requirement that the primary unit must be owner-occupied.

#1554

October 5, 1997

To: The Portland City Council

Re: City Council Hearing on Accesory Dwelling Units, October 8, 1997 at 2 PM.

I have been informed by the Laurelhurst Neighborhood Association that:

The Portland Planning Commission has recommended to the City Council to change the meaning of a single-family residential zoning to include "accessory dwelling units" (rentals).

I am writing to vehemently protest any such change. I moved into this area 3 years ago: the intimacy and quality of the neighborhood is a major part of what attracted me. All my neighbors value these same things. The proposed changes would clearly jeopardize them. The Laurelhurst neighborhood has voiced a strong and consistent opposition to threats to single-family residential zoning. Despite meetings and a letter writing campaign, our concerns about the future of our neighborhood have fallen on the deaf ears of the Portland Planning Commission.

I am now pleading for the City Council to repudiate the Planning Commision's recommendations. I would feel entirely betrayed if the Council, as my elected representatives, were to accept the ill-conceived and poorly supported recommendation of the Commision.

Merrill M. Ahrens
424 N.E. Royal Court
Portland, OR
97232
(503)669-5034 work
(503)238-9853 home

RECEIVED
OCT 6 10 55 AM '97
BRIAN KA CLARK
CITY OF PORTLAND, OR
BY _____

1554

October 6, 1997

TO: City Clerk

FAX #: 823-4571

RE: City Council Hearing on Accessory Dwelling Units

I will be unable to attend the hearing on Oct 8, 1997 at 2:00 pm.

I am very opposed to change the single-family residential zoning in the Laurelhurst neighborhood. We need this single family residential neighborhood in the City of Portland. This is a very pleasant neighborhood and rentals can only cause problems. Please do not vote for the change.

Thank you!

Margaret Dilaney
867 NE Laurelhurst Place
Portland, OR 97233

RECEIVED
OCT 6 10 55 AM '97
CITY CLERK
PORTLAND, OR

1554

October 6, 1997

City Clerk
1220 SW 5th Room 401
Portland, OR 97204

Re: City Council hearing on accessory dwelling units to be held on Oct. 8 1997.

Dear Sirs,

It has come to my attention that The Portland Planning Commission has recommended to the City Council to change the meaning of a single-family residential zoning to include "accessory dwelling units". I am urging the City Council to not adopt this change for the following reasons.

1. This will lower the property values in the Laurelhurst district. Currently the people who live in Laurelhurst pay a premium to live in this area. The value of our homes are inflated because we live in a nice neighborhood that does not have rental units. The city does not seem to mind that my taxes have increased 25% each year as a result of living in this neighborhood. I view the high taxes as the price that I must pay to live in this beautiful neighborhood. As rental units are allowed in to the neighborhood this will lower the property values which will be bad for the neighborhood as well as for the city.
2. This will change the character of the neighborhood. Laurelhurst is a family neighborhood. Most of the families that own homes in the neighborhood have families with children. If rental units are allowed in to the neighborhood this will change the character of the neighborhood to one that is more transient. Another factor is that most of the houses that are in Laurelhurst were built in the 1920s to 1940s. When you start building apartments in this neighborhood they will stick out and not fit in to the neighborhood.
3. Laurelhurst is already a crowded neighborhood and adding these units will make the neighborhood more condensed and not a pleasant place to live. Most of the lots in Laurelhurst are between 3500-5000 square feet. As you start cramming multi unit housing in to these small lots it creates traffic and parking problems. This decreases the comfort and attractiveness of the neighborhood.

It is my hope that when the City Council is review this recommended change in the definition of single family residential zoning that they will consider the issues raised above and deny the change in definition.

Sincerely,

Ron Alvey
Chandra Alvey
4216 SE Ash
Portland, OR 97215

RECEIVED
OCT 6 11 48 AM '97
CITY CLERK
CITY OF PORTLAND, OR.

pm

1554

97097-0 21 0:54

September 23, 1997

Dear Mayor Vera Katz

As a resident of the Overlook neighborhood, I am writing to protest any change to the city planning code that would allow the accessory rental dwelling provision known as the "granny flats".

Our neighborhood made some density concessions a few years ago with the understanding that further changes would no longer happen. I feel betrayed that the inherent character of our neighborhood would change in an "experiment" that could have a big impact on our area's liveability. Our on-street parking and neighborhood schools are already tight.

Our neighborhood's stability can't afford to be tinkered with by this one-size-fits-all measure!

Sincerely yours,



Peggy Gutt



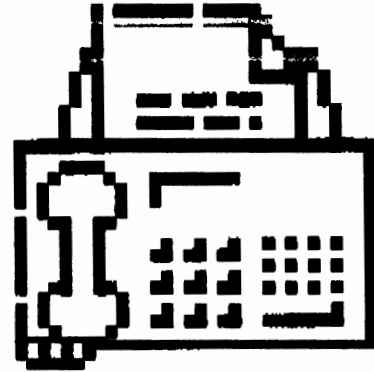
10/2/97 7:01 PM

Macintosh

503 493 8015

P.001

Claypool
2 pages
from Susan G.



Fax

From

**GRONER AVIVA
33 NE MONROE STREET**

To

**KNOWLES DAVID
1120 SW FIFTH AVENUE
PORTLAND OR 97204**

Fax Number

503 493 8015

Subject

**ACCESSORY DWELLING
UNITS**

Voice Number

503 281 6957

Date

10/2/97 7:01 PM

Number of Pages

2

Note

**PLEASE DELIVER TO ADRESSEE OR PERSON CC'D.
THANK YOU.**

ELIOT NEIGHBORHOOD ASSOCIATION

October 2, 1997

Mayor Katz & Commissioners
1400 SW Fifth Avenue
Portland, OR 97204

**Re: Proposed Accessory Dwelling Units to be Considered by Council
on October 8, 1997.**

Dear Mayor and Commissioners:

The Eliot neighborhood is in favor of accessory dwelling units (ADU's) as a means of increasing density while maintaining the look and feel of single family neighborhoods. We are particularly pleased by the retention of the owner ~~occupancy~~ requirement for existing houses and are encouraged by the design standards proposed for the ADU's. We believe that it is important for all neighborhoods to meet density needs. In Eliot's recently adopted Housing and Development Policy, ADU's are specifically encouraged. We fear that if density is not carried by all in an equitable manner, there will be pressure to shift the density burden onto poorer neighborhoods such as those in inner northeast which have already absorbed their fair share of density with the adoption of the Albina Community Plan.

In spite of our overall support for the proposed regulations, we think there needs to be a mechanism for monitoring how many ADU's are built and where they are built. If the creation of ADU's are not tracked, there will be no way to know whether all areas are meeting their fair share of the density burden or whether some areas are unfairly or disproportionately impacted by ADU's.

Sincerely,

Aviva Groner (the lady with the baby)
Land Use Chair
Eliot Neighborhood Association

cc: Portland Planning Commission
David Knowles

pm

1554

September 23, 1997

STC-8-11-0:54

Dear Mayor Vera Katz

As a resident of the Overlook neighborhood, I am writing to protest any change to the city planning code that would allow the accessory rental dwelling provision known as the "granny flats".

Our neighborhood made some density concessions a few years ago with the understanding that further changes would no longer happen. I feel betrayed that the inherent character of our neighborhood would change in an "experiment" that could have a big impact on our area's liveability. Our on-street parking and neighborhood schools are already tight.

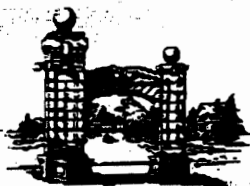
Our neighborhood's stability can't afford to be tinkered with by this one-size-fits-all measure!

Sincerely yours,



Peggy Gutt



**Laurelhurst**

Neighborhood Association

171879

1554

**ATTENTION: YOUR VOICE IS URGENTLY NEEDED!
NOW IS THE TIME TO STOP THE INVASION OF
ACCESSORY UNITS
(otherwise known as granny flats, duplexes and detached
units) INTO OUR NEIGHBORHOOD**

WHAT: City Council Hearing on Accessory Dwelling Units

WHEN: Wednesday, October 8, 1997 at 2:00pm

WHERE: The Portland Building, 2nd Floor Auditorium
1120 SW Fifth Avenue
Portland, Oregon

WHY: The Laurelhurst neighborhood has voiced a strong and consistent opposition to threats to our single-family residential zoning. You have voiced your opposition to accessory units/rentals in surveys and in meetings. The Laurelhurst Neighborhood Association Board and Laurelhurst Planning Committee have done all that is possible to accurately reflect this viewpoint. Despite meetings and a letter writing campaign, our concerns about the future of our neighborhood have fallen on the deaf ears of the Portland Planning Commission. The Portland Planning Commission has recommended to the City Council to change the meaning of a single-family residential zoning to include "accessory dwelling units" (rentals). If the City Council adopts this proposal it will be the end of single family residential neighborhoods within the city of Portland. While the Portland Planning Commission does not seem to care what the citizens think, the Portland City Council is sensitive to what we think. After all, their job depends on our vote. They are far more likely to respond to a huge public outcry about this issue. We need as many people as possible to show up and let their feelings be known. The time is now. We must act.

If you are unable to attend, the City Council welcomes and encourages written testimony. It is preferable to file all testimony with the City Clerk prior to or at the hearing on October 8th. However, written testimony will be accepted until 2:00pm on October 14th.

WRITTEN ADDRESS: 1220 SW 5th Room 401, Portland 97204

DROP OFF ADDRESS: 1400SW5th, Room 401, Portland 97204

FAX NUMBER: 823-4571

Call Dick Bogue 234-2349 or Scott O. Pratt 241-5464 or 231-1319 for more information.

DENNIS RUSSELL
4312 S.E. OAK
PORTLAND, OR 97215

OCTOBER 7, 1997

LADIES & GENTLEMEN OF THE PORTLAND CITY COUNCIL:

FOR THE LAST 36 YEARS I HAVE LIVED IN THE LAURELHURST NEIGHBORHOOD. I HAVE RAISED AND EDUCATED A FAMILY OF 6, USING THE FINE SCHOOLS AND SAFE NEIGHBORHOOD OF LAURELHURST. WE HAVE ENJOYED AN EXTREMELY BEAUTIFUL AND WELL KEPT NEIGHBORHOOD THAT, WITH THE HARD WORK OF THE PEOPLE WHO LIVE HERE, HAS BEEN SAFE AND PROTECTED SINCE THE TURN OF THE CENTURY.

LAURELHURST PARK IS A WELL KEPT, LOVELY AREA WHERE CHILDREN CAN PLAY WITH THE KNOWLEDGE THAT THEY WILL BE SAFE AND WATCHED AFTER BY OUR CLOSE BY LAW-ENFORCEMENT PATROLS.

WE HAVE ALL THIS BECAUSE THIS NEIGHBORHOOD IS MADE UP OF HARD WORKING, PROUD, MIDDLE-CLASS PEOPLE WHO CARE.

MANY ADULTS WHO GREW UP HERE ARE NOW MARRIED AND ARE MOVING BACK TO THEIR OLD NEIGHBORHOOD TO RAISE THEIR FAMILY.

NOW I FIND THAT THE PORTLAND PLANNING COMMISSION SEEMS TO FEEL THAT LAURELHURST SHOULD BE CHANGED FROM SINGLE FAMILY ZONING AND ALLOW DEVELOPMENTS TO BUILD APARTMENTS AND ACCESSORY UNITS.

THE FACT THAT THE CENSUS COUNT OF LAURELHURST IS ONE OF THE HIGHEST IN PORTLAND SEEMS TO BE DISREGARDED.

MY QUESTION TO YOU IS WHY ?

WILL APARTMENTS AND SPOT LOTS IMPROVE LIVING CONDITIONS OR LIFE STYLES OF A PROVEN 80 + YEAR OLD NEIGHBORHOOD?

WILL THE GROWING TRAFFIC BECOME LESS OR MORE OF A PROBLEM?

WILL RELATIVELY LOW COST APARTMENT LIVING BRING IN BETTER CITIZENS?

WILL OUR ALREADY LOW CRIME RATE IMPROVE OR WORSEN?

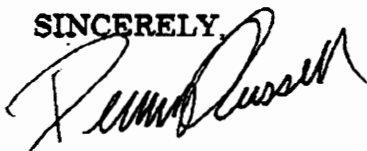
DO THE CITY FATHERS WANT TO PUSH OUT PEOPLE IN CLOSE-IN NEIGHBORHOODS OUT TO GRESHAM, VANCOUVER, PARKROSE, OREGON CITY?

WE HAVE A BEAUTIFUL JEWEL IN THIS CITY OF PORTLAND; ONE TO POINT TO WITH PRIDE.

PLEASE DON'T TURN YOUR BACKS AND GIVE IN TO DEVELOPERS AND MAKE THIS MISTAKE WITH LAURELHURST.

LIKE THE OLD MAN SAID "IF IT AIN'T BROKE, DON'T FIX IT".

SINCERELY



DENNIS RUSSELL

#1554

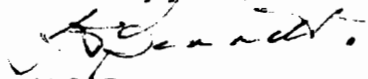
City Council Hearing on Accessory Dwelling Units
The Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue
Portland, Oregon

Dear Council Members,

We are strongly opposed to changing the density rules for determining what is to be included in single family dwelling zoning. We believe that our particular neighborhood know as Laurelhurst should be kept intact not allowing for apartment, "granny flats," or garage conversions for dwelling. Our neighborhood is already more dense than many others because of the small lot sizes.

We have chosen to live here because of the nature of what the longstanding conception has been regarding single family residence zoning and its already high tax base. Even so, we love as it is, and please consider our vote and our preference.

Sincerely yours,

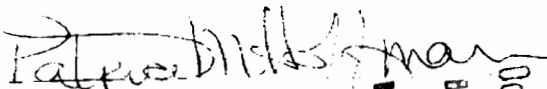


H.C. Bennett
4331 N. E. Davis Street
Portland, Oregon 97213
(503) 239- 5515



Barbara B. Dallas (Bennett)

October 7, 1997



Patrice M. Hoffman
545 N.E. Floral Place
Portland, Oregon 97232
(503) 236-7710

OCT 8 11 47 AM '97
RECEIVED
BARBARA B. DALLAS
CITY OF PORTLAND, OR.



Southwest Hills Residential League
Post Office Box 1033 Portland, Oregon 97207

October 5, 1997

City Council
1120 SW 5th Avenue
Portland, Oregon 97204

Dear Mayor and Commissioners:

In regard to requested amendments to Accessory Unit/Duplex Code proposals, the board of Southwest Hills Residential League (SWHRL) submits the following points for your consideration:

1) Notify, at minimum, the official neighborhood association for the neighborhood in which an applicant has applied for an accessory rental unit, either in an existing house or in housing under construction.

Such notification would assure the neighborhood association, which would contact owners of abutting property if they were not also notified, that the owner of a house with a rental unit under construction had received a City permit, and that the rental unit would comply with City standards as determined by the building inspector.

It would reduce the number of neighborhood inquiries about remodeling. It would also bring to the attention of the City those accessory rental units whose owners had not received permits.

2) Establish fines for creating accessory rental units without the proper permits, and publicize well the fact that such fines would be imposed.

This system would reduce the number of illegal units, and would have the potential of providing funds to the City that could be applied to continuing enforcement.

3) Require owner occupancy of the primary housing unit, whether existing or created through new construction.

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CITY OF PORTLAND, OR.

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Removing the requirement of owner-occupancy in the case of new construction (see amendment #30) could essentially turn a single-family neighborhood into a multi-family neighborhood despite being in a single-family zone.

4) Maintain all setbacks required by the underlying zone, modified only by typical adjustments in the immediate neighborhood.

This would ensure that new construction with accessory rental units would bear a similar relationship to their building sites as did nearby housing.

5) Review amendments to the Code, and the results of their application, within five years of their adoption.

This is sound policy, which gives the City and Portland residents the opportunity to change aspects of the Code that have proven to be at odds with the City's expressed goals, as presented in the Planning Bureau introduction in the proposed draft:

"Recognizing the importance of design quality, the proposed code changes include design standards to ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones."

Thank you for taking into consideration the recommendations SWHRL's board has developed since first learning of the City's plans this past May.

Sincerely,

Nan Koerner

Nan Koerner
Director, SWHRL

1554

Jane and Eric Norberg
 1837 S.E. Harold Street
 Portland, OR 97202-4932
 Phone/Fax: (503) 232-9787
 October 7, 1997

RECEIVED
 OCT 6 11 39 AM '97
 DARRYL R. BLAIR
 CITY CLERK
 CITY OF PORTLAND, OR.
 BY _____

City Council
 CITY OF PORTLAND

FAX TO: 823-4571

**Re: Portland City Council Public Hearing on the Recommended
 Sellwood-Moreland Neighborhood Plan**

We have already written in support of the plan, but since we have now received the notice of this public hearing, and inasmuch as the notice did not specify whether previously submitted comments would be entered at this public hearing, we are writing once again.

We have reviewed the entire plan, have voted for it at the SMILE public meetings on it, and have since become involved in SMILE to further support the plan.

The plan reflects many months of cooperative, meticulous work, and has been supported by the entire neighborhood by majority vote. We believe it meets or exceeds the density goals of the city, and are aware that the Bureau of Planning generally supports it.

The Bureau of Planning apparently has misgivings about the elements of the plan which downzone sections of the residential areas of the Sellwood-Moreland neighborhood to R-5, we understand, and has suggested R-2.5 zoning instead. The R-5 proposal reflects the residential area of this historic neighborhood, however, and since the plan meets the density goals without compromising this residential zoning proposal, we urge the city to adopt this element of the plan as well.

We might add that we take this position in favor of the R-5 downzoning even though it would affect our own property, and could reduce its potential value. This is not an issue to us since we bought our house to live in, and to enjoy in a livable neighborhood, not as a piece of property to develop. Higher density zoning around the north-end transit nodes, and as appropriate elsewhere, is part of the plan. We call on the City Council to adopt the plan drawn up and voted for in public meeting by the Sellwood-Moreland neighborhood, including the portion which would downzone certain residential areas to R-5.

Thank you for allowing us this opportunity to testify in writing in favor of the Sellwood-Moreland Neighborhood Plan.

Eric Norberg + Jane A. Kenney Norberg

HEARING ON ACCESSORY DWELLING UNITS
CITY COUNCIL
THE PORTLAND BUILDING
1120 SW 5th AVE
PORTLAND OR

1554

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OCT 8 11 38 AM '97
BARBARA CLAR EDITOR
CITY OF PORTLAND, OR.
BY _____
10/8/97

OUR FAMILY IS OPPOSED TO ANY
CHANGE TO THE SINGLE FAMILY ZONING
REGULATIONS IN OUR NEIGHBORHOOD -
LAURELHURST.

PLEASE DO NOT ADD "ACCESSORY
DWELLING UNITS" TO OUR ZONING CODE.

WE LOVE PORTLAND'S SINGLE FAMILY
RESIDENTIAL NEIGHBORHOODS, (ESPECIALLY
OURS) - PLEASE DO NOT DO ANY
THING THAT MIGHT DESTROY THESE
TREASURES.

Thankyou —

Ann Williamson
Eric Cain
4334 NE Davis
Portland 97213

1554

Renee Claborn
4320 SE Pine Street
Portland, Oregon 97215

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OCT 8 11 38 AM '97
BARBARA CLAR, CLERK
CITY OF PORTLAND, OR.
BY _____

October 8, 1997

City Council
1220 SW 5th
Portland, Oregon 97204

RE: Accessory Dwelling Units in Laurelhurst Area

Dear Council Member(s):

I am writing in regard to the council hearing on allowing accessory dwelling units in the Laurelhurst area. I do not support this proposal for a number of reasons:

- Impact of additional rental units on resources: May increase the number of children attending local schools. Classrooms are already very crowded, and there are insufficient resources for adequate student:teacher ratios. An increase of rentals may result in increasing the number of children requiring school support systems, i.e., counseling, Federal lunch program. My husband is an elementary teacher in Portland Public Schools Systems. Socio-economic factors have a direct impact on learning. The greater the needs of the children, the more time that the classroom teachers have to spend on addressing social issues versus education. Unfortunately, funding for school counselors and aids is very limited.
- Parking: Our street has become one lane due to the number of cars parked on the street. Children can not ride their bikes. Visitors have trouble finding a place to park.
- Laurelhurst Neighborhood Association, representing the people who live in Laurelhurst, have advised the Portland Planning Commission that we are opposed to this change. We pay the high taxes for living in the community. Shouldn't the residents have a strong voice in what happens in their community? I believe that the residents of Laurelhurst are responsible members of the community and their voice should be heard.
- Increased density may result in additional crime. We have seen an increase in vagrants over the last 2 years. It is concerning already.

I would recommend that the process be slowed down. In addition, I believe that if accessory units are allowed there should be an owner occupancy requirement.

I will be very interested in the vote, and will certainly consider this when we re-elect council members.

Thank you.

Sincerely,



Renee Claborn

1554

3555 N.E. DAVIS
 PORTLAND, OR 97232
 TELEPHONE (503) 232-7110
 FAX (503) 238-4076



**SCHROEDER
 LAW OFFICES**

Legal Support for People Feeding the World

P.O. BOX 1392
 115 W. HERMISTON AVE., STE. 130
 HERMISTON, OR 97138
 TELEPHONE (541) 564-9290
 FAX (541) 564-0158

Laura A. Schroeder

Admitted in Oregon, Idaho, Nevada, & Washington



Portland Direct Line (503) 232-4033
 Hermiston Direct Line (541) 564-9290

October 7, 1997

Portland City Council
 1220 S.W. Fifth Room 401
 Portland, Oregon 97204

RECEIVED

OCT 6 11 38 AM '97

DARL RAULAK, CLERK
 CITY OF PORTLAND, OR.

BY _____

Re: City Council Hearing Accessory Dwelling Units

Dear Council Members:

I am a resident in the Laurelhurst neighborhood and am writing in support of the Portland Planning Commission's recommendation to change the meaning of single-family residential zoning to include accessory dwelling units (ie. Rentals).

This change will increase the density of the population and save land, including valuable agriculture land and open spaces currently existing in Metro's outlying areas. Each year, more acreage is taken out of agriculture production in the Hillsboro, Clackamas, and Gresham areas to construct apartment communities. Allowing more rentals in the Portland metropolitan area will slow development of these large apartment communities as their need declines. Simultaneously, allowing Portland area residents to continue to enjoy the benefits of nearby open spaces and food production.

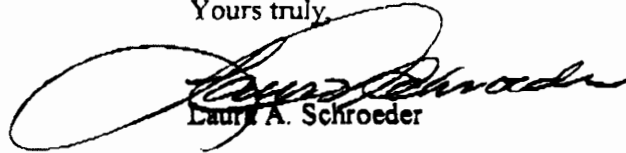
In addition, a change to allow accessory dwelling units will help to make close-in living affordable. As I am sure you are aware, recent surveys indicate that Portland ranks as the second-highest city in the nation for the cost of housing falling just shortly behind San Francisco. Because of this high cost, many commuters are forced to live in outlying areas thereby increasing the amount of traffic in the Portland metropolitan area and contributing to "urban sprawl." A denser population will lessen these problems and will also bring revenue into the Portland metropolitan area as more commuters live close-in to the downtown area.

Finally, allowing accessory dwelling units provides a way to efficiently use a larger home when smaller families have become the norm in recent decades. The rate of population growth has slowed as many couples are opting to have only one or two children, if any at all. Many of the couples who own the larger houses in single family residential neighborhoods could provide rental space. This will allow both younger couples and senior citizens to enjoy the benefits of living in these homes.

Portland City Council
October 7, 1997
Page 2

I hope you will consider my comments helpful when making your decision.

Yours truly,



Lauri A. Schroeder

cc: Scott Borison
Laurelhurst Neighborhood Association

Oct 7, 1997

#1554

City Council hearing on
Accessory Dwelling Units.

I have owned my ^{home}
in Laurelhurst for 40
years and been a member
of the Laurelhurst Neighbors-
hood Assn since it first
started.

Laurelhurst residents are
alarmed that the city Council
may not understand the
nuisance of our residences.
We have done all possible
to oppose accessory units rentals
and it has fallen on deaf
ears.

Please consider thoughtfully
your decision on this matter.
Sincerely,
Lois Bengstrom

Lois R. Bengstrom
3312 NE Flinders
Portland, OR 97232

BAKER RA CLARK, AUDITOR
CITY OF PORTLAND, OR.

OCT 8 1 07 PM '97

RECEIVED

OCT 8 1 45 PM '97
BARBARA DEARA DIRECTOR
CITY OF PORTLAND OR.
BY _____

#1554

8 October, 1997

To: City Council

Subject: Accessory Dwelling Units.

As the Land use Coordinator for Beaumont-Wilshire Neighborhood Association I have been the focal for the discussion regarding proposed changes to the Accessory Dwelling unit Code. Never before Have I witnessed any topic generate as much interest as this. Specifically, the proposal to eliminate or relax owner occupancy requires for Accessory Dwelling Units. Both the Board and the General Membership have voted to oppose any change to owner occupancy.

We have listened carefully to the arguments for the change from commissioner Sten's Office and "The Coalition for a Livable Future". The opposition to the change remains after careful study. The decision is an informed one!

The burden of proof is on the shoulders of those who propose the change. The proponents arguments are weak at best.

Owner occupancy is a fundamental ingredient to healthy neighborhoods and a livable city. Neighbors wish to encourage home ownership. The proposed change discourages it.

Commissioner Sten's office declared that the change was a mandate of the commissioner's election. My investigation has found that there is a basic difference between Commissioner Sten's understanding of the phrase "affordable housing" and the public in general. The public supports affordable housing, affordable home ownership. Neighbors are concerned people, especially young families, are being closed out of the market because of high prices. To most people "affordable housing" means home ownership. To Commissioner Sten's office it means "low rent".

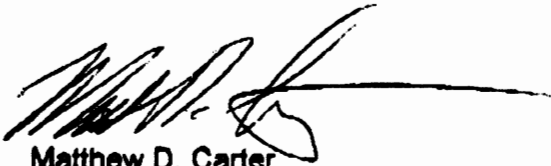
Many Portland neighborhoods consist primarily of old high maintenance housing stock. Owner Occupants are typically willing to spend the extra money required to keep the housing in excellent repair. The continued physical viability of the neighborhoods is dependent on owner occupancy. As owner occupancy declines under the proposal so would the housing stock. The decline of the quality of housing would put pressure on development of raw land at the urban growth boundary. The pressure would come primarily from people with the demonstrated ability to buy a house.

The proposed changes risks degrading neighborhoods. As the neighborhoods decline, density would also decline.

Reducing the livability of Portland Neighborhoods will reduce density and put pressure on development of raw land. The tax base in the city would decline with the neighborhoods. Funds for many worthwhile programs would dry up. The proposed change is bad for Portland, and bad for the region. It is for this reason the voters have such a strong opposition to the change.

I encourage you to strike any change in owner occupancy requirements for accessory dwelling units.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew D. Carter', with a long horizontal line extending to the right.

Matthew D. Carter
Beaumont - Wilshire Neighborhood Association
2922 N.E. 44th Avenue
Portland, OR 97213-1111
281-3845

1534

RECEIVED
OCT 8 12 14 PM '97
BARBARA CLAW
CITY OF PORTLAND, OR.
BY _____

October 6, 1997

Madam Mayor and City Commissioners
1220 SW 5th
Room 401
Portland, OR 97204

We are writing to express our feelings about changing the meaning of a single-family residential zoning to include "assessory dwelling units". We reside in the Laurelhurt neighborhood and are opposed to room rentals, duplexes and other accessory dwelling units. We have lived in the same house for 38 years and know firsthand what it is like to live next door to a house that rents out rooms. The house next door to the south of us at this time rents out two rooms. We always feel questioning about who is moving in. These older homes are just not constructed to handle more than one family living in them, no matter how much room may be in them -- a family is always a family, and strangers are just that, and I wouldn't want a stranger living with me.

I would also like to call to your attention the driveways in this neighborhood. They are very narrow, many not even allowing room to get in and out of a parked car, and most one family dwellings have at least two cars. For this reason, many cars are parked on the street, making it difficult to get out of a driveway -- even if one were able to drive into the driveway.

The sewers in this neighborhood are old, and many have caved in during the last five years.

Also, the sidewalks are in deplorable condition, broken and raised up where tree roots have grown to the surface. The city seems to have no concern about that.


I would like to know if other neighborhoods such as Alameda, Eastmoreland, Portland Heights, Mt. Tabor, Irvington and Ladd's Addition are being rezoned to allow "accessory dwelling units".

Also, please send me a list of those serving on the Portland Development Commission and Metro. I would like to be familiar with their names when they run for office so we may cast our votes against them.

Dolores M. Potts
Harold Potts

Dolores and Harold Potts
536 N.E. Hazelfern Pl.
Portland, OR 97232-2620
(503) 234-4055

M E M O R A N D U M

DATE: October 8, 1997
TO: Portland City Council
Mayor Katz
Commissioners Hales, Sten, Kafoury, Francesconi
FROM: Mary L. Taylor
President, Maplewood N.A. 
RE: Accessory Dwelling Unit Amendment: Detached Units

This letter is in regards to the Planning Commission amendment proposal for 33.205 Accessory Units, and specifically for code related to detached accessory dwelling units. The Maplewood N.A. has reviewed this issue several times in the past three months and wish to express the following points in opposition and ask for their removal:

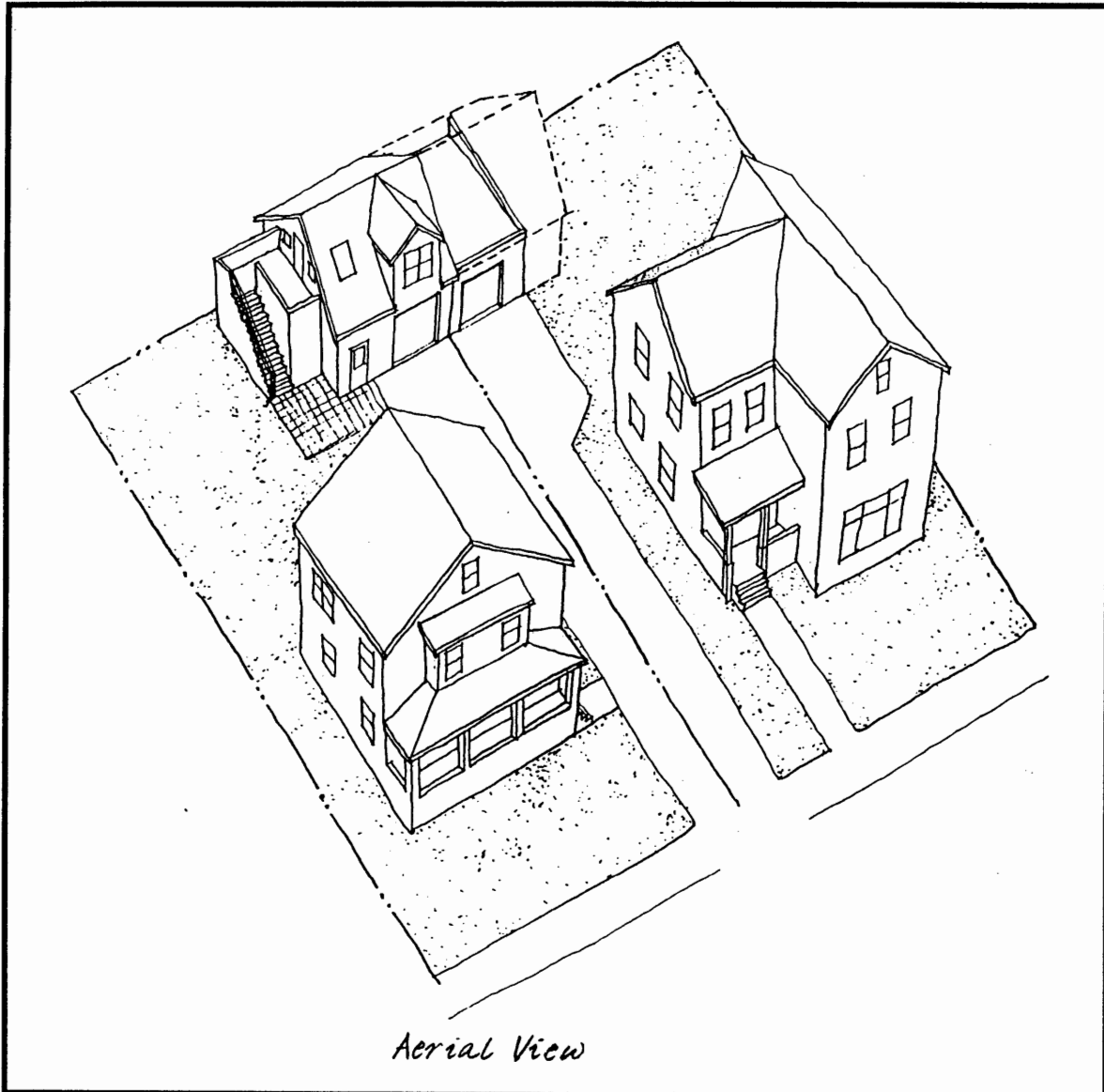
1. Detached units are incompatible and inconsistent with the stated purpose of the amendment "preserving the look and scale of existing neighborhoods". Furthermore, the amendment does not "enhance the character and livability of Portland's existing neighborhoods," or ensure construction is "compatible with the surrounding environment" as called for in the Development Standards, Ch. 33.205.020.
2. Detached units are de facto upzoning. The impacts of adding an additional detached structure are analogous to upzoning. This is true for its impacts on the livability of the neighborhood and for its requirement for additional infrastructure. For example, detached units would increase the impermeable surface, increase the bulk of the dwellings on a given site, and certainly affect the area's character.
3. The recommendation for 800 sq.ft. for a detached unit is too large a structure and, while we would like detached units deleted, we would prefer the BOP recommendation of 500 sq.ft..
4. We believe that any additional structure to be built on a lot should undergo a mandatory review and adjustment procedure to ensure compatibility with the neighborhood and that the base zone code standards be met (e.g. setbacks, water run-off, and building height). Construction of these buildings should not be permitted on the lot line.
5. Design standards should be mandatory in review of accessory dwelling units and especially for those that are detached.
6. Parking should be required and located off-street to ensure fire department access and no negative impacts on surrounding homes.

171879

Accessory Dwelling Units

Planning Commission Report and Recommendation

September 26, 1997



Aerial View

City of Portland
Bureau of Planning
1120 SW Fifth Avenue, Room 1002
Portland, Oregon 97204

Portland City Council

Vera Katz, Mayor
Jim Francesconi, Commissioner
Charlie Hales, Commissioner
Gretchen Kafoury, Commissioner
Eric Sten, Commissioner

Portland Planning Commission

Richard Michaelson, President
Steve Abel, Vice President
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Bruce Fong
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ACKNOWLEDGMENTS

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To help ensure equal access to information, we offer accessible meeting places, Audio Loop equipped hearings rooms in City Hall and the Portland Building, and, with two working days notice, interpreters and planning documents printed in large type. Please call 823-7709 or 823-6868 (TDD) for more information about these services.

Accessory Dwelling Units

Planning Commission Report and Recommendation to City Council

September 26, 1997



**Bureau of Planning
Portland, Oregon**

**For more information, contact
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Section 1: Summary and Recommendations

The City of Portland and other cities in the region are facing the challenge of accommodating growth while protecting the livability of our neighborhoods. To help meet this challenge, the city is looking at different ways of increasing housing opportunities that maintain or improve existing neighborhoods. One such approach is accessory dwelling units.

The City's zoning code allows accessory units in single-dwelling residential zones today, but standards for approval are very restrictive and probably limit the number of new units. During the period from January 1995 to October 1996, only 18 permits were issued by the City for new accessory rental units. This represents less than half of one percent of all new residential building permits during that twenty-two month period.

The Planning Commission believes that their recommended code changes will ease restrictions on creating accessory dwelling units in residential zones throughout the city. Recognizing the importance of design quality, the proposed code changes include design standards to ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones. In addition, the recommended code amendments allow an existing house on a corner lot to be converted to a duplex; under the current code, only new duplexes are allowed on corner lots.

Changes to the code are recommended to achieve the following objectives:

- Create new housing units while respecting the look and scale of existing neighborhoods;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a mix of housing that responds to changing family needs and smaller households;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

Planning Commission Recommendation

Planning Commission recommends that City Council take the following actions:

- Adopt the Planning Commission Report and Recommendation; and
- Adopt the ordinance that amends Title 33, Planning and Zoning.

Section II: Introduction

Background

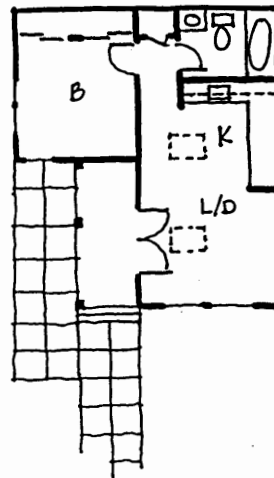
Metro's Urban Growth Management Functional Plan, effective last February, limits cities and counties from outright prohibition of an accessory unit in zones that allow detached single family dwellings. The purpose of the Functional Plan is to require cities and counties to implement land use regulations that help to carry out the region's growth management goals and objectives. This is the first recommended code amendment responding to the Functional Plan; others are forthcoming before the February 1999 due date established by Metro.

The City currently allows accessory units in limited situations within single dwelling residential zones, but standards for approval are very restrictive and effectively limit the number of new units. During the 15 years between 1981-1996, just under 50 legal accessory units were created.

The Planning Commission recommendation reflects an interest to go beyond the minimum requirements of the Functional Plan to promote and encourage the accessory dwelling unit as a viable housing choice. It expands the situations in which accessory dwelling units can be constructed while instituting design standards and maintaining base zone approval standards. It replaces the current size limitation so that all single dwelling homeowners may consider the accessory unit option while requiring the accessory unit to be subordinate in size to the primary unit.



View from Street



Plan

Design Scheme for Detached Accessory Dwelling Unit Portland Community Design

Portland's current Zoning Code for all single dwelling zones restricts the creation of an accessory rental unit to inside a house that is at least five years old with at least 1400 square feet of primary unit living space remaining *after* the conversion. Conversion of garage space is not allowed. Owner-occupancy of either the primary or accessory unit is required. The motivation behind including the owner occupancy provision in the code is related to perceptions of neighborhood stability. However, it is a disincentive to building accessory units in new single dwelling houses, and enforcement of this requirement is problematic, and some contend illegal and discriminatory. By removing the owner-occupancy requirement in certain situations, as is the case with the Planning Commission recommendation, the relationship between the primary and accessory dwelling unit is reinforced with regulations on maximum size, design and siting in order to visually reinforce the single dwelling look of neighborhoods.

A summary of the existing Code with recommendation for amendments is provided in Table 1.

Table 1: Existing and Amended Code for Accessory Dwelling Units

Regulation	Conversion to an Accessory Rental Unit <i>Chapter 33.205 today</i>	Creation of an Accessory Dwelling Unit <i>Chapter 33.205 amended</i>
Description or Definition	An auxiliary living unit in an existing house that is less intense than a duplex	A auxiliary living unit smaller than the primary house on the same lot
Location of unit	Internal living space, basement or attic only	Internal to, added-on, or detached from the primary dwelling
Size of unit	1,400 sq. ft. of living space in primary unit <i>after</i> conversion	No more than 33% of the house or 800 sq. ft., whichever is less
Parking	No requirement	No requirement, except with all new construction or next to narrow roadway
Age of structure	Conversions of units over 5 years old only; new development prohibited	No requirement; allowed with new development
Location of entrances	Maximum of one in front	Maximum of one on the street-facing facade, excluding above ground balconies or decks
Owner occupancy	Owner occupied when converted and continue to be	Owner occupied when created unless all new construction
Number of residents	Not to exceed allowance for one household in both primary and accessory unit	No change
Home occupation	No accessory unit if type B home occupation in house	No change
Design	No requirement	Exterior materials, roof, trim, windows and eaves must match the house
Side setback, lot size, etc.	Base zone requirement	Base zone requirement and rear lot orientation for detached ADUs

A Change in Households

Accessory dwelling units serve a purpose for a family in transition. Turn-of-the-century single family homes included provisions for accessory units to provide shelter for the "extended family" such as servants, grandparents or other relatives. Likewise, today's demographics show a majority of families have either single or two working household heads, often necessitating a college student, grandparent or other person to help with home care activities.

Not only is the family structure changing, but advancements in technology and workplaces are advancing the popularity of telecommuting (working at home) and part-time employment. Accessory units to single dwelling homes may be sources of income as rental units or simply used as an extension of the home, such as office or some other accessory living space.

The growing demand for more affordable housing has resulted in many communities allowing accessory dwelling units. The average cost of converting interior space to an accessory apartment is about one-third the cost of constructing new units of comparable size, and even less if the owner does some of the work.¹ Since rental units are designed to serve people in transition, accessory dwelling units often provide housing for students and elderly whose circumstances of being neither children or working adults places them particularly vulnerable to costs of housing

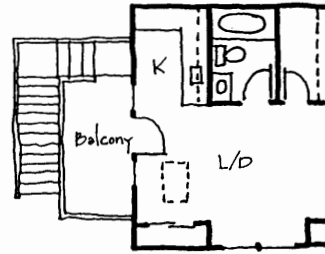
Accessory dwelling units are an efficient housing infill strategy. Most single dwelling neighborhoods in Portland were developed before 1970, when average family size started decreasing. Fewer people now live in areas that were originally developed and serviced to handle larger families. With the 1-2 person occupancy expected of an accessory unit, added to the declining average household size in the primary unit, there may be no net increase in the number of residents for the neighborhoods. Existing infrastructure is in place and will not be burdened by this incremental infill. Existing houses may return occupancy to underutilized space, and investments into small accessory unit additions will likely provide for an upgrade to existing space.

The Bureau has worked with Portland Community Design in preparing graphic displays of real life situations where property owners are considering adding accessory dwelling units. This preliminary analysis has helped to identify appropriate sizes for living space and impacts that need zoning code attention. Graphic illustrations throughout this document were prepared by PCD.

¹ Pollack, Patricia, and Alice Gorman, Community Based Housing for the Elderly, Chicago: JAPA, 1989



View from Street



Unit Plan

Detached Accessory Dwelling Unit Over Garage
Portland Community Design

Public Participation

On July 8, 1997, Planning Bureau staff presented a proposal to the Planning Commission to amend Chapter 33.205 of the Portland Zoning Code. This presentation followed several months of work on the issues by Bureau of Planning and other city staff, citizens, and neighborhood organizations.

The Bureau initiated its discussion of the code amendment proposal for accessory units with the Citywide Land Use Council last March 31. In addition, a working group of ten citizen and city representatives has met on three occasions to review and discuss the code amendment concepts.

Two public workshops were held on May 6th and 8th to present changes under consideration and focus discussion on the major issues. Approximately 70 people attended the two workshops which were summarized in a report titled "Feedback on Preliminary Concepts for Accessory Units" dated May 21, 1997. Several informational meetings were held at the request of neighborhood and district coalition offices prior to the Planning Commission public hearing.

The proposal presented at the Planning Commission public hearing on July 8th included concepts for consideration, along with draft code language that served as a starting point for discussion. The Planning Commission received extensive written and oral public testimony on the concepts and draft code language. The Commission asked staff to return with detailed code language for consideration prior to taking action. Issues receiving the most extensive

discussion by the Planning Commission included owner occupancy, design standards, sitting impacts, and clarity of code language and intent.

On August 26, The Planning Commission heard the Bureau's proposal for code language, along with requested amendments to the July 8th draft proposal. Each requested amendment was accompanied by staff's response and recommendation. Amendments discussed extensively by the Planning Commission once again included owner occupancy and sitting impacts. The Commission was also concerned with minimizing the differences between attached and detached accessory dwelling units.

Conclusion

The Planning Commission recommends that accessory dwelling units be allowed in new as well as existing single dwellings, detached as well as internal to the primary dwelling, with setbacks for detached units at least 60 feet from the front property line. The maximum size of the accessory unit shall not exceed 33% of the primary unit's living area or 800 square feet, whichever is less. Maximum lot coverage and other base zone provisions would be maintained. The height of a detached accessory dwelling unit would be restricted to 18 feet (less than two full stories). An accessory dwelling unit would be allowed to be constructed over a garage provided the structure could meet the base zone setback requirements. Duplexes would be allowed on corner lots as conversions of existing houses in addition to new duplex development on corner lots which is currently allowed in the code.

The recommended amendments to the Zoning Code are shown beginning on page 7: code language is shown on the right-hand pages, with commentary on the left-hand pages. Language to be added is underlined; language to be deleted is shown in ~~striketrough~~.

Section III: Recommended Code Language and Commentary

**The following language is the Planning Commission's
recommendation for amendments to the City Zoning Code.**

**The pages to the left include commentary on the recommended
changes. New language is underlined, deleted language is
shown in ~~strikethrough~~.**

Commentary

33.910.030 Living Area

This definition clarifies the maximum size regulation used to measure the size relationship between the primary and accessory dwelling units. During the public workshops and hearings testimony reflected that a maximum size restriction on the accessory dwelling unit will minimize impacts by keeping the occupancy at one or two persons.

33.910.030 Residential Structure Types

Accessory dwelling units need a definition in the Zoning Code. This proposal deletes the description of accessory dwelling units in Chapter 33.205 and replaces it with a definition of accessory dwelling unit.

33.205 Chapter Title

This is a change to the name of Chapter 33.205 from "Accessory Rental Units" to "Accessory Dwelling Units." The issue of whether an accessory unit is rented or not is not regulated by the Zoning Code and therefore should not be referred to in the title of the chapter.

Recommendation: Amend Chapter 33.910, Definitions, as follows.

CHAPTER 33.910 DEFINITIONS

Sections:
33.910.030 Definitions

Living Area. The total gross building area of a residential structure excluding the following:

- garage area;
- basement area where the floor to ceiling height is less than 6 feet 8 inches; and
- attic area, and other building area, that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet.

Residential Structure Types

- **Accessory Dwelling Unit.** A second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.

Recommendation: Amend Chapter 33.205, Accessory Rental Units, as follows.

CHAPTER 33.205 ACCESSORY RENTAL DWELLING UNITS

Sections:
33.205.010 Purpose
33.205.020 Description Where These Regulations Apply
33.205.030 Design Standards

33.205.020 — Description

~~An accessory rental unit is an additional and auxiliary living unit in an existing house. A house with an accessory rental can be distinguished from a duplex because its intensity of use is less and it retains the appearance as a single dwelling structure.~~

33.205.010 — Purpose

~~This chapter provides standards for the establishment of accessory rental units in existing houses. Accessory rental units are allowed in certain situations to:~~

- ~~• Allow more energy efficient use of large, older homes;~~
- ~~• Provide more affordable housing;~~
- ~~• Provide additional density with minimal cost and disruption to existing neighborhoods;~~
- ~~• Allow individuals and smaller households to retain large houses as residences; and~~
- ~~• Maintain the single dwelling character of the house.~~

Commentary

33.205.010 Purpose

The purpose statement is expanded based on the objectives that are envisioned by changing the code for this housing type. The limitation for accessory dwelling units citywide to internal living space in existing, older, larger homes is being replaced to provide more flexibility as to location and function on the lot.

33.205.020 Where These Regulations Apply

This section clarifies in which situations accessory dwelling units are allowed. The exclusion of attached houses built using the regulations of 33.110.240.F. is added to ensure that no more than two units are allowed on corner lots in the R20 - R5 zones.

33.205.030.A. Design Standards - Purpose

The purpose statement provides clarity for those situations when adjustments to the standards are requested. Development may be modified by an adjustment that meets or improves upon the purpose of the regulation. For example, applications for accessory dwelling units that need an adjustment to the setback standard because of unusual site conditions will be reviewed against the stated purpose of these design standards.

33.205.030 B. Generally

Clarifies and assures that base zone development standards will apply to all standards not specifically addressed in this chapter.

33.205.010 Purpose

Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-dwelling neighborhoods;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a mix of housing that responds to changing family needs and smaller households;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

33.205.020 Where These Regulations Apply

An accessory dwelling unit may be added to a house, attached house, or manufactured home in an R zone, except for attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.F, Duplexes and Attached Houses on Corners.

33.205.030 Design Standards

~~A. **Size of structure.** A house with an accessory rental unit must have at least 1,400 square feet of floor area exclusively for the primary unit. The floor area of the garage or other non-living space, such as an unfinished basement, may not be included in the total.~~

A. **Purpose.** Standards for creating accessory dwelling units address the following purposes:

- Ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones;
- Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;
- Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes; and
- Provide adequate flexibility to site buildings so that they fit the topography of sites.

~~B. **Creation of an accessory rental unit.** The accessory rental unit may be created only through an internal conversion of the existing living area, basement or attic. An accessory rental unit may not be created through the conversion of an existing garage. Additional off-street parking is not required. The house must be at least 5 years old before conversion.~~

B. **Generally.** The design standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards apply.

Commentary

33.205.030.C. Requirements for all accessory dwelling units:

33.205.030.C.1. Creation

The existing code language that limits accessory rental units to internal conversions in existing, large older houses is deleted in favor of new ways of creating an accessory dwelling unit. This is an important tool for increasing density, providing a diversity of housing types within new and existing residential neighborhoods, and for developing affordable housing options for today's smaller households.

33.205.030.C.2. Owner occupancy

The Planning Commission proposes this change to the owner occupancy provision as a way to achieve middle-ground between those who seek to maintain current home ownership requirements and those who would like to delete the requirement entirely.

Requiring one of the two units in existing houses to be owner occupied at the time of creation addresses two issues. The first is that owners be allowed flexibility to choose which unit to live in. There are also fears that speculation in existing neighborhoods with a high proportion of rental housing will lead to the virtual "duplexing" of single family areas. Removing the requirement for new construction allows builders to construct new houses with accessory dwelling units, an approach that allows advance consideration of design and parking issues.

33.205.030.C.5. Location of entrances

This amendment is a clarification of existing code language.

33.205.030.C.6.a. Parking - Purpose

This statement clearly outlines the reasons for the regulation and provides a reference for situations when adjustments to the parking standards are requested.

C. Requirements for all accessory dwelling units. All accessory dwelling units must meet the following:

1. Creation. An accessory dwelling unit may only be created through the following methods:
 - a. Converting existing living area, attic, basement or garage;
 - b. Adding floor area;
 - c. Constructing a detached accessory dwelling unit on a site with an existing house, attached house, or manufactured home; or
 - d. Constructing a new house, attached house, or manufactured home with an internal or detached accessory dwelling unit.
2. Owner occupancy. Owner occupancy of one of the two units is required when an accessory dwelling unit is created on a site with an existing house, attached house, or manufactured home. Owner occupancy is not required when an accessory dwelling unit is created at the same time as the house, attached house, or manufactured home.

~~E. Owner occupancy.~~ The house must be owner-occupied when converted and continue to be owner-occupied.

~~D. 3.~~ Number of residents. The total number of individuals that reside in both units may not exceed the number that is allowed for a household, as stated in Chapter 33.910, Definitions.

~~F. 4.~~ Other uses. An accessory rental dwelling unit is prohibited in a house on a lot with a Type B home occupation.

~~C. 5.~~ Location of entrances. Only one entrance to the house may be located on the front facade of the house, attached house, or manufactured home facing the street, unless the house, attached house, or manufactured home contained additional front doors entrances before the conversion accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

6. Parking.

a. Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site. More parking is required when a vacant lot is being developed because generally, the site can more easily be designed to accommodate two parking spaces while minimizing impervious surface. In situations where an accessory dwelling unit is being added to a site with an existing dwelling unit, it is appropriate to not require additional impervious surface if adequate on-street parking is available.

b. The following parking requirements apply to accessory dwelling units. All parking must meet the requirements of 33.266.120, Development Standards for Houses, Attached Houses, and Duplexes:

Commentary

33.205.030.C.6.b. Parking. An additional on-site parking space for the accessory dwelling unit is required in two instances:

1. Because of comments from neighborhoods and the Fire Bureau, a determination was made that certain roadways are too narrow to provide on-street parking and still have reasonable access for fire and safety vehicles. The proposed amendment will ensure that narrow roadways (less than 28 feet wide) will not be further compromised by increased on-street parking.
2. When construction of a single dwelling unit with an accessory unit is proposed, the applicant has the whole lot to design the siting details. In this case, requiring an additional on-site parking space for the accessory dwelling unit is reasonable.

33.205.030.C.6. Maximum size

The size relationship between the primary unit and the accessory dwelling unit distinguishes this housing type from a duplex. Citizens have expressed these two concerns about size relationship: First, the accessory unit should be "subordinate" to the primary dwelling in order to maintain the single dwelling character of the zone; Second, the impacts of lot coverage, loss of green space, number of occupants, and parking, can be limited by keeping the size of the accessory unit small.

Two examples of the size limitation are:

1. If the primary unit has 1,500 sq. ft. of living space, then the accessory dwelling unit could be no larger than 500 sq. ft.
2. If the primary unit has 2,400 sq. ft. of living space, then the accessory dwelling unit could be no larger than 800 sq. ft.

All accessory dwelling units have a maximum size of 800 sq. ft. where the primary unit is larger than 2,400 sq. ft.

33.205.030.D. Additional requirements for accessory dwelling units created through the addition of floor area

These are five objective design standards for accessory dwelling units created through the addition of floor area. These design standards require compatibility with the existing structure without requiring a discretionary review, and therefore will be addressed at the time the application is reviewed at the Permit Center.

33.205.030.E. Additional requirements for detached accessory dwelling units

These standards are meant to ensure that the detached accessory dwelling units is compatible with the existing dwelling unit and addresses issues of privacy, safety, site topography, etc.

33.205.030.E.1. Setbacks

The setback standards limit the location of a detached accessory unit to the rear part of a lot, preferably behind the house.

(1) No additional parking space required. No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing house, attached house, or manufactured home and the roadway in at least one abutting street is at least 28 feet wide.

(2) One additional parking space required. One additional parking space is required for the accessory dwelling unit as follows:

- When none of the roadways in abutting streets are at least 28 feet wide; or
- When the accessory dwelling unit is created at the same time as the house, attached house, or manufactured home.

7. Maximum size. The size of the accessory dwelling unit may be no more than 33% of the living area of the house, attached house, or manufactured home or 800 square feet, whichever is less.

D. Additional requirements for accessory dwelling units created through the addition of floor area. Accessory dwelling units created through the addition of floor area must meet the following:

1. Exterior finish materials. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the house, attached house, or manufactured home.
2. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the house, attached house, or manufactured home.
3. Trim. Trim on edges of elements on the addition must be the same in type size and location as the trim used on the rest of the house, attached house, or manufactured home.
4. Windows. Windows must match those in the house, attached house, or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical).
5. Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the house, attached house, or manufactured home.

E. Additional requirements for detached accessory dwelling units. Detached accessory dwelling units must meet the following.

1. Setbacks. The accessory dwelling unit must be at least:
 - a. 60 feet from the front lot line; or
 - b. 6 feet behind the house, attached house, or manufactured home.

Commentary

33.205.030.E.2. Conversion of existing detached garages

Conversions of detached garages, which are allowed on the property line if 40 feet back in most single dwelling zones is problematic. The proposed language will require an adjustment for converting an existing garage that is allowed to be in the side and rear yard setback. If an adjustment is granted, the proposal would, at a minimum, need to meet or exceed the purposes of these standards (see 33.205.030 A. above) and building code requirements for firewalls, no windows, etc.

33.205.030.E.3. Height

The height limit addresses the privacy issue for neighboring properties, and will restrict detached units from being over one and one half stories (18 feet).

33.205.030.E.4. Bulk limitation

This standard ensures that no detached accessory dwelling unit will be constructed with a footprint larger than that of the primary dwelling unit. This standard is the same as is required for all other detached accessory structures.

33.205.030.E.5-9. Exterior finish materials, roof pitch, trim, windows, and eaves

These are five objective design standards for accessory dwelling units created through the addition of floor area. These design standards require compatibility with the existing structure without requiring a discretionary review, and therefore will be addressed at the time the application is reviewed at the Permit Center.

2. Conversion of existing detached garages.
 - a. In RF through R2.5 zones, conversion of an existing detached garage that is in a front, rear, or side building setback required by Table 110-3 is not allowed. This restriction also applies to garages that are allowed to be in side or rear setbacks as provided by Subsection 33.110.250.E, Special Standards for Garages.
 - b. In R3 through IR zones, conversion of an existing detached garage that is in a front, rear, or side building setback required by Table 120-3 is not allowed. This restriction also applies to garages that are allowed to be in side or rear setbacks as provided by Subsection 33.120.280.E, Special Standards for Garages.
3. Height. The maximum height allowed for a detached accessory dwelling unit is 18 feet.
4. Bulk limitation. The detached accessory dwelling unit may not have a larger footprint than the footprint of the house, attached house, or manufactured home, and, the combined footprint of all detached accessory structures may not exceed 15 percent of the total area of the site.
5. Exterior finish materials. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the house, attached house, or manufactured home.
6. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the house, attached house, or manufactured home.
7. Trim. Trim must be the same in type size and location as the trim used on the house, attached house, or manufactured home.
8. Windows. Windows must match those in the house, attached house, or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical).
9. Eaves. Eaves must project from the building walls the same distance as the eaves on the house, attached house, or manufactured home.

Commentary

33.110.110 - .220 Accessory Uses, Table 110-2 and Setbacks

These amendments are not substantive, but will maintain code consistency.

Recommendation: Amend Chapter 33.110, Single Dwelling Zones, as follows.

**Chapter 33.110
Single Dwelling Zones**

33.110.110 Accessory Uses

Accessory uses to a primary use are allowed if they comply with all development standards. Accessory home occupations, accessory rental dwelling units, and bed and breakfast facilities have specific regulations in Chapters 33.203, 33.205, and 33.212 respectively.

Table 110-2 Housing Types Allowed In The Single-Dwelling Zones						
Housing Type	RF	R20	R10	R7	R5	R2.5
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached house (See 33.110.240.C&F)	No	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplexes: On corners (See 33.110.240.F)	No	Yes	Yes	Yes	Yes	Yes
On transitional lots (See 33.110.240.I)	No	Yes	Yes	Yes	Yes	Yes
Other situations (See 33.110.240.D)	No	No	No	No	No	Yes
Manufactured home (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Mobile home park	No	No	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Single Room Occupancy (SRO) units	No	No	No	No	No	No
Group structure	Only when in conjunction with an approved conditional use.					
Multi-dwelling structure	Only in Planned Unit Developments, See Chapter 33.269					

Yes = allowed; No = prohibited.

33.110.220 Setbacks

A - B. [No change]

C. Extensions into required building setbacks.

1. [No change]
2. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.110.250 below. Fences are addressed in 33.110.255 below. Detached accessory dwelling units are addressed in Chapter 33.205. Signs are addressed in Chapter 33.286.

Commentary

33.110.250 Detached Structures

These amendments are not substantive, but will maintain code consistency.

33.110.240 Alternative Development Options

33.110.240. F. Duplexes and attached houses on corners

This section of the code addresses duplexes and attached houses which are currently allowed as new construction in single dwelling zones. The proposal is to allow existing houses on corners to convert to these housing types as well. The change to the site development standards eliminates the requirement for two driveways and allows flexibility for conversions that won't affect compatibility issues from the street.

33.110.250 Detached Accessory Structures

A. Purpose. This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front setbacks.

B. General standards.

1. The regulations of this section apply to all detached accessory structures ~~only~~. except detached accessory dwelling units. The regulations for detached accessory dwelling units are stated in Chapter 33.205.
2. Accessory structures must be constructed in conjunction with or after the primary building. They may not be built prior to the construction of the primary structure.
3. Unless stated otherwise in this section, the height and building coverage standards of the base zone apply to detached accessory structures.

33.110.240 Alternative Development Options

F. Duplexes and attached houses on corners. This provision allows the ~~construction of~~ new duplexes and attached houses in locations where their appearance and impact will be compatible with the surrounding houses. Duplexes and attached houses on corner lots can be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street.

1. Qualifying situations. This provision applies to corner lots in the R20 through R2.5 zones. ~~This provision applies only to new development. Conversion of existing housing is prohibited under the regulations of this subsection.~~
2. Density and lot size. One extra dwelling unit is allowed, except in the R2.5 zone where the maximum density of the base zone may not be increased. For duplexes, the lot must comply with the minimum lot size standard for new lots in the base zone. For attached houses, the original lot before division for the attached house project must comply with the minimum lot size standard for new lots in the base zone.
3. ~~Additional site development standards. Each unit of the duplex or attached house must have its address, front door, driveway, and parking area or garage oriented to a separate street frontage.~~ Entrances. Each unit of the duplex or attached house must have its address and main entrance oriented towards a separate street frontage. Conversion of an existing house may provide one main entrance with internal access to both units.

Commentary

33.120.110 Accessory Uses & Table 120-2

These amendments are not substantive, but will maintain code consistency.