

Planning Commission

Meeting Minutes

October 4, 2016

Approved: KMD



6:30:10 PM Chair Chris Holland called the meeting to order. Other Commissioners in attendance: Chris Adams, Richard Jordison, Kathryn Beck, Michael Zelinski, Alex Lark, and Megan Dunn.

Commissioner Absent: Loren Sand and Greg Tisdell

Staff Present: Allan Giffen and Kathy Davis

Meeting Minutes

**Motion:** Commissioner Adams made a motion to approve the September 20, 2016 meeting minutes. Commissioner Lark seconded the motion.

**Vote:** Commissioner Dunn, yes; Commissioner Lark, yes; Commissioner Zelinski, yes; Commissioner Beck, yes; Commissioner Jordison, yes; Commissioner Adams, yes; and Chair Holland, yes.

**Motion Carried.**

Commissioner Reports

Commissioner Jordison stated that he had friends that participated in the peaceful protests at Standing Rock in North Dakota on the access pipeline which is proposed to pump oil sludge from Canada through North Dakota to Texas. He stated that the cities of Los Angeles and Seattle have offered letters of support to the Director of the Standing Rock Sioux Tribe and he intended to seek such a letter from the City in support of the protest.

Staff Comments

Allan Giffen, Planning Director, stated that the next meeting was scheduled for November 1, 2016.

General Citizen Comments

None

**Item #1: Detached Accessory Dwelling Units**

Allan Giffen, Planning Director, presented information regarding the 2010 draft development standards and design standards, and presented graphics that showed R-1 and R-2 zoned areas that qualified for the draft regulations in 2010. He also presented pictures of accessory dwelling units. Mr. Giffen reviewed a number of questions for Commission's consideration, and asked for direction so staff could draft regulations for the Commission to review at a future meeting.

**1. Should detached accessory dwelling units be limited to those lots with alley access?**

Citizen Comments

Christin Dahl, 2526 51<sup>st</sup> St. SW, stated that her home was located on a large lot with no alley access. She would support regulations that didn't limit the uses to just alley access lots.

John Dimas 2126 Wetmore Avenue, stated he didn't support the restriction limiting eligibility to only alley access lots.

Commission Discussion

Commissioner Zelinski stated that he didn't feel that there was a compelling reason to restrict to alley access lots. Commissioner Beck agreed.

Vote: All commissioners agreed no, and that alley access should not be required.

**2. Should larger minimum lot sizes be required for placement of detached accessory dwelling units?**

Citizen Comments

Katrina Lindahl, 2515 E. Grand Avenue, stated that she would like to see a larger minimum lot size to prevent overcrowding and to preserve the nature of the neighborhoods.

Commission Discussion

Commissioner Jordison asked what the minimum lots sizes were in the R-1 and R-2 zones. Mr. Giffen responded 6,000 square feet in the R-1 zone, and 5,000 square feet in R-2 zone.

Commissioner Beck stated that there are other existing regulations that address concerns such as setbacks and minimum lot area. She supported regulations that provide some flexibility for all home owners that want to take advantage of the opportunity. Site concerns can be addressed during the review process.

Chair Holland asked about building coverage allowance for the R-1 and R-2 zones. Mr. Giffen responded 40% lot coverage by buildings. The regulations also allow for additional impervious surface such as driveways and walkways.

Commissioner Jordison stated that he would like a certain amount of open space maintained on the lot. He suggested a point system similar to what Seattle is doing.

Commissioner Dunn stated that the maximum floor area ratio in question 7 could address the concern of overcrowding. She stated that limiting the lot size was excessive.

Commissioner Lark asked about the existing residential setbacks. Mr. Giffen responded that for the principal dwelling, the setback is 20 feet in the front and in the rear yard, and 5 feet on each side in both the R-1 and R-2 zones. Accessory buildings can encroach into the rear setback area.

Commissioner Beck stated that the regulations should provide some flexibility that allows for consideration of the site conditions. She stated that the Obama administration just released news stating that cities and counties need to rethink their zoning laws saying that the antiquated rules on construction, housing, and land use are contributing to high rents and income inequality. The prescriptions call for more density, speedier permitting, and fewer restrictions on accessory dwelling units such as basement and garage apartments. She stated that there is an affordable housing crisis, and she felt that accessory dwelling units are a good tool that should be made available for all homeowners. Commissioner Lark agreed. Commissioner Jordison agreed.

Vote: All commissioners agreed no, that any legal parcel would be allowed a DADU provided that other standards are met.

**3. Should the City require that one of the dwelling units, either the principal or the detached accessory dwelling unit, be occupied by the owner?**

Citizen Comments

Katrina Lindahl, 2515 E. Grand Avenue, stated that either structure should be owner occupied for accountability and maintenance of the property.

John Dimas, 2126 Wetmore Avenue, stated that the regulations should be available for all property owners; however, he did want to preserve the character of residential neighborhoods.

Commission Discussion

Commissioner Beck referred to Seattle and suggested that staff look at lessons learned from other jurisdictions regarding home owner occupancy. She stated that she supported the owner occupied requirement but it should be flexible enough to accommodate the dynamic world we live in.

Chair Holland stated that jurisdictions don't police for owner occupancy; however, if the units aren't maintained and the City receives a complaint, having that requirement would allow the City an enforcement tool to clean up the property.

Commissioner Zelinski asked if the existing regulations would preclude a detached accessory dwelling unit from being sold as a condo. Mr. Giffen responded no. Commissioner Zelinski asked if the City had any enforcement problems under the current regulations. Mr. Giffen responded not that he was aware of.

Commissioner Jordison stated that it would be hard to enforce the owner occupancy requirement. Chair Holland commented that a lot of jurisdictions require an applicant to record a declaration of

owner occupancy on the property. Commissioner Lark commented that during his research there wasn't a lot of implementation under the owner occupancy rules but once that was lifted or modified there was a lot more use of the tool. He agreed that there has to be some provisions in the regulations to address property maintenance.

Vote: Five votes for owner occupancy and three votes no.

Commissioner Lark asked for information about Portland's and Vancouver's owner occupancy rules. What options can we do to make sure incentives are there regarding property maintenance?

**4. How many off-street parking spaces should be required for a detached accessory dwelling unit?**

Citizen Comments

None

Commission Discussion

Commissioner Lark asked about the off-street parking requirement. Mr. Giffen responded that off-street parking deals with parking on the property. There is no credit given for on-street parking. Commissioner Lark stated that accessory dwelling units are a good tool for increasing density. The City needs to increase density, needs to meet carbon emission goals, and needs to create regulatory and built environments that allows for more transit and a broader mix of vehicle options than just the personally driven vehicle. By requiring off street parking, the City may be eliminating the creation of a marketplace in Everett that would allow for more transit use and more non-traditional vehicle use. Commissioner Lark stated that accessory dwelling units would be built over time and scattered throughout the City, which should lessen the significant traffic impact in any given neighborhood. He was not in support of the parking requirement.

Commissioner Jordison asked about the number of parked cars on a property. Mr. Giffen responded that there is a limit of four cars that can park on a residential lot outside of a garage unless there are more than four licensed drivers. Commissioner Jordison agreed with Commissioner Lark and wasn't in support of the parking requirement.

Commissioner Zelinski would support one required parking space for the DADU. Chair Holland agreed, and asked about tandem parking. Mr. Giffen responded that would be allowed for vehicles owned by the same household.

Vote: Two votes for one additional, four votes for a total of two for principal dwelling and DADU, and one vote that parking should be considered on a case by case basis.

**5. Should detached accessory dwelling units be required to be placed behind the principal dwelling (towards the rear of the lot)?**

Citizen Comments

Christin Dahl, 2526 51<sup>st</sup> St. SW, stated that she has a large lot but there is no front or back to her house.

Katrina Lindahl, 2515 E. Grand Avenue, stated that would depend on the lot but she felt it was important to preserve the integrity of the neighborhood.

John Dimas, 2126 Wetmore Avenue, stated that he supported a no vote on the requirement as long as the accessory dwelling unit fit in with the character of the neighborhood.

Commission Discussion

Chair Holland stated that he supported the requirement but would like to add an option to deviate from the requirement under a certain set of criteria to insure conformity with the neighborhood.

Commissioner Zelinski asked if a house is setback on a lot and a new dwelling unit is built on the front of the lot, could the existing home on the back become the accessory dwelling unit and the new home built become the principle dwelling. Mr. Giffen responded yes.

Commissioner Beck stated that she didn't support the requirement and commented that each lot should be considered on an individual basis. Commissioner Adams agreed that the properties should be looked at on an individual basis but as a general rule, the accessory dwelling unit should be located behind the house to be in conformance with a neighborhood.

Commissioner Dunn referred to the matrix and stated that in regards to location, Mukilteo and Tacoma have a restriction but the other 12 cities don't have a restriction for location on a lot. She added that if the accessory dwelling unit is in character with the neighborhood and complies with the other standards, the requirement wouldn't be necessary.

Chair Holland supported the requirement but suggested allowing for deviations based on special circumstances.

Vote: Four voted no restriction on the location on the lot and three voted yes, but to provide for a deviation from the requirement under special circumstances.

**6. Should detached accessory dwelling units be subject to special setback requirements?**

Citizen Comments

None

### Commission Discussion

Chair Holland suggested that if you have a two story accessory dwelling unit, it should be required to comply with the 20 foot rear yard setback; however, if there is a one story accessory dwelling unit proposed, it should be 5 feet from the rear lot line. If there is an alley, a one-story or two-story would be allowed up to the property line.

Commissioner Jordison suggested that there could be a setback requirement for an accessory structure if it was higher than the principle dwelling. He was concerned about a DADU shadowing a neighboring property.

Vote: Four voted no; setback requirements of the underlying zone for accessory building should apply, and three voted for the hybrid approach as suggested by Chair Holland.

### **7. Should detached accessory dwelling units be subject to maximum floor area ratio (FAR) requirements?**

#### Citizen Comments

None

#### Commission Discussion

Commissioner Lark stated that the floor area ratio requirement wasn't necessary given the setback, height, and lot coverage requirements on the property. Commissioner Zelinski agreed, adding that floor area ratio wasn't a good tool in single family zones. Chair Holland agreed with regards to floor area ratio but felt that any lot within the City needed to comply with building coverage. Commissioner Jordison agreed and suggested that the building lot coverage in the R-1 zone could be increased to 40% if the accessory dwelling unit complies with all the other requirements. Commissioner Beck supported the increase if that was a reasonable percentage. Commissioner Lark agreed with the increase in building coverage.

Vote: Three voted no, setback and lot coverage requirements of the underlying zone for accessory buildings should apply, and four voted for the building lot coverage increased to a reasonable percentage if the accessory dwelling unit complies with all other requirements.

Mr. Giffen responded that staff could come back with some examples of increased lot coverage percentages for further discussion.

### **8. Should there be a minimum separation between the principal dwelling and the detached accessory dwelling unit?**

#### Citizen Comments

None

Commission Discussion

Commissioner Zelinski asked if the regulations specify a minimum separation between a detached garage and dwelling. Mr. Giffen responded that was addressed in the Building and Fire Codes.

Vote: All commissioners voted no, except as required by building and fire codes.

**9. Should there be minimum usable open space requirements for a detached accessory dwelling unit?**

Citizen Comments

Katrina Lindahl, 2515 E. Grand Avenue, stated that in concept it seemed like a good idea. She commented that open space in the neighborhood is important.

John Dimas, 2126 Wetmore Avenue, asked Mr. Giffen about side yards. Mr. Giffen responded that it depended on how the standards were written. If the requirement was for usable open space, that would be dependent upon the amount of square footage as well as any minimum dimensional requirement.

Commission Discussion

Chair Holland stated that he didn't think that a property owner would create an entire lot of impervious surface.

Commissioner Beck didn't feel that requirement was necessary because of the setback and underlying zone requirements. Commissioner Zelinski referred to the matrix and stated that none of the other cities have an open space requirement.

Vote: All commissioners voted no, lot coverage and setback requirements of underlying zone set the standard.

**10. Should the height of detached accessory dwelling units be restricted beyond maximum height requirement in the underlying zone?**

Citizen Comments

Christin Dahl, 2526 51<sup>st</sup> St. SW, asked if the maximum height requirement would allow for an accessory dwelling unit to be constructed over a garage. Mr. Giffen responded yes.

John Dimas, 2126 Wetmore Avenue, stated that 28 feet would be great but felt that anything under 25 feet would be a challenge for roof pitch and would be restrictive.

Commission Discussion

Chair Holland stated that it depends on whether or not the lot is on an alley, or if it is more than two stories then it needs to be setback from the rear building line.

Commissioner Zelinski stated that accessory dwelling units should be smaller than the principle dwelling unit. He suggested something less than the 28 feet but high enough to allow a pitched roof.

Commissioner Jordison stated that there are some jurisdictions that allow for height averaging on a lot. He supported the same height as the underlying zone. Commissioner Beck agreed that the height of the underlying zone was appropriate. Commissioner Dunn agreed.

Vote: Five votes no, the underlying zone requirements should be applied to the DADU (28 feet in sf zones), and two votes yes.

**11. Should there be a minimum size limit on a detached accessory dwelling unit?**

Citizen Comments

None

Commission Discussion

Chair Holland suggested a minimum of 300 square feet. Commissioner Jordison stated that he would like to encourage innovation and creativity and not restrict the size of the unit.

Chair Holland asked if the building and fire codes addressed square footage requirements in regards to occupancy load. Mr. Giffen responded that he wasn't aware of a minimum for a dwelling unit.

Commissioner Lark supported whatever the minimum requirement is that allows people to have a safe and healthy environment.

Vote: All agreed no minimum size limit other than building and fire code.

**12. Should there be a maximum size limit on a detached accessory dwelling unit?**

Citizen Comments

Christin Dahl, 2526 51<sup>st</sup> St. SW, asked if the maximum size limit also included the size of a garage located underneath the accessory dwelling unit. Chair Holland responded that the maximum size limit was specific to only the accessory dwelling unit.

Commission Discussion

Commissioner Jordison stated that he considers an accessory dwelling unit being subordinate to the principle dwelling. He asked if the DADU had to be smaller than the principle dwelling. Commissioner Zelinski stated that new unit could become the principle dwelling and the smaller unit would become the accessory building. He supported the third box under yes that included the maximum size limits. Chair Holland agreed.

Vote: All Commissioners agreed yes, same as the accessory building requirements in EMC 19.7.020.

**13. Should there be a limit on the number of bedrooms allowed in a detached accessory dwelling unit?**

Citizen Comments

John Dimas, 2126 Wetmore, supported setting a limit to two bedrooms.

Commission Discussion

Chair Holland agreed that allowing up to two would be reasonable. Commissioner Beck felt that the requirement was unnecessary because the square footage is already limiting.

Vote: Four commissioners agreed no limit, but subject to other standards, and three responded yes for up to 2 bedrooms.

**14. Should the design of the detached accessory dwelling unit be similar to the principal dwelling (e.g. similar exterior finish materials, roof pitch, window orientation, etc.)?**

Citizen Comments

Katrina Lindahl, 2515 E. Grand Avenue, stated that the DADU should fit into character of the neighborhood.

Christin Dahl, 2526 51<sup>st</sup> St. SW, stated that she didn't feel it should be that restrictive. She stated that her house didn't look like her neighbor's house.

Commission Discussion

Commissioner Jordison stated that prescriptive standards for design don't allow for creativity and flexibility that allow for innovative and creative designs.

Commissioner Zelinski stated that the requirement could provide a menu of design features that someone could select from that would allow some harmony between the main building and accessory building. Chair Holland stated that a toolbox could be provided that helped guide the development to fit into the whole neighborhood and not just the primary residence.

Commissioner Beck stated that what makes Everett unique is that it is an older community that has a lot of diverse housing. She didn't think the City should regulate what accessory buildings should look like if they conform to all the other requirements. Chair Holland stated that he didn't want something built that didn't fit into the character of the historic neighborhoods.

Commissioner Beck stated that Santa Cruz developed a guide on how to design accessory dwelling units. She stated that the approach works well because it provides for collaboration and it gives property owners the freedom to feel that they have control over their property.

Chair Holland stated that when homeowners purchase their homes, they are making an investment to live in specific neighborhoods and their expectation is that the neighborhood character will remain over the years. He stated that there should be some kind of design feature whether it is a toolbox or specific review requirement to insure that the DADU is compatible with the surrounding neighborhood.

Commissioner Zelinski asked Mr. Giffen to provide some design standard examples from other communities. Mr. Giffen responded that staff would bring back at their next meeting on DADU's.

Commissioner Lark stated that providing a toolbox or a guidance document similar to Santa Cruz would be an effective tool to address design. Commissioner Beck stated that the Special Property Use (SPU) review process would provide a method to review the project compatibility with the neighborhood. Chair Holland would prefer a design regulation that would require the accessory dwelling unit to be compatible with the surrounding neighborhood. Commissioner Beck felt that design standards could be addressed through the SPU process.

Commission agreed that they would like more information to review. Mr. Giffen stated that staff will bring back some additional options to review.

**15. Should the City restrict the placement of windows in detached accessory dwelling units for privacy of the neighbors?**

Citizen Comments

John Dimas, 2126 Wetmore Avenue, stated that if there weren't any rules for placement of windows for current structures, there shouldn't be for accessory dwelling units.

Commission Discussion

Chair Holland stated the he supported whatever the building code requires for windows. Commissioner Jordison agreed. Commissioner Zelinski concurred with Mr. Dimas.

Vote: All commissioners agreed that there should be no restriction other than building and fire codes.

**16. Should there be only one electrical service meter and one water meter allowed for both the principal and detached accessory dwelling unit?**

Citizen comments

None

Commission Discussion

Commissioner Jordison asked what the significance would be. Commissioner Beck commented that it was the cost of putting one in but she had no opinion on this issue. Commissioner Jordison commented that it was another limitation and thought it would be up to the property owner.

Vote: All commissioners agreed that there should be no restrictions other than what is required by building and electrical code, or the utility provider.

**17. Should the City allow a detached accessory dwelling unit on lots with other non-residential uses, such as adult family home, group home or family home daycare?**

Citizen Comments

None

Commission Discussion

Commissioner Jordison stated that the requirement would add another limitation on a property. Chair Holland asked if this limitation was in the 2010 regulations. Mr. Giffen responded yes. Chair Holland asked about the 2010 concerns. Mr. Giffen responded that the concern was about the creation of more neighborhood traffic than what was considered appropriate.

Commissioner Adams stated that a homeowner could do an expansion to the principle dwelling unit as long as the maximum lot coverage is met so he wasn't sure if the requirement was necessary. Chair Holland commented that there could be an in-home daycare in the principle building and then an accessory dwelling unit in the back that is being rented out which could create a lot of activity on a residential property within the neighborhood. Chair Holland recommended that a DADU not be allowed for those types of uses on a property. Commissioner Jordison had the opposite opinion.

Vote: Four Commissioners voted yes, a DADU can be located on a lot with these other uses and three voted no, a DADU only be allowed with another principle dwelling on the lot.

**18. Should the City require notice to adjacent property owners within 150 feet of the detached accessory dwelling unit application, with an opportunity to comment?**

Citizen Comments

Katrina Lindahl, 2515 E. Grand Avenue, stated yes definitely.

John Dimas, 2126 Wetmore Avenue, stated that no notice should be required. He asked if public notice was required for detached garages. Mr. Giffen responded public notice would only be required if the garage was oversized.

Commission Discussion

Commissioner Beck stated that the review process should provide for public notice because neighborhood concerns should be considered in the process. Commissioner Dunn supported the public notice requirement because it would reduce neighborhood conflict. Commissioner Zelinski stated that there should only be a notice requirement if the applicant is seeking something other than what is required by Code. Chair Holland agreed. Commissioner Beck supported the requirement. Commissioner Jordison also supported the notice requirement.

Vote: The majority of Commissioners voted on the other option that if the proposed DADU deviates from the Zoning Code, that public notice should be provided.

19. Should the City provide amnesty for existing illegal detached accessory dwelling units if the owner secures building permits and complies with standards to the extent feasible?

Citizen comments

None

Vote: All commissioners agreed yes, there should be amnesty for existing illegal detached accessory dwelling units if brought into compliance.

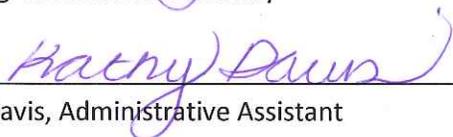
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Planning Commission Secretary

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Date



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Kathy Davis, Administrative Assistant

11-1-16

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