

ENVIRONMENT & ENERGY COMMISSION

City of Columbia & County of Boone
City Hall, Conference Room 1A

June 3, 2013

Re: Response to City Manager and Staff Accessory Dwellings Report

Mayor McDavid and Council Members,

The EEC sees Accessory Dwelling Units as an important way to achieve several goals that would improve our city:

- ADUs promote infill development and limit sprawl
- ADUs can help increase density, and thus increase use of public transportation, benefiting Columbia's bus service
- ADUs help achieve several goals in the Mayor's Climate Protection Agreement, including
 - Item 2. Adopt Land Use Policies that reduce sprawl
 - Item 3 Promote Transportation Options such as ... Public Transit
- ADUs can enhance Columbia's economic activity
- ADUs can help revitalize older neighborhoods
- ADUs create housing without massive new infrastructure costs. New roads, sewers and utilities are costly, but ADUs make better use of existing infrastructure.

Generally, the EEC would expect that ADU legislation should have the goal of making ADUs simple to permit, reducing unnecessary barriers preventing citizens from building an ADU if they so choose. Focusing on health and safety, these regulations should be streamlined to allow individual homeowners to participate without burdensome requirements.

Specific concerns with the report and proposed legislation include:

1. We do not agree with making Accessory Dwellings a Conditional Use in R-1. ADUs should be a permitted use in R-1, which reduces the barriers to entry for the largest number of citizens. R-1 comprises the largest area and the least density of any type of City housing, and so ADUs would have the greatest positive impact in R-1 areas. Many cities have done this without any issues. Unsophisticated homeowners will not be able to navigate a conditional use permit through the Board of Adjustment easily. Permitted use in R-1 would reduce workload on city staff to issue a permit.
2. We do not agree with the idea of using an overlay district, as this make the process more complicated. Simply allowing ADUs "by right" as a permitted use in R-1 through R-3 is straightforward. The Staff report was in agreement with this objection. It is stated that "Neighborhood Associations could adopt " ADU standards under the overlay district. Although some HOAs and neighborhood associations thrive, many are not functional. Many do not actually have the power to create neighborhood-wide subdivision restrictions or could not come to enough agreement. Most would not bother. The Overlay district would leave most of Columbia without the ability to implement ADUs.
3. The Staff report does not address minimum building size, currently at 650 square feet. We believe that ADUs should be permitted that are smaller than this size. Either no minimum size should be set, or a small minimum, based on a one bedroom efficiency apartment size of 350 square feet, should be allowed.

4. Occupancy requirements are unnecessarily restrictive. Requiring the property owner to occupy one of the buildings does not address many special cases. What if the owner dies or has to move? Does this mean their property goes empty? Is a family member considered an Owner? Say a son or daughter is going to college, living in an ADU – is that allowed? Who regulates this – say a property owner allows her mother-in-law to stay rent-free in an ADU – there would be no mechanism to stop this although it is not the “property owner”. There is no other building code in Columbia that requires an Owner to live in a building. Many cities such as Portland have very successful ADU programs that do not have this requirement. We do not see any benefit to creating this precedent, other than an ineffective attempt to limit student housing indirectly. Columbia always has and always will have plenty of student housing, and such a measure will not stop the trend. We do not see owner occupancy as accomplishing anything but being a roadblock to ADUs.
5. We do not agree with “a maximum of two individuals in an ADU”. What if those two individuals are a couple and they have a baby? Do they have to be kicked out? Other Columbia rental property codes in force stipulate “no more than two unrelated persons”, and the EEC feels this is a reasonable standard for occupancy of any rental.
6. Architectural Requirements. We believe the statement “Roof pitch, eaves and trim should match principal dwelling” is too restrictive and unenforceable. Should the trim on a new ADU match a Victorian gothic building? This could be very expensive. Whose opinion will govern as to whether something “matches”? This is a vague term. What if an owner wants to convert a flat-roofed garage into an ADU? Do they have to add a 6:12 roof to “match” their existing steep roofed house? There is no other building code in Columbia that specifies architectural appearance. Some cities on the coasts actually have architectural appearance standards for some neighborhoods, but Columbia does not need to start with such over-regulation. Perhaps this statement could be clarified to state “Consistent” with existing dwelling, or eliminated entirely.

Specific changes recommended to the proposed ordinance include:

Sec. 29-6 District R-1, One Family Dwelling District

Conditional uses (Delete)

Permitted Uses:

Dwellings, Accessory, Subject to the following criteria:

- 1) No more than two dwelling units, including the accessory dwelling, may be permitted on a single lot.
- 2) A maximum of 2 unrelated individuals shall be allowed to reside in an accessory dwelling
- 3) Height and Area Requirements:
 - a) The lot area must be a minimum of 5000 square feet and lot width must be a minimum of 60 feet to accommodate an accessory dwelling.
 - b) A detached accessory dwelling shall be located a minimum of 60 feet from the front lot line or 6 feet behind the principal dwelling. A minimum of three feet shall be maintained from any side lot line, and one foot from any alley line. When the rear lot line is common to a side or rear lot line of another lot, detached accessory dwellings must be located a minimum of three feet from such rear

lot line, and for corner lots, not less than the distance required for residences from side streets.

- c) An accessory dwelling shall not exceed 75% of the living area of the principal dwelling or 800 square feet, whichever is less. A detached accessory dwelling shall not occupy more than 30% of the rear yard.
 - d) Minimum size of an ADU shall be allowed to be no less than 350 square feet.
 - e) A detached accessory dwelling shall not exceed the height of the principal dwelling or 24 feet, whichever is less.
- 4) Design Standards
- a) Exterior architecture should be consistent with the principal dwelling.
 - b) Where an accessory dwelling is attached to a principal dwelling, only one entrance can be located on the front facade of the structure that faces the street, unless the principal building contained an additional street-facing entrance before the accessory dwelling was created. When the accessory dwelling is located behind the rear wall of the principal building, the accessory dwelling entrance shall face the front lot line, except in cases where the accessory dwelling does not have access to the ground, such as accessory dwelling entrances from balconies or elevated decks.
- 5) A minimum of 3 off-street parking spaces shall be provided on the subject lot, except that one required parking space may be located on-street if parking is available along the street front directly adjacent to a lot containing an accessory dwelling. Tandem parking, or one car behind the other, is allowed to count as one of the three spaces.
- 6) Current building code requirements for finished space must be met.
- 7) Prior to issuance of a building permit for an accessory dwelling, application shall be made to the Building and Site Development Division of the Community Development Department, including a plot plan showing existing buildings and proposed accessory dwelling location, in addition to the above-listed criteria.

Similar changes should be made within Sec 29-7, District R-2, two family dwelling district.

Sincerely,

By:  _____
Signature

Lawrence Lile
Chair
Environment Energy Commission