



MEMORANDUM

Date: April 17, 2020
TO: Planning Commission
FROM: Kerri Burchett, Principal Planner, Current Planning Division
RE: Code Amendment Final Drafts and Supplemental Information concerning ADUs

I. SUMMARY

At the Planning Commission study session on April 13th, the Commission requested additional changes to the following three Unified Development Code (UDC) sections:

1. Variances
2. Fences, Walls, and Hedges
3. Family Definition
4. Design Standard: 360-degree architecture

Adjustments to these sections have been completed per the Commission's direction and the changes are shown in **highlighted** text in **Attachment I**.

The Commission also requested additional information regarding building and fire code restrictions pertaining to accessory dwelling units and basement conversions. Detailed information has been provided in Section III of this memorandum.

II. ATTACHMENT

1. Redlined and highlighted version of the amendment, including:
 - a. Variance (page 1) **Wording changes**
 - b. Definition of Family (page 2) **Definition adjusted**
 - c. Fences, Walls, and Hedges (pages 3-5) **Setbacks and figure adjusted**
 - d. 360-degree Architecture (page 6) **Added flexibility**

III. ACCESSORY DWELLING UNITS

At the April 13th study session, Planning Commission reviewed an amendment to the Unified Development Code concerning accessory dwelling units (ADUs). The draft ADU provisions state that residential units located in a basement shall not be considered an ADU and that the conversion of a basement to a residential unit shall comply with all applicable building code and zoning requirements. This provision garnered questions from the Commission. Staff explained that there were substantial building and fire code requirements that were problematic to converting a basement to an ADU. Additionally, the square footage limitations for an ADU are difficult to enforce in basements. Staff offered to collect additional information from the building and fire codes to clarify the reasoning behind the restriction.

While the amendment specifies that a basement cannot qualify as an ADU, renting out a basement is possible. The definition of family does not limit the number of persons sharing a residence and the UDC does not prohibit a second kitchen. A basement unit in this case, however, would not be addressed separately from the principal house, would not be granted a separate electrical meter, and could not be physically separated or closed off from the rest of the house.

Based on the combination of the building code, fire code and UDC provisions listed below, staff continues to recommend the restriction of converting a basement into an ADU. We welcome any comments or additional questions from the Commission on this.

Accessory Dwelling Units – Building, Fire and Zoning Code Provisions

An accessory dwelling unit (ADU) is defined as a residential dwelling unit that is subordinate in scale, and on the same lot as, a principal dwelling unit. An ADU is an independent and complete dwelling unit that has its own cooking and bathing facilities, a separate exterior entrance (if it is attached to the principal unit), and is assigned a separate address. Water and wastewater services to the ADU must be connected to the principal house and must have independent shut offs. Additionally, ADU's are exempt from paying capital expansion fees, which includes fees to the school district, library, law enforcement, fire, emergency services, open lands, parks, and recreation. Combined, the CEF waiver results in a reduction of approximately \$16,000 for the building permit. A building permit for a typical single family home is approximately \$32,000-\$48,000, whereas a building permit for an ADU is roughly between \$8,000 - \$10,000. The CEF waiver was specifically granted because of the small size of the ADUs. The waiver helps to incentivize and promote these units as an alternative housing type within the City.

1. Building Code Provisions

- A. **Fire Rating:** To create an independent living unit, each unit would need to be separated from each other by wall and floor assemblies with a minimum 1-hour fire resistance rating. While this provision would not be real difficult to achieve with regards to a basement ceiling, rating a staircase to a basement would be more involved. It would include a fire rated door, landing area, etc. Additionally, open rated stairwells are limited to 2 stories, such as a ranch with a basement, per the Building Code.
- B. **Separate Heating:** Each unit requires separate heating facilities in the Building Code. Separating the heating systems between upstairs and downstairs is often difficult, as finding a place in the upstairs floor plan and installing an independent system is very involved.
- C. **Egress:** Each unit must have an unobstructed egress door (without requiring travel through a garage) that opens directly into a public way or to a yard. An interior staircase cannot be used as the pathway must go immediately outside and an internal connection or opening to the principal dwelling is not permitted. It is easier for a walkout basement design to satisfy this requirement. Providing a new exterior stairwell, however, is often a considerable engineering expense and must comply with planning setbacks and easement restrictions.

2. UDC Provisions

- A. **Square footage Limitations:** An ADU is limited to 700 square feet in low and medium density residential districts and 900 square feet in higher density districts. The square footage limitations are important as ADUs are intended to be small, studio-like units. They are exempt from CEF fees as their small footprint and incidental nature should not create significant demands on the City's infrastructure. Additionally, the City's low density zones do not permit duplexes or two-family units and therefore, distinguishing an ADU from a duplex through a square footage limitation is essential.

It is very difficult and problematic to limit the square footage of a basement to meet the size restrictions for an ADU. Creating an independent living unit in a portion of a basement with fire separation walls and the building code requirements listed above, is impractical.

3. Fire Code Provisions

- A. **Review:** The Fire Authority reviews all building permits for ADUs and also performs final inspections for the units.
- B. **Address:** An approved address would be required for the unit. The address would be required to be posted clearly visible to the street. If the access to the unit is provided by a private drive or easement, or a premises is located on the interior of a block, the numeric address, in addition to being posted on the building(s), must be posted in a permanent manner at a location in the nearby vicinity of the intersection of the private driveway with a public street.
- C. **Visible Access:** Access to the unit cannot be blocked by a fence or gate. A visible path shall lead to the dwelling unit.
- D. **Fire Sprinkler System:** Some proposed ADUs will have additional requirements to install a domestic fire sprinkler system if they are out of fire hose coverage access or do not have a fire hydrant within required fire access.

Based on the combination of the building code, fire code and UDC provisions and after numerous discussions between planning, building and fire staff, the conversion of basement to an ADU was restricted. Practically speaking however, almost all inquiries for ADUs concern the conversion of an existing detached garage or the construction of a new detached structure. Additionally, as mentioned above, renting a basement or room within a house can be achieved outside of the ADU provisions as part of the family provisions.