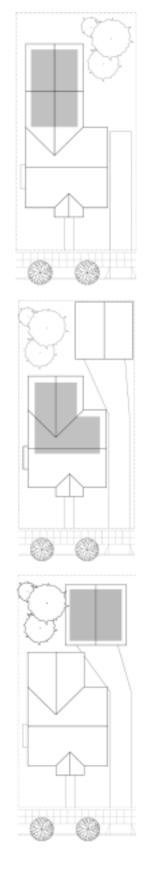
Accessory Dwelling Unit Monitoring Project

Report to Planning Commission

July 2003





Bureau of Planning, City of Portland

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Accessory Dwelling Unit (ADU) Monitoring Project Report

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Introduction

This monitoring report describes the results of the Bureau of Planning staff's research into the effects of Portland's revision of accessory dwelling unit (ADU) regulations in early 1998. The report contains:

- the history and background of relevant issues and lays out the appropriate questions that research will answer,
- summary statistics that give a general answer to these issues, and
- a description of potential options.

What is an ADU?

An accessory dwelling unit (ADU) is an additional residential unit created on a lot with a detached house, attached house, or manufactured home. The Zoning Code allows such a smaller, auxiliary residential unit in certain circumstances. For example, a detached garage may be converted into a second living space on a lot if certain Zoning Code requirements are met.

The following photos illustrate the different kinds of ADUs that can be constructed in the City of Portland. The first example, internal conversion of living space, was the only kind allowed prior to 1998. The others are new kinds of ADUs.

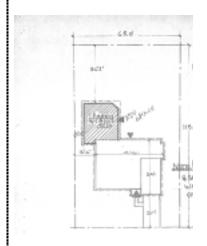
Zoning still allows you to convert existing living space...

Converting existing living area, attic, or basement Allowed before and now



(Please refer to Attachment D for a project description of 78 NW Macleay Boulevard.)

Adding floor area



Constructing a new house with an ADU

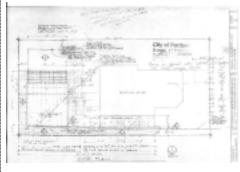


(Please refer to Attachment D for a project description of 4827 SE 51st Street.)



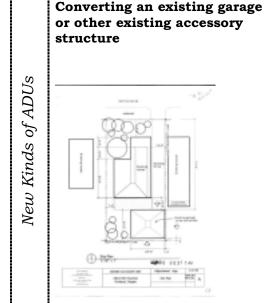
(Please refer to Attachment D for a project description of 4415 SW Coronado Street.)

Constructing a detached unit accessory to an existing house





(Please refer to Attachment D for a project description of 1912 NE 11th Avenue.)





(Please refer to Attachment D for a project description of 2832 NW Thurman Street.)

City Council Action and Direction to Planning Staff

ADU regulations are primarily contained in Chapter 33.205 of the Zoning Code. In 1997, City Council revised these regulations to encourage more construction of ADUs. (See Attachment A.) At the recommendation of the Planning Commission, and after listening to divergent testimony as to the potential effect of these Zoning Code changes, City Council directed the Bureau of Planning to monitor and evaluate these amendments. Also, the Council directed that staff should provide the Planning Commission with an evaluation of the following elements:

- 1. an examination of the number of accessory dwelling units permitted or built under the new code.
- 2. an analysis of whether the regulations are achieving stated objectives (See Attachment
- 3. an evaluation of the neighborhood association notice procedure that Council included,
- 4. a report of the enforcement activity that has occurred, and
- 5. if deemed necessary, proposed revisions to the regulations based on the above analysis.

ADUs Built in the "a" Overlay Zone

This report also discusses ADUs built in the alternative design density overlay zone (ADD) regulated by Chapter 33.405 [in order to compare the outcomes from the two sets of regulations]. The ADD overlay zone is commonly called the "a" overlay.

An ADU project built in the "a" overlay zone must go through a different set of regulations than one built elsewhere in the city. (See Attachment C.) Some of the significant differences affect:

- the relative size of the house and ADU,
- additional required parking,
- owner-occupancy,
- whether the ADU can be detached, and
- the extent to which design standards apply.

Moreover, there are detailed site and building design requirements. An ADU project in the "a" overlay is subject to the community design standards (CDS) contained in Chapter

33.218 of the *Zoning Code*. Alternatively, an applicant may also opt for a discretionary Type II design review land use application process.¹

The 1997 amendments to Chapter 33.205 relaxed the City's previous emphasis on restricting ADUs to conversion of internal space in large existing housing. These amendments were intended to remove obstacles to building ADUs and to encourage a mix of unit configurations. The changes:

- liberalized the size requirements for ADUs in the base zones,
- removed the five year waiting period,
- allowed detached ADUs,
- removed the owner-occupancy requirement, and
- allowed ADUs in new construction.

The project shown below illustrates a new ADU housing unit allowed by the revised *Zoning Code* provisions.



This ADU took advantage of new Zoning Code provisions that allow:

- š Detached ADU
- š Rental tenure

¹ In addition to permitting ADUs, Chapter 33.405 encourages a wide variety of other alternative development types. Chapter 33.405:

allows attached housing at R2.5 density on vacant lots;

[•] allows owner occupied duplexes and triplexes, small flag lots, and detached houses on small lots in the R2 and R2.5 zones;

[•] grants bonus density for design review in the R1, R2 and R3 zones; and

[•] allows rebuilding multidwelling units at former densities.

Some of these provisions have caused controversy. Concerns have been voiced by the community that allowing attached R2.5 density in R7a zones may be "too dense." Suggestions have been made to consider removing the "a" overlay from the R7 zone or reducing the allowed density. Significant outreach and research would be required for any project broadly affecting application of the "a" overlay. This project will not undertake either of these tasks.

Evaluation Topics

Topics

The following sections provide a summary of quantitative and qualitative observations resulting from staff work to date. The sections are organized according to the topics listed in the 1997 ADU Ordinance (Ord. 171879).

1.	ADU Production	Are we creating more ADUs after adopting the 1997 zoning amendments?
2.	Fair Neighborhood Impact	Are ADUs evenly distributed throughout the city of Portland?
3.	Affordability	Are ADUs affordable?
4.	The "Look" of Owner- occupancy	Do ADUs fit the character of the neighborhoods?
5.	Design Quality	Are we creating quality?
6.	Design Quality in the "a" Overlay Zone	Do the community design standards that apply in the "a" overlay zone contribute to quality design?
7.	Compliance with ADU Regulations	If we regulate, does it happen? What adjustments have been requested?
8.	Neighborhood Acceptance	Do neighborhoods find newly created ADUs to be good neighbors?

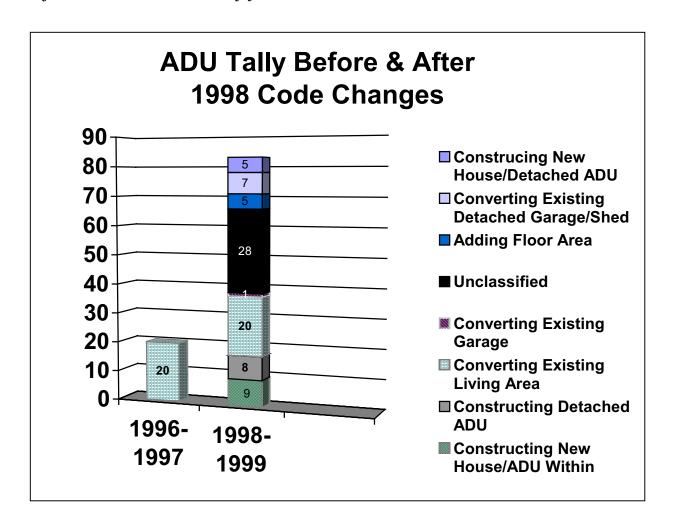
Evaluation Topic #1: ADU Production

The 1997 amendments to Chapter 33.205 relaxed the City's previous emphasis on restricting ADUs to conversion of internal space in large existing housing. These amendments were intended to remove obstacles to building ADUs and to encourage a mix of unit configurations.

- 1a. Are more ADUs being built under the new Ch. 33.205 regulations than under the old regulations?
- 1b. Have new ADUs taken advantage of these changes?
- 1c. Are new ADUs creating a mix of unit configurations (studio, one bedroom, etc.)?

The survey project has located 83 ADU projects built in 1998 and 1999. This is equal to all the accessory rental units built in the previous four years. The following chart shows accessory units granted permits before and after the 1998 *Zoning Code* changes. Conversion of living area was allowed in both time periods; all other ways of creating ADUs were allowed only in 1998 and 1999. The second column includes six ADUs that were permitted but this survey could not categorize.

The greatest variety of configurations has come about as the result of land use applications for adjustments. Adjustments have been granted for ADU projects within basements and in detached structures. There have been nine such ADU regulation adjustments in the two survey years.



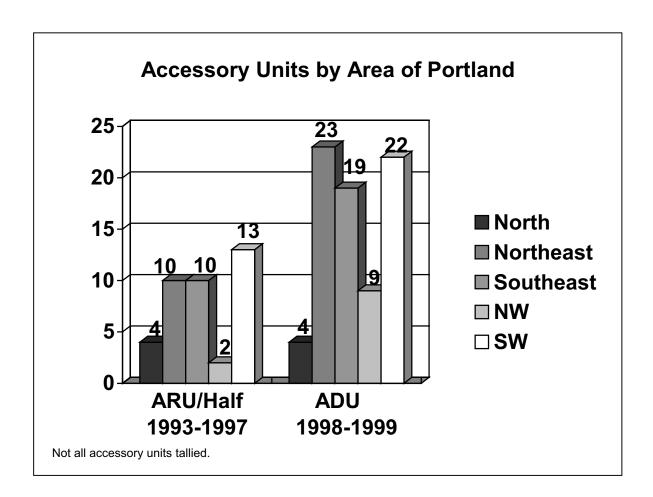
Evaluation Topic #2: Fair Neighborhood Impact

As stated in Chapter 33.205 of the *Zoning Code*, some of the purposes of ADU regulations are to:

- š create new housing units while respecting the look and scale of single-family neighborhoods,
- š increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives, and
- š provide a broader range of accessible and more affordable housing (Citation: Excerpts from Section 33.205.010, Purpose).

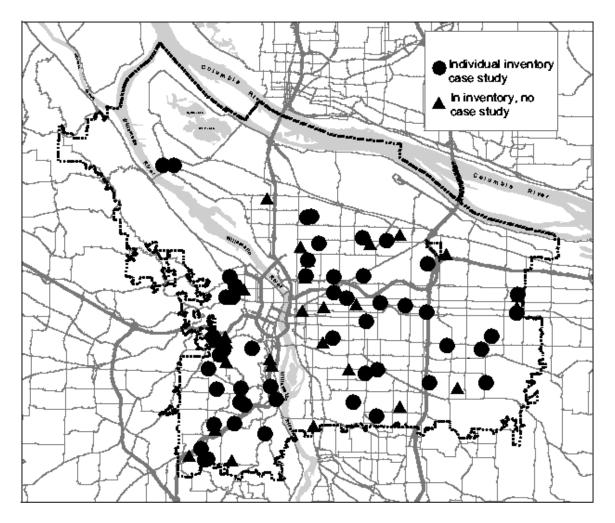
In the two survey years, ADU production totaled approximately 83 units while the City permitted over 1000 housing units. In terms of sheer number ADUs are too few to make an impact beyond the next door neighbors' yards.

Furthermore, ADUs have been developed in the same relative pattern as accessory rental units (ARU) prior to the 1998 *Zoning Code* changes.²



² Data for accessory rental units prior to 1998 was available only for the previous four years in two blocks of two years each. This chart reports these numbers prorated in each year.

The following map shows the geographic distribution of ADUs in 1998 and 1999. This distribution is similar to years before 1998. ADUs are well distributed throughout the city.



ADU Distribution, City of Portland, 1998 - 1999

Evaluation Topic #3: Affordability

Portland's *Comprehensive Plan* calls for housing development that is "affordable across the full spectrum of household incomes" (Policy 4.11). The *Zoning Code* allows ADUs as a way of providing "a broader range of accessible and more affordable housing" (Section 33.205.010, Purpose).

Portland considers affordable housing as the cost of housing (rent plus utilities) for which a household pays no more than 30 percent of its income. The Portland area median income for a family of four is \$65,800 for FY 2003-2004. For a family of two it is \$52,650. An affordable rent for a family of two would not exceed \$1,316 per month (including utilities). "More affordable" is defined as 80 percent of income.³

Many ADUs are owner-occupied and used for family members, others are rentals. These ADUs may be only as affordable as any small sized apartment in a particular neighborhood.

However, some ADUs also provide income to a homeowner who rents out the unit. Most of the ADUs are owner-occupied and if now inhabited by family members, they may be rented out in the future.

It's clear that existing construction rates of ADUs do not affect the large supply and demand dynamics of the market. But they are more energy efficient and use fewer resources in support of objective D of the "Housing Affordability" objective of Policy 4.11 of the *Comprehensive Plan*:

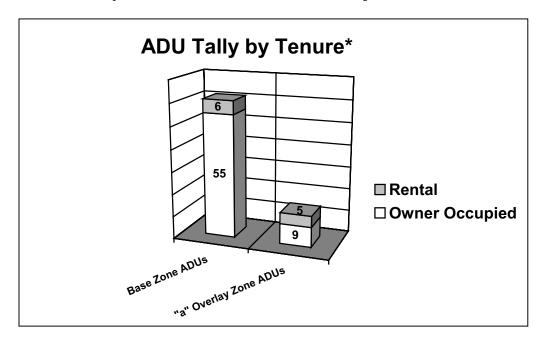
D. Promote conservation programs and energy-efficient practices and programs that reduce housing operating costs for energy, sewer and water usage.

ADU Monitoring Project

³ Table 23, page 120, of the *Adopted Comprehensive Plan Housing Policy* provides affordability figures for one and four person households at 30%, 50%, 80% and 100% of median income. The data source is Terry Duffy, ROSE CDC.

Evaluation Topic #4: The "Look" of Owner-Occupancy

An "intangible" that affects the look of any residential dwelling is tenure. According to neighborhood testimony, owner-occupancy is a desired requirement. Currently, the *Zoning Code* requires owner-occupancy only in the "a" overlay zone. Despite the lack of such a requirement outside the "a" overlay zones, and although most ADUs have been built outside the "a" overlay zone, most ADUs are owner-occupied.



*Tenure could not be determined for all the ADUs.

More important than tenure is site planning. The following two pictures illustrate ADUs in first an inner neighborhood where houses are generally two stories or taller, and an outer neighborhood where neighboring houses tend to be one story.



This inner NE Portland ADU is less massive than surrounding houses.



This outer SE Portland ADU is smaller than the primary residence but still taller than other houses in the neighborhood.

Evaluation Topic #5: Design Quality

In general, the *Zoning Code* provisions that allow ADUs were written to ensure that ADUs respect the look and scale of single-dwelling neighborhoods as allowed by the base zone. This is ensured by additional regulations that pertain to materials, window proportions, architectural features and modified setbacks, ADU height, and lot coverage. The following chart lists these *Zoning Code* regulations in a matrix. At the top are the different ways of creating an ADU and on the left are the various regulations that apply.

	Ways of Creating an ADU				
Regulations	Converting Existing Living Area or Garage	Adding Floor Area	Constructing New House with ADU	Constructing Detached ADU	Converting Existing Detached Garage
Location of Entrance	J	J	Ј	Ј	J
Compatible Exterior Finish Materials		J		J	J
Compatible Roof Pitch		J		J	J
Compatible Trim		J		J	J
Compatible Window Proportions		J		J	J
Compatible Eave Projection		J		J	J
Setback Compatible with Typical Neighborhood Pattern				J	J
18' Height Limit				J	J
Lot Coverage				J	J

The following pages discuss design quality in the context of each of these different ways of creating an ADU.

Evaluation Topic #5: Design Quality - Internal ADUs

As the chart on the previous page illustrates, ADUs within houses are assumed to have no design impact other than an additional door necessary for the occupant.

The visual inventory attached to this report supports the City's decision to impose no additional design-oriented standards. An ADU within the structure has no more impact on surrounding homes than the primary house. An additional parking space may be required.



The ADU within this structure is located in the basement. Access is down the stairs shown in the picture.

The house on the left is new construction with an ADU within the structure. An ADU may make the structure no larger than the current Zoning Code limits on height and lot coverage⁴.



⁴The *Zoning Code* generally allows two story structures in all single-dwelling residential zones in keeping with Portland's desired character.



The slope of the street affects relationships among houses. Incorporating an ADU has less impact than slope. Which house includes an ADU?



Even when the "building envelope" is enlarged, the ADU has relatively little, effect. In the example shown at left, the structure moves toward compliance with the <u>Base Zone Design Standards</u> that attempt to diminish the impact of the garage on the public realm.

Evaluation Topic #5: Design Quality–Additions

The *Zoning Code* regulates architectural features such as finish materials, trim, window proportions, roof pitch and eaves projections to ensure compatibility of the ADU with the rest of the site. Unlike detached ADUs, setbacks or height are not further regulated.⁵ If the ADU still meets the requirements of the *Zoning Code* in general, then the house plus additional development "reflects the look and feel of the neighborhood." Two examples of ADUs are illustrated below: The first example is in inner SE Portland, the other is in outer SE Portland⁶.





The distance from living area to lot line was reduced from 10'6" to five feet. The area is platted in relatively small lots.





The opposite situation-large setbacks, large ADU, large lots

⁵ In an "a" overlay zone other design issues do matter, but the lack of a proportion size regulation overwhelms these design concerns. See the discussion beginning on page 17.

⁶ Should we regulate ADUs created through addition of floor area in a manner similar to detached ADUs? Should we tie height and setback restrictions to lot size?

Evaluation Topic #5 Design Quality–Detached ADUs

The *Zoning Code* recognizes that detached ADUs are not equivalent to other detached structures in regard to the "look and feel of the neighborhood" and adds the following regulations (in addition to the architectural compatibility standards).

- The accessory dwelling must be at least
 - sixty feet from the front lot line, or
 - six feet behind the detached house, attached house, or manufactured home.
- In the RF through IR Zones, conversion of an existing detached garage that is in a front, rear, or side building setback is not allowed.
- The maximum height allowed for a detached accessory dwelling unit is 18 feet.
- The detached ADU may not have a larger footprint than the primary residence and all accessory structures may not exceed 15 percent of the total area of the site.

Putting these numbers together, a typical ADU above a garage can be as tall as 28 feet to the ridgeline (18 feet at the midline of a gabled roof rising above eight feet high walls) and 725 sq. ft. in area on a 5000 sq. ft. lot (assuming the house is as large as 2275 sq. ft. in area.) The house illustrated on page 10 (right-hand photo) is a good example.

More examples are shown below. These houses are set back from side lots lines as required by the *Zoning Code*.

These four ADUs over a garage are typical developments in the rear corner of an interior

lot.







An ADU in the backyard particularly raises privacy issues when the ADU is placed over garage space for the car.



This ADU (only the gable is visible) is located over a garage and overlooks several neighboring properties.



This ADU contains residential space on the ground floor and above. Neighbors' privacy is preserved.

Evaluation Topic #6: Design Quality in the "a" Overlay Zone

This inventory found 14 ADUs constructed in the "a" overlay zone. It's difficult to know whether this is a meaningful percentage or not without being able to compare accessory dwelling production to primary dwelling production. As a rough comparison, the acreage of residential zones with the "a" overlay zone comprises about 25 percent of the acreage of land with residential zoning in the city of Portland.

An ADU project built in the "a" overlay zone must go through a different set of regulations than one built elsewhere in the city of Portland (see Attachment C). Some of the significant differences affect:

- the relative size of the house and ADU,
- · additional required parking,
- owner-occupancy,
- whether the ADU can be detached (only along alleys), and
- the extent to which design standards apply.

Also, ADUs built in the "a" overlay zone are subject to design review–generally, the community design standards.

The inventory found that the most significant regulation (or lack of regulation) is the absence of the size restriction in the "a" overlay zone. ADUs may be as large as the primary dwelling. There is little or no difference between such equally matched dwelling units and a duplex as the following photos illustrate.



Which unit is the ADU?

The 15 ADUs that met the community design standards are not distinguishable from those that simply met the design regulations of Chapter 33.205. This may be because both sets of regulations require compatible development. The most significant change pertains to the use of compatible finish materials. While the community design standards disallow plywood and sheet pressboard, the design standards call for exterior finish material to be the same or visually match the existing exterior finish material of the primary dwelling.



This basement ADU does not meet community design standards for foundation materials.

Evaluation Topic #7: Compliance with ADU Regulations

The Bureau of Development Services processed nine land use cases during the study period. Many of these applications asked for an adjustment to the ADU design standards and to other *Zoning Code* provisions. The following table itemizes each adjustment or land use request.

Requested Adustments to Zoning Code ADU Standards (Ch. 33.205 030)					
ADU Size					
78 NW Macleay	Increase basement AD	U size to 1044 sq. ft.			
4737 NE Going	Retain existing 866 sq	. ft. house as ADŪ			
3527 SW Dosch Road	Increase ADU above ga	arage to 856 sq. ft.			
ADU Percentage Livin	g Area				
7036 SW Virginia	Increase ADU maximu	m % of total living area to 43%			
9016 N Edison	Increase ADU maximu	m % of total living area to 47%			
5230 NE Skidmore	Increase ADU maximu	m % of total living area to 50%			
Architectural features	<u> </u>				
9033 SW 40 th Avenue	Allow new construction of primary house with different exterior finish materials, roof pitch, trim, windows and eaves (Retain existing house to become ADU without modification.)				
Detached ADU setbac	k				
9016 N Edison Reduce setback to from 60 to 18 ft.					
Height					
4737 SW Going	Retain existing 20' hei	ght house as ADU			
Other Adjustment Re	quests				
Side yard setback	4301 SW Dosch	Approval of reduced side yard from 10' to 3'5"			
Side yard setback	2832 NW Thurman	Approval of reduced side yard and rear yard from five to approximately one foot			
Other Reviews					
Design Review	1912 NE 11 th Avenue	Modification allowed to build more shallow roof pitch for ADU than existing roof of primary house			
Historic Design Review	2636 NW Cornell Rd	Review of historic Henry Hahn House			

A review of the table highlights ADU size and proportion between accessory and primary dwelling unit. Currently, the maximum size for an ADU is 800 sq. ft. or one-third of the primary dwelling.⁷ In some cases, particularly basements, the basement is somewhat larger than a third of the floor space. In other cases, a larger size is desired to add an ADU over a garage, and in some cases, the primary house is so small as to make the 800 sq. ft. size limit larger than the proportional limit.

BDS has approved each request for a relaxation of the ADU limit. The usual distinction is between existing and new construction of the structure that would house the ADU. This distinction could be incorporated into a revision in order to "fine tune" this requirement and avoid the application fee and process.

⁷ No limits apply in the "a" overlay zone.

Evaluation Topic #8: Neighborhood Acceptance

Unfortunately, many of the ADU regulations, such as size limitations, cannot be determined on a site visit. Other regulations, that should be easy, such as compatible trim, are difficult to determine from the street as the ADU is often obscured by the primary structure.

From discussions with BDS staff and a review of TRACS development permit records there seems to be neither fewer nor more violations connected with ADUs with one exception. The one exception is the owner-occupancy requirement of the "a" overlay zone. This requirement seems universally ignored.

Generally, there are few, if any, resident complaints about ADUs. Not one neighborhood pointed out a violation of the code to staff completing this evaluation project.



The applicant converted living area into garage space (on the right) contrary to submitted plans. Usually, major elements of each project are built as detailed on submitted plans.

Neighborhood Involvement

This section discusses neighborhood involvement during the two year period of the study and as part of Bureau of Planning work on this report.

Neighborhood Review of Proposed ADUs

ADUs are permitted by right. An applicant applies for a permit at the Development Services counter and is issued a permit after meeting the objective standards contained in the *Zoning Code*⁸ and paying appropriate fees. If all the standards are met, there is no land use review, and so, no standard notification to neighbors or neighborhoods. A postcard is sent to the neighborhood association to inform them that an application has been made.

If some standards cannot be met, and the applicant has applied for an adjustment, then the standard notice and opportunity to comment is provided by the Bureau of Development Services (BDS). Appeals are to the Adjustment Committee.

According to BDS staff, the postcard system allowed for some clarification of the ADU requests, but did not generally facilitate communication or result in project changes. Of the nine ADU land use cases, only one neighborhood, Multnomah, opposed the project. One neighborhood, Northwest District Association, supported a project⁹. In a few cases, neighbors objected to further development close to them. City staff is unaware of significant testimony about size, ownership, design or the other issues that Council heard testimony about in 1997. Otherwise, BDS staff felt there was only the typical need for clarification of any land use review.

Planning Bureau staff sent a letter to district coalition offices and all neighborhoods on December 15, 2000, publicizing this monitoring project and inviting a response. Several neighborhoods responded, but none were able to identify issues or concerns other than dissatisfaction with the "a" overlay zone¹⁰. Details of this outreach are provided in the methodology section of the inventory.

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⁸ Standards for ADUs are found in one or more of the following *Zoning Code* Chapters: 33.205, 33.405 and 33.218 as well as single-dwelling base zones.

⁹ Each land use case is described in the inventory.

¹⁰Staff discussed this project with district coalition offices and the following neighborhoods: Brentwood-Darlington, Irvington, Laurelhurst, Portsmouth, SWHRL and Woodstock. Presentations were offered to all district coalitions and neighborhood associations.

Conclusion

Clearly, Portland has not experienced the quantity of ADU construction that it desires. The question of quality is much more difficult to answer. The community design standards have not made an appreciable difference. With these projects, the budget and ability of the owner or architect matters most.

This report suggests that we revisit the compatibility concerns that restrict ADU production. A public review of these projects might use the *Community Design Guidelines* as a starting point. The most important issue is: shall we revisit the existing *Zoning Code* height and setback requirements that allow such relatively out of scale new accessory and primary structures to be built?

The following table suggests some options available to increase housing production by removing "regulatory obstacles," by actively promoting ADUs, and by decreasing the cost and uncertainty of construction. These options merit further consideration.

	1
Zoning Code Options	Reader Notes
Amend ""a" overlay zone to be consistent with base	
zone:	
Add size limitations	
Drop requirement for community design	
standards/guidelines review	
• Eliminate "a"/non "a" differences, treat all ADUs the	
same	
• Eliminate ADU section from the ""a" overlay zone,	
thereby eliminating the requirement for conformance with the community design standards	
Give all projects the option of going through design	
review (allowing appropriate modifications)	
Incorporate ADU regulations into base zones	
Adopt ADU <i>site design</i> concepts for all new construction	
Adopt ADU architectural design concepts for all new	
construction and additions	
"Tweak" ADU size limitations to fit conversions better	
by allowing "shared space" in addition to the 800 sq. ft.	
maximum in a basement ADU	
Treat ADU setbacks the same as garage setbacks	
Allow ADUs to be built on same footprint as existing	
detached garages	

Options: Fees and Charges	Notes
Eliminate or reduce ADU project adjustment fees	
Charge a low ADU review fee (no additional fee for associated adjustments)	
Eliminate, reduce or defer all system development charges	The Comprehensive Plan (CP), Housing Strategy, 4.15(a) 4 calls for the City to evaluate its current system development charges waiver policy "for improvements and modification."
Re-evaluate tax abatement policies to promote ADUs	
 Create a staff ADU promoter and coordinator Re-examine pre-app inspection fee (conversions) to make sure that initial fee is paying off in benefits to applicants (certainty, reduced paperwork, etc.)¹¹ Provide architectural advice and zoning advice to all ADU applicants Create file of successful design solutions 	The Comprehensive Plan, Housing Strategy, 4.15(B) 4 calls upon the City to "Develop permitting process incentives for housing being developed to serve people at or below 80 percent of area median income"
Finance	Explore how taxes, appraisals and bank loan calculations can be modified to support ADUs

Options: ADU Promotions	Notes
Create a regional marketing program • Create a "market" for ADUs	 Involve Metro/regional housing agencies Incorporate into CHAS (Comprehensive Housing Affordability Strategy)
Periodic marketing and public outreach	 ONI efforts BDS brown bag series BOP land use class Advertise ADUs as part of regular area planning efforts
Revise BDS <i>ADU Program Guide</i> to make reader-friendly	Strategy 4.1.b of the <i>Comprehensive Plan</i> housing document calls for clear and accurate information for housing developers. Several builders reported that they were not aware of the ADU option or learned about it from <i>The Oregonian</i> .

¹¹ Review with Suzanne Vara, Lee Hiltenbrand of BDS

Occasional Marketing and Public Outreach Activities	Notes	
Direct mail or other outreach	Partner with Portland Housing Center	
Internet website	Put materials on BDS website	
 Informational Presentations ADU video Public Service Announcement Press Releases 	 Home Builders, remodelers may be interested Home fairs provide opportunities Kiosk for BDS possibility 	
Showcase success	 Office of Sustainable Development may be interested; they may be building a demonstration project Work with AIA on award program 	
Build ADU prototypes	 Housing CP strategy 4.1(I)2 calls for Portland Development Commission to acquire land for demonstrations of new models Housing CP strategy 4.12(D) 3 calls for "public-private partnerships to develop affordable housing prototypes" 	
Provide reference material		
Do further monitoring and research	 Continue data collection in the future Create specific promotional and ongoing data base 	

Attachment A

1997 City Council ActionAmendments to Chapter 33.205 Accessory Dwelling Units

Regulations	1997 Regulations Prior to	1998 Regulations After Amendments
	Amendments	(effective 2/2/98)
Building Types Allowed	House	House, Attached House, Manufactured Home
Size of Dwelling Units	Minimum size of primary unit is 1,400 sq. ft.	Maximum size of ADU is no more than 33% of house/attached house/manufactured home or 800-sq. ft., whichever is less
New Construction with an ADU	No House must be at least five years old	Yes
How ADU units are created	Internal conversion of living area or basement or attic	Internal conversion of living area, basement, attic, garage, or Adding floor area, or Constructing detached ADU Constructing a new dwelling with an ADU
Additional Parking	Not required	Required when ADU is part of new construction or when no abutting roadway is at least 28 ft. wide
Entrance	Only one entrance may be located on street-facing facade	 Only one entrance may be located on street-facing facade Entrances that access from deck or balconies are exempt
Number of Residents	Both units may not exceed the number allowed for a household	Both units may not exceed the number allowed for a household
Owner-Occupancy	Required	Not required
Home Occupation	ADU prohibited in a house with a Type B home occupation	ADU prohibited in a house with a Type B home occupation
Design Standards?	No, unless in special district (historic or design districts)	Yes to a limited extent. (Additional standards for ADUs created through addition of floor area and additional standards for detached ADUs)
Detached ADU Allowed?	No, internal only.	Yes Setback and height restrictions apply Conversion of garage allowed in certain circumstances

Attachment B

Purposes of the ADU Regulations, Chapter 33.205

Chapter 33.205 of the *Zoning Code* states both the purpose of allowing accessory dwelling units in general and the rationale for imposing design standards as follows.

Generally, 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. (Citation: Section 33.205.010, Purpose).

Design 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. (Citation: Section 33.205.030, Design Standards).

Attachment C

Current ADU Regulations

Chapter 33.205 Compared to Chapter 33.405

	T	
Regulations	ADU Chapter 33.205	ADU Chapter 33.405
Building Types Allowed	House, Attached House, Manufactured Home	House, Attached House, Manufactured Home
Size of Dwelling Units	Maximum size of ADU is no more than 33% of house/attached house/manufactured home or 800-sq. ft., whichever is less	No size restrictions or requirements
New Construction with an ADU	Yes	Yes
How ADU units are created	 Š Internal conversion of living area, basement, attic, garage, or Š Adding floor area, or Š Constructing detached ADU Š Constructing a new dwelling with an ADU 	š Internal conversion, or š Adding floor area, or š Constructing detached ADU in limited areas as mapped š Constructing a new dwelling with an internal ADU
Additional Parking	Required when ADU is part of new construction or when no abutting roadway is at least 28 ft. wide	Not required
Entrance	 Š Only one entrance may be located on street-facing façade Š Entrances that access from decks or balconies are exempt 	Only one entrance may be located on front of house
Number of Residents	Both units may not exceed the number that is allowed for a household	No limitation
Owner-Occupancy	Not required	Required
Home Occupation	ADU prohibited in a house with a Type B home occupation	One Type A home occupation is allowed in a house with an ADU
Design Standards?	Yes to a limited extent (Additional standards for ADUs created through addition of floor area and additional standards for detached ADUs)	Yes š Project must apply for design review š Community design standards in Chapter 33.218 may substitute for discretionary design review with guidelines
Detached ADU Allowed?	Yes š Setback and height restrictions apply š Conversion of garage is allowed in certain circumstances	No, except in "a" overlay zone as mapped

Bold text indicates notable difference

Attachment D: Case Studies From the Inventory

78 NW Macleay Boulevard

Notable Feature: Large basement conversion

R7 Zoning

In general, the R7 single dwelling residential zone allows a maximum density of one dwelling unit per 7,000 sq. ft. of site area. The allowed maximum density may be increased for alternative development options such as attached houses on transitional sites and duplexes on corner sites (Section 33.110.240). An accessory dwelling unit (ADU) created on a site with a primary structure is **not counted** when calculating density.



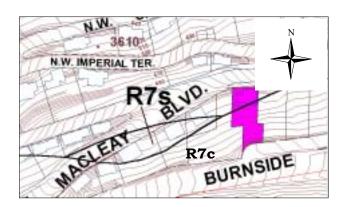
View toward southeast. The ADU is accessible down a flight of stairs along the west side of the house.

"c" and "p" Environmental Overlay Zones

The "c" and "p" environmental overlay zones contain the City of Portland's environmental regulations. These environmental regulations generally do not affect ADU development except that additional floor area or new construction of an ADU may be affected by the location of the overlay zoning on the lot. Since the ADU is located in the basement of the house, and the house is generally outside the "c" environmental conservation zone, environmental impact is minimal.

"s" Overlay Zone

The "s" overlay zone is a scenic resource overlay zone that limits height to protect significant views. The "s" overlay zone that is mapped on a majority of the site has a 75 foot height limit intended to protect views from the St. Johns Bridge. The "s" overlay zone does not affect the ADU.



The site is a through lot between NW Macleay and Burnside. The site slopes steeply down toward Burnside.

Large Basement Conversion Zone: R7c, R7s Structure Type: Internal Neighborhood: Hillside Owner Occupied: Yes Land Use Review Required? Adjustment to an additional 250 sq. ft. in ADU

Land Use Review

The homeowner requested an adjustment to the Zoning Code maximum ADU size requirement. The Zoning Code limits an ADU to one-third the size of the living area of the house; the adjustment proposed using the entire 1044 sq. ft. basement of the house for the ADU. That is about onehalf the total size of the house.

The Bureau of Development Services (BDS) mailed notification to the Hillside neighborhood and property owners within 150 feet of the property.

BDS approved this adjustment request. BDS determined that the proposal was appropriate because creation of the ADU through internal conversion would not affect the building scale, placement or views from the street. Nor would neighborhood livability be affected.

There were no appeals of the approval.

Does This Project Meet Applicable **Design Standards or Guidelines?**

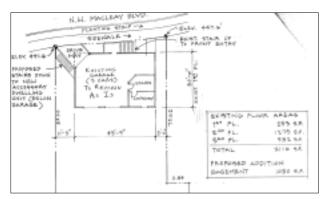
The project is subject to Chapter 33.205 regulations regarding size, location of entrances, and parking standards. No additional design standards apply to internal conversions. These standards appear met.

Discussion

This ADU takes advantage of the existing basement square footage to create an ADU as large as many apartments. BDS staff judged that this was appropriate in this circumstance. Review of this project suggests increasing the maximum allowed square footage for all ADUs created by a basement conversion. What that should be may depend upon the house type; for example, a Victorian is on a tall, narrow, small footprint with a smaller percentage of floor area in the basement than a sprawling ranch.



View to the east farther down the hill. Each house is built up to NW Macleay due to the steep slope between NW Macleay and Burnside.



Partial Site Plan. The site plan illustrates how the basement has been divided into the ADU and laundry room.

4827 SE 51st Avenue

Notable Feature: Example of ADU "grafted" onto house.

R5 Zoning

In general, the R5 single dwelling residential zone allows a maximum density of one dwelling unit per 5,000 sq. ft. of site area. The allowed maximum density may be increased for alternative development options such as attached houses on transitional sites and duplexes on corner sites (Section 33.110.240). An accessory dwelling unit (ADU) created on a site with a primary structure is **not counted** when calculating density.



The site is located on a rectilinearly platted block. The street dead-ends 100 feet north of the site.



The ADU addition is obscured by a white shed built at the corner of the ADU and residence.

Addition to Existing House	Zone: R5
Structure Type: Attached Owner Occupied: Yes	Neighborhood: Woodstock Land Use Review Required? No

Does This Project Meet Applicable Design Standards or Guidelines?

The project is subject to Chapter 33.205 regulations regarding size, location of entrances, and parking standards.

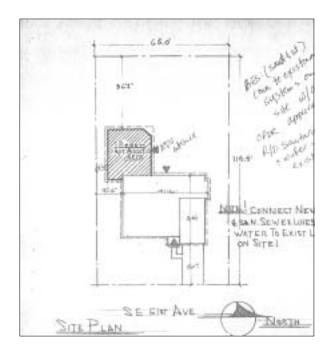
Additional regulations apply when an ADU is created through the addition of floor area. These are the requirement for compatibility:

- exterior finish materials;
- roof pitch;
- trim type, size and location;
- window proportions; and
- eave projections.

These standards appear to be met.

Discussion

The owner has elected to reduce the existing side yard by half with the ADU addition. This may be suggested by the interior design of the primary residence but it still reduces the distance to the neighbor's residence from 12 feet 6 inches to the code minimum of five feet.





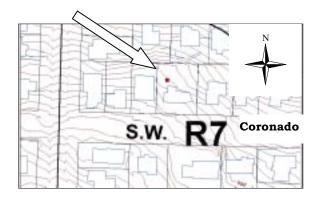
This photo better shows the ADU addition behind the shed. The adjacent house to the south (left) is now "closer" than before in the sense that the distance from living area to living area of each house is reduced.

4415 SW Coronado Street

Notable Feature: Contemporary design of new house with ADU

R7 Zoning

In general, the R7 single dwelling residential zone allows a maximum density of one dwelling unit per 7,000 sq. ft. of site area. The allowed maximum density may be increased for alternative development options such as attached houses on transitional sites and duplexes on corner sites (Section 33.110.240). An accessory dwelling unit (ADU) created on a site with a primary structure is **not counted** when calculating density.



This site slopes down to the north toward the park. Other residences surround the site on all three sides north of SW Coronado.



View north from SW Coronado Street. The ADU is planned for the basement of this house.

New Construction	Zone: R7
Structure Type: Internal Owner Occupied: Yes	Neighborhood: West Portland Park Land Use Review Required? No

Does This Project Meet Applicable Design Standards or Guidelines?

The project is subject to Chapter 33.205 regulations regarding size, location of entrances, and parking standards.

Discussion

In 1988, the Zoning Code was changed to allow new construction of a house with ADUs. This project takes advantage of that liberalization of the code. Because the ADU is internal to the house, no particular additional requirements are imposed upon the project. The development met R7 zoning regulations.

This is a large house: 3264 sq. ft. in area. The original plans submitted showed an ADU totaling 1326 sq. ft. This was reduced to 800 sq. ft. (the maximum allowed by code.) The reduction in allowable ADU size does not necessarily make the house smaller. The ADU size limitation eliminates space that could become a second bedroom for the ADU.



View from the street looking south at the house/ADU and west neighboring house (on the left).



View west up SW Coronado toward the new house/ADU (indicated by arrow.

1912 NE 11th Avenue

Notable Feature: Illustrates ADU infill on small lot in historic neighborhood zoned R1

R1 Zoning

In general, the R1 medium density multi-dwelling zone allows one unit per 1,000 sq. ft. of site area. Additional density is allowed for projects that meet certain amenity bonus regulations. Higher density is also allowed for elderly and disabled high density housing projects, provided the regulations of Chapter 33.229 of the *Zoning Code* are met.

The minimum density is one unit per 1,000-sq. ft. of site area. An additional accessory dwelling unit (ADU) is allowed provided the regulations of Chapter 33.205 of the *Zoning Code* are met. An accessory dwelling unit (ADU) created on a site with a primary structure is **not counted** when calculating density.

"a" Overlay Zone

An ADU created in an "a" overlay zone is subject to the specific regulations and standards in Chapter 33.405 that 1) take precedence over the base zone requirements, and 2) modify the ADU regulations in Chapter 33.205. Significantly, an ADU created in an "a" overlay zone must either meet the objectives of the community design standards of Chapter 33.218 or be approved through design review. This requirement ensures that new development is compatible with the positive qualities of the surrounding area.

"d" Overlay Zone

The "d" overlay zone is applied to areas where design and neighborhood character are of special concern. Generally, projects are required to meet the *Community Design Guidelines* unless other design guidelines have been adopted for an area outside the Central City or Gateway. An applicant may choose <u>instead</u> to meet the objective standards of Chapter 33.218, Community Design Standards. The site is



Compact development patterns – small lots and small blocks characterize the vicinity of the project. A new rowhouse project is under construction to the west across NE 11th Avenue.



The ADU is not visible from the street, except along the north neighbor's driveway.

New Construction

Zone: R1ad, Irvington Conservation District

Structure Type: Detached Owner Occupied: Yes

Neighborhood: Irvington

Land Use Review Required? Historic

Design Review

located in the Irvington Conservation District. Proposals that do not meet the community design standards—or where the applicant prefers more flexibility—must go through a design review process and meet applicable design guidelines. Staff approved a modification to allow the ADU roof pitch to be 4/8 and 8/8 rather than the 12/12 roof pitch of the existing house. This shallower roof pitch allowed the ADU to be more sensitive to its context.

Land Use Review

The Community Design Guidelines is a set of guidelines that 1) emphasizes Portland's special characteristics, 2) promotes a pedestrian environment and 3) promotes good project design. Staff found that the proposal met applicable guidelines. ADU standards were met except for the Zoning Code requirement that the roof pitch of the ADU be the same as the roof pitch of the existing house (Section 33.205.030 E).

Does This Project Meet Applicable Design Standards or Guidelines?

The applicant elected to conform to the community design standards. The following table illustrates that many standards are not applicable. The other standards are met with the exception of roof pitch that was granted an adjustment.

Met	Not Met	Not Applicable	Not Known	Standards in R3, R2, R1 Zones
		J		Landscaping
		J		Building setback
		J		Residential buffer
J				Building height
				Large building elevations
	J modification			Roof pitch
		J		Main entrance and porch
J				Vehicle areas
J				Foundation and exterior finish materials
J				Windows and trim
		J		Main entrance
		J		Roof-mounted equipment
		J		Exterior stairs and fire escapes
J				Roof eaves
J				Historic standards (Irvington Conservation District)

2832 NW Thurman Street

Notable Feature: ADU conversion of nonconforming garage within side and rear setbacks

R5 Zoning

In general, the R5 single dwelling residential zone allows new house construction at a density of approximately one dwelling unit per 5,000 sq. ft. An accessory dwelling unit (ADU) may be added to a site, in addition to a house already permitted by single dwelling residential zoning. An ADU created on a site with a primary structure is **not counted** when calculating density.

Land Use Review

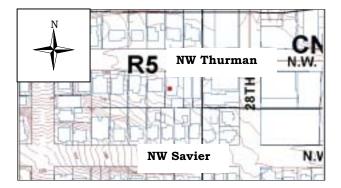
This ADU was created by converting an existing 24 feet by 28 feet garage/storage building into a two-story ADU. The garage is located within a side (east) yard and within the rear south yard. The proposed ADU floor area (868 sq. feet) is also slightly larger than the maximum size limitation (800 sq. feet). Therefore, adjustments were required.

In response to the City's notification of the adjustment request, the neighbor to the south wrote in opposition to the proposal. That owner felt that his privacy would be compromised by views into his back yard. The owner suggested that if the adjustments were granted, then there be a restriction from having any windows or skylights anywhere on the rear side facing his home. Planning staff noted that the required wall to be built for fire safety would preclude openings and that the skylights slanted upwards toward the sky away from the neighbor.

The Northwest District Association wrote in support of the project because it was an **already existing** structure (bold font theirs).

The staff granted approval, noting:

- the new dwelling would still be compatible with the development pattern of the neighborhood;
- the ADU would provide an efficient use of the existing City infrastructure;
- that it would provide for smaller-sized households; and
- · provide more affordable housing



The block between NW Thurman and NW Savier is dominated by large homes.



View to the south toward ADU created by garage conversion.

Garage Conversion	Zone: R5
Structure Type: Detached Owner Occupied: Yes	Neighborhood: NWDA Land Use Review Required? Adjustment to exceed maximum ADU size and to reduce side yard and rear yard setbacks.

The following adjustments were granted to allow:

- the east side setback to remain at one foot;
- the south rear building setback to remain at 1.5 feet; and
- the ADU to total 868 sq. feet (plus the structure included an additional 240 sq. ft. used as storage space for the house).

Delicated Street Street

The existing garage is located at the southeast corner of the site. North is at the top of the site plan.

Does This Project Meet Applicable Design Standards or Guidelines?

The project is subject to Chapter 33.205 regulations regarding size, location of entrances, and parking standards. Other ADU requirements were processed at the time of permit application.

Discussion

This project illustrates the positive design results from considering privacy issues, whether the ADU is close (five feet) or almost on a side or rear yard lot line. Skylights, clear story windows, windows that are oriented away from the neighbor's back yard can provide light and views to the residents, yet preserve neighbors' privacy.