



TO: Elizabeth A. Pauli, City Manager
FROM: Peter Huffman, Director, Planning and Development Services
Brian Boudet, Planning Manager, Planning and Development Services
SUBJECT: Accessory Dwelling Units Regulations – Council action
DATE: March 13, 2019

Final reading of Amended Ordinance Number No. 28576 is schedule for the March 19, 2019 Council meeting. The amended Ordinance will adopt changes to Tacoma's Accessory Dwelling Units (ADU) regulations and incorporate modifications as directed by the City Council on March 5, 2019. In addition, two actions are being proposed for City Council consideration: an additional amendment to remove the ADU permit requirement, and a resolution regarding actions to further promote affordability in ADUs and other housing types.

BACKGROUND:

On December 12, 2017, the City Council adopted Resolution No. 39886 requesting the Planning Commission consider code amendments to allow for an increase in the number of allowed Detached Accessory Dwelling Units (ADUs). The Planning Commission conducted deliberations and community outreach throughout 2018, and finalized recommendations to the City Council on October 17, 2018. On January 23, 2019, the Infrastructure, Planning, and Sustainability Committee forwarded recommended modifications to the Planning Commission's proposal to the City Council. On February 19, 2019, the City Council conducted a public hearing on the proposals and heard first reading of the ordinance on March 5, 2019.

OVERVIEW:

Amended Ordinance No. 28576 includes three modifications as directed by the City Council on March 5, 2019:

- A code modification requiring the property owner to live on-site for approval of a short-term rental.
- A code modification reducing ADU maximum size from 1,500 square feet to 1,000 square feet.
- A directive that the City Manager track ADU construction and report back to the City Council.

In addition, Council Member Beale is proposing two further actions for City Council consideration at final reading on March 19, 2019:

- A code modification removing the requirement to secure an ADU permit, relying instead on the Building Permit process to review and administer proposed ADU construction.
- A resolution directing the City Manager to explore, initiate and report back to the City Council on potential tools and strategies to promote affordability and remove barriers to construction of diverse housing types including ADUs.

ADDITIONAL INFORMATION:

Staff are providing the following responses to address questions from the March 5, 2019 City Council meeting:

City Enforcement of unpermitted ADUs:

The City Council requested background information on the enforcement approach to unpermitted ADUs. Unpermitted ADUs may be identified by the City's Planning and Development Services, Code Compliance, or community complaints to TacomaFirst3-1-1. An ADU may be found in violation of a variety of code issues, the most common response to which is a stop work order. The stop work order requires the property owner to obtain permits for the property conversion or rehabilitation. If permits are

not obtained and unpermitted use continues, the property owner may be subject to civil penalties in accordance with the Tacoma Municipal Code (TMC).

Under the ADU proposals, additional flexibility regarding ADU size and location would be offered to encourage the owners of unpermitted ADUs to obtain required permits by December 31, 2020. After that point property owners would be required to meet all ADU standards, which could result in more substantial modifications, variance applications or required removal of unpermitted ADUs should it prove infeasible to meet the standards.

Onsite open space requirement and exception:

While not directly associated with ADUs, at the March 5, 2019 meeting, the City Council also received comments and requested background on the City's standards for onsite open space standards for two-family, three-family and multifamily developments. Required yard/open space can be provided in various forms, including porches, yards, balconies, rooftop decks, community gardens, play areas, or other recreational or green spaces (per TMC 13.06.100.D and TMC 13.06.300.G). The required amount varies between 50 and 200 square feet per dwelling unit. The standards also include several exceptions to providing onsite open/yard space, including being within a quarter-mile of a public park or public school with outdoor open space or recreational facilities.

As part of the 2019 Amendments (Minor Amendments), the Planning Commission is considering clarifications to those exceptions. For example, the code states that the site must be within a quarter-mile of a public school or park with outdoor recreation facilities. The proposal would clarify that the site must be within a quarter-mile *walking* distance, and that the park or school open space must be *regularly available to the public on a long-term basis*. The Planning Commission will solicit public input on these proposals and subsequently forward recommendations to the City Council in summer 2019.

For more information, visit www.cityoftacoma.org/DADU, or contact Elliott Barnett, Senior Planner, at Elliott.barnett@cityoftacoma.org or (253) 591-5389.