



Phinney Ridge Community Council Response to “Removing Barriers to Backyard Cottages” March 12, 2012

Summary

The PRCC's response to the potential code changes acknowledges value in making some changes that allow additional cottage development in single-family zones. Our response to individual proposals and the survey results are presented in the sections that follow.

We summarize our positions as follows:

1. The PRCC and our community are strongly opposed to eliminating the owner-occupancy requirement for accessory units, no matter what other changes are made.
2. We also oppose reducing the minimum lot size for backyard-cottage development. Under the present rules fully 60 percent of single-family lots in the City are eligible for cottages, which is ample for any anticipated growth. We are also against raising height limits above one-and-one-half stories, as we believe this would negatively impact adjoining properties.
3. The PRCC does believe that other modifications to rules concerning accessory-dwelling units could be made. As we explain below, however, we believe that the rules applying to development should depend on context, including lot size, parking issues and the like. The City should use backyard-cottage regulations as an opportunity to move away from its “one-size-fits-all” cookie-cutter zoning policies to develop a more nuanced approach toward density—one that will result in more attractive development and increase neighborhood acceptance of zoning changes.
4. Good design is critical. We note that both Portland and Vancouver, B.C., used as examples in the DPD report, have strict design standards for backyard cottages to ensure that they harmonize with the principal dwelling and surrounding neighborhood. Seattle does not have such regulations, and must enact them as part of any zoning changes.

5. Although the DPD report speculates that the proposed zoning changes won't overwhelm neighborhoods, no one can accurately predict what will happen were the changes to be enacted. The City thus should take an incremental approach, so results can be gauged. We also recommend a rule (such as that in Boulder, CO) limiting the number of accessory-dwelling units in a given area, at least initially. It is much easier, and more sensible, to loosen rules as results unfold rather than to radically change the rules and then try to tighten them once the unexpected occurs.
6. If the rationale for encouraging more accessory dwelling units is affordable housing, then there should be enforceable prohibitions against their use as short-term rentals, e.g. "Airbnb's". The idea is to increase housing stock, not create speculative investment opportunities.

Potential Code Changes

The PRCC responses to the potential code changes set out in the DPD report are as follows:

1. Owner-occupancy requirement

First and foremost, the PRCC and our community strongly oppose eliminating the owner-occupancy requirement for those who build accessory dwelling units. We believe that eliminating this requirement would actually *decrease* the affordability of single-family neighborhoods and harm the quality of life in them without accomplishing the City's stated aims.

Our survey respondents were strongly opposed to eliminating the owner-occupancy rule. About 59 percent were against changing this requirement, while only about 32 percent favored it—by far the highest negative response to any of the potential code changes.

A number of survey respondents expressed the same concerns felt by the PRCC board: that loosening the rules governing accessory dwelling units while also allowing absentee ownership would drive up the price of single-family houses, encouraging speculative developers and investors to buy existing houses and either tear them down for bigger duplex-type units with backyard cottages, or use the property as an investment because of the increased development capacity. Many respondents also expressed the fear that allowing absentee ownership would decrease the incentive for landlords to maintain their property or ensure that their renters were good neighbors. Fears were also expressed that this change would lead to single-family properties being increasingly used as "Airbnb" type rentals. As one respondent noted:

Eliminating owner-occupancy invites treating properties simply as financial investment opportunities, which fuels speculation and contributes to

runaway housing costs. When owners live on a property, they're personally and socially invested in their community, and tend to better maintain their property and manage their tenants.

To reiterate: Of all the City's proposals, this is the one that we, and the community, most strongly oppose.

2. Eliminating off-street parking requirements

In our survey, a bare majority of survey respondents (about 51 percent) opposed eliminating the off-street parking requirement, while only about 39 percent supported it.

We believe that there is not a “one-size-fits-all” answer to the off-street parking requirement, and that the rules should be clear but flexible to take neighborhood context into account. For example, some single-family neighborhoods have large lots, garages and relatively few cars parked at the curbside. Others—including Phinney Ridge—have older homes on small lots, often without any off-street parking. In addition, parking is tighter in those single-family neighborhoods near commercial districts or dense multi-family areas than it is in relatively more isolated neighborhoods.

Thus, we recommend that parking requirements should vary depending upon the area, and number of accessory units on a property. Stricter requirements should be maintained for neighborhoods near commercial areas or “urban villages,” since spillover parking is already a problem. In addition, any property owner who plans to build both an “in-law” apartment and backyard cottage should be required to provide one off-street parking space. Finally, property owners who construct accessory units should not be allowed to decrease the number of off-street parking spaces on their property in the process (a requirement which we understand is contained in Portland’s backyard-cottage policies). However, we do not oppose eliminating the requirement for additional off-street parking for homeowners who construct *either* an “in-law” apartment *or* backyard cottage in other areas, where on-street parking is more likely to be adequate.

3. Reducing minimum lot size to 3,500 square feet

The PRCC is opposed to any reduction in the lot size on which backyard cottages may be built, an opinion reflected by a solid majority of those who took our survey. **About 55 percent of survey respondents opposed this change, while only about 31 percent favored it.**

To begin with, we do not see the present 4,000 square-foot minimum as being a hindrance to backyard-cottage development. As the Department of Planning and Development Report (“Removing Barriers to Backyard Cottages”) notes, almost

75,000 of Seattle's single-family lots are eligible for backyard cottages under the present rules. This number is more than sufficient.

Moreover, the 4,000-square-foot-minimum rule serves several purposes. One is to help ensure that cottages do not impinge on neighbors' privacy. Another is the protection of vegetation and green space in the City. This is important for flood prevention, mitigation of pollution from runoff, and reducing global-warming inducing gasses. For example, A U.S. Forest Service-sponsored inventory has estimated that Seattle's trees store about 2 million metric tons of carbon, and sequester about 140,000 additional metric tons of carbon each year. And according to one estimate, half of Seattle's tree canopy exists on single-family lots. As one commentator has observed, to preserve those trees, you must preserve the yards.

4. Allowing both "in-law" apartments and backyard cottages on the same lot

A plurality--about 48 percent--of survey respondents opposed allowing both types of accessory dwelling units on the same lot, while about 38 percent of respondents favored this change.

The PRCC also does not believe in a "one-size-fits-all" answer to this question. Recall that every property-owner in a single-family zone is currently allowed to add an "in-law" apartment; thus there is a large capacity for accessory units in all neighborhoods regardless of backyard-cottage development.

Because of potential neighborhood impacts, we believe that three units (e.g., both an "in-law" apartment and a backyard cottage in addition to the principal dwelling) on single-family lots should only be permitted in limited numbers in each area. The number allowed should depend on context—for example, present housing density, lot size and parking issues. We believe it is best for the City to proceed cautiously with this change, so that its impact can be evaluated.

5. Changing design standards

a. Removing garage and storage space from maximum floor-area calculation

In our survey, about 52 percent of respondents opposed this change, while only about 32 percent favored it.

Once more, we believe that context is important and a "cookie cutter" approach is not appropriate. If the City were to raise height limits to two stories in addition to excluding garage and storage space from area calculations, it could lead to structures that overwhelm adjacent properties. On the other hand, more modest changes could encourage homeowners to add housing while at the same time alleviating neighborhood parking problems. We believe that the change in square-

footage calculations should be allowed on larger lots only; for example, those over 5,000 square feet.

b. Raising height limits

The PRCC and our community oppose the height-limit increases proposed in the DPD report (essentially, allowing two-story “cottages” on any 40-foot-wide lot). **About 54 percent of those who responded to our survey opposed this change, while only about 36 percent supported it.**

We believe that two-story structures might exceed reasonable expectations of the size of a “cottage” and would instead (especially if garage and storage areas were excluded from square-footage calculations) become additional, full-size houses. Especially on 40-foot lots, they could overwhelm yards, intrude on neighbors’ privacy and block access to sunlight.

Thus, we believe that height limits for wider lots should be at most one-and-a-half stories, allowing for gabled roofs but not a full-sized second floor. We also believe that design standards should ensure that cottages under no circumstances exceed the height of the principal dwelling unit or adjacent houses, or place neighbors’ lots in shadow. Strict design guidelines, such as those in Portland and Vancouver, would also help maintain compatibility and should be instituted.

c. Changing standards for the location cottage entrances

In our survey, about 47 percent of respondents opposed modifying standards for cottage entrances, while about 35 percent favored this change. Those who opposed this change expressed concerns about privacy and noise.

The DPD report notes that the present standards are designed to help respect privacy, but states that these standards “constrain” cottage design by forcing entrances to be somewhere other than the “optimal location.” The DPD report does not explain how this restriction reduces the number of cottages built or for whom another location might be “optimal.”

As with other proposals made by DPD in its report, we believe there is not a single answer and there should be a way to take context into account. Factors to be considered should include lot size and configuration, and the location of adjacent homes. Emphasis should be placed on protecting neighbors’ privacy.

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