I. INTRODUCTION
The intent of the accessory dwelling unit ordinance, adopted in 1982, was to enable the cost-effective and efficient use of existing single family homes in the City of Boulder. Over the last three decades, the ordinance has been amended to allow different types of accessory units and simplify the permitting process. At the June 2012 Work Plan check-in, City Council expressed interest in encouraging Accessory Dwelling Units and Owner’s Accessory Units (ADUs and OAU)s in 2013. This report provides information on the city’s accessory dwelling unit program to help inform any future work effort on accessory dwelling units.

The report begins with a summary of the current code and provides data on the number and types of accessory dwelling units in the city. Next, the history of the accessory dwelling unit ordinance is considered through a chronology of proposed and adopted amendments, followed by information on other accessory dwelling unit ordinances and programs around the country. The report concludes with a list of potential issues that the city may want to consider if changes to the existing ordinance are explored.

As part of this study, the city hired a third-party consultant to conduct a survey of property owners that currently maintain an ADU or OAU. The purpose of the survey is to gauge the current use, purpose and rationale for creating and/or maintaining an accessory unit.
II. SUMMARY OF CURRENT CODE
Accessory dwelling units in the City of Boulder are regulated by section 9-6-3, “Specific Use Standards – Residential Uses” of the Boulder Revised Code 1981. The creation of an accessory dwelling unit is an administrative permitting process, not a by-right use. The Code separates accessory dwelling units into three categories: an Accessory Dwelling Unit (ADU), Owner’s Accessory Unit (OAU) and a Limited Accessory Unit (LAU).

- An **ADU** is defined as “a separate and complete housekeeping unit within a single-family detached dwelling unit.” They are the most common accessory unit type in the city and are allowed in all Residential – Rural, Residential – Low, and Residential – Estate zoning districts.
- An **OAU** can be attached to the primary structure or located in a separate building and are allowed in Residential – Rural, Residential – Estate, and Residential – Mixed 1 (RMX-1) zoning districts.
- An **LAU** can be attached or detached from the primary unit. The purpose of an LAU is to bring existing non-conforming duplexes in certain zones up to code. To date, there is only one LAU in the city.

General Provisions - ADUs, OAuS, LAU
Subsection 9-6-3(a) of the land use code contains the following limitations on all types of accessory dwelling units:

- At least one owner of the property must reside in the primary or accessory unit;
- No more than two additional persons may occupy the additional dwelling unit and no rooms in the owner’s unit may be rented;
- Adjacent property owners are notified of the application by mail and a notice is posted on site;
- Applicant must obtain a current rental license within 180 days of approval;
- The permit is revoked if the property owner does not comply with other ordinances of the city which regulate property maintenance and nuisances;
- Approval for an accessory unit runs with property owners, not the property. When ownership changes, the ADU must be removed or the new owner must reapply.

Accessory Dwelling Units (ADUs)
ADUs must meet these provisions in addition to the general accessory unit standards:

- An ADU must be clearly incidental to the principal unit;
- No more than 10% of properties within a 300 foot radius of the applicant’s property may have an accessory dwelling unit in Residential – Low zone districts. In Residential – Estate and Residential – Rural zone districts this provision applies to properties within a 600 foot radius of the applicant’s property. Non-conforming structures, such as duplexes in downzoned areas, are considered accessory units in this calculation;
- One additional off-street parking space is required;
- The property must be at least 6,000 square feet in area;
- ADUs must be at least 300 square feet but no more than 1,000 square feet, or one third of the size of the main house, whichever is less;
- The creation of the ADU must be through internal conversion of the home and the internal connection between the primary and accessory units must be maintained;
• A secondary entrance is permitted along a street-facing elevation as long as it is screened from view; and
• The single family home must be at least five years old and ADUs cannot be created in new construction.

**Owner’s Accessory Units (OAUs)**

OAUs must meet these provisions in addition to the general accessory unit standards:

- An OAU must be clearly incidental to the principal unit;
- One additional off-street parking space is required;
- The OAU does not exceed one third of the total floor area of the principal structure;
- The property must be at least 6,000 square feet in area and contain one single-family home;

**Attached OAUs**

- For OAUs located in the primary home, the primary structure must be at least 1,500 square feet in size;
- The internal connection between the primary and accessory units must be maintained; and
- A secondary entrance is permitted along a street-facing elevation as long as it is screened from view.

**Detached OAUs**

- For detached units, the building coverage may not exceed 500 square feet, with 450 square feet of floor area;
- The roof pitch must be 6:12 or greater or match that of the existing house;
- Only single-car garage doors are permitted;
- The maximum height may not exceed 20 feet, unless the roof pitch is steeper than 8:12, in which case the height may be up to 25 feet;
- Sixty square feet of open space is required exclusively for use by occupants of the OAU; and
- The design and materials must be consistent with that of the existing residence or adjacent buildings on side lots.

**Limited Accessory Units (LAUs)**

LAUs must meet these provisions in addition to the general accessory unit standards:

- Must be a dwelling unit that legally existed before 2005;
- Additional expansion of the primary structure to accommodate the accessory unit may not exceed 20% of the building footprint; and
- A minimum of three parking spaces is required.

**III. OVERVIEW OF EXISTING UNITS**

**How many permitted ADUs/OAUs/LAUs exist today?**

Since the ordinance was adopted in 1982, 246 homeowners have applied for an ADU, OAU or LAU. Some of these applications were denied by the Planning Department because the requirements of the ordinance could not be met or the application was withdrawn by the
homeowner. Some homes that were once approved for an accessory unit no longer have one. Currently, there are 186 ADUs, 42 OAUs and 1 LAU in the city.

Where are they located?
Accessory Dwelling Units in Boulder are evenly distributed through the city, with slight concentrations in the Newlands, University Hill neighborhoods and in South Boulder. Owner’s Accessory Units are primarily located in the Whittier neighborhood in Central Boulder. See Attachment B: Map of Current ADUs, OAUs and LAUs.

What is the average/range in size of the ADU/OAU? Of the primary house?
The average size of an ADU is 690 square feet, with the smallest measuring 309 square feet and the largest at 1,438 square feet. The size of a detached OAU is limited to 450 square feet, so it is unsurprising that the average size of an OAU is 445 square feet, with a range between 428 square feet and 450 square feet. The average size of an attached OAU is 570 square feet, with a range between 295 square feet and 950 square feet.

The size of the primary house for an ADU ranges between 1,027 square feet and 7,600 square feet, with an average of 2,800 square feet. For an OAU, the size of the primary house ranges between 1,972 square feet and 5,000 square feet, with an average of 2,500 square feet.

<table>
<thead>
<tr>
<th>TABLE 1A: SIZE OF UNIT</th>
<th>Smallest</th>
<th>Largest</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADU</td>
<td>309 sq. ft.</td>
<td>1,438 sq. ft.</td>
<td>690 sq. ft.</td>
</tr>
<tr>
<td>OAU- attached</td>
<td>295 sq. ft.</td>
<td>950 sq. ft.</td>
<td>570 sq. ft.</td>
</tr>
<tr>
<td>OAU- detached</td>
<td>428 sq. ft.</td>
<td>450 sq. ft.</td>
<td>445 sq. ft.</td>
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</table>

<table>
<thead>
<tr>
<th>TABLE 1B: SIZE OF PRIMARY HOUSE</th>
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<th>Largest</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADU</td>
<td>1,027 sq. ft.</td>
<td>7,600 sq. ft.</td>
<td>2,800 sq. ft.</td>
</tr>
<tr>
<td>OAU</td>
<td>1,972 sq. ft.</td>
<td>5,000 sq. ft.</td>
<td>2,500 sq. ft.</td>
</tr>
</tbody>
</table>

How many ADUs have been created each year?
Since the adoption of the ordinance in 1982, an average of seven ADUs have been created each year. In general, the number of ADU permits has tended to ebb and flow each year. For example, in the initial year that ADUs were allowed, 22 ADUs were created because many existing units were permitted under the new ordinance. In contrast, only 4 ADUs were created the next year. Most years saw the creation of three to eight ADUs. Spikes in ADU creation occurred in 1983, 1987, 2000, 2007 and 2012 (22, 12, 14, 13, 12 new ADUs, respectively). The fewest ADUs were created in 1994, 1995 and 2005, when only a single ADU was created each year.

The following chart shows the number of accessory dwelling units created each year. OAUs were first permitted in 1998. Since the adoption of the ordinance, 188 ADUs, 42 OAUs and 1 LAU have been approved.
TABLE 2: UNITS CREATED EACH YEAR

<table>
<thead>
<tr>
<th>Year</th>
<th>ADUs</th>
<th>Year</th>
<th>ADUs</th>
<th>Year</th>
<th>ADUs</th>
<th>Year</th>
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</tr>
</thead>
<tbody>
<tr>
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<td>1993</td>
<td>8</td>
<td>2001</td>
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<td>1986</td>
<td>3</td>
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<td>1989</td>
<td>4</td>
<td>1997</td>
<td>6</td>
<td>2005</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>8</td>
<td>1998</td>
<td>2</td>
<td>2006</td>
<td>7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Statistics current as of November 2012.

10% Rule: How many people are currently on the waitlist?
The ordinance limits the density of Accessory Dwelling Units by allowing a maximum of 10% of single family homes within a neighborhood area (300 foot or 600 foot radius of the applicant’s home based on zone district) to have an ADU. Non-conforming units, such as duplexes, are included in the calculation. When a property with an ADU is sold, the neighbors on the waitlist must be notified. A property owner on the waitlist then has 90 days to submit an application for the creation of an ADU. There are currently seven property owners on the waitlist. Three are located on University Hill, three are located in Mapleton Hill, and one is located in Martin Acres.

IV. HISTORY OF THE ORDINANCE

Original Accessory Dwelling Unit Ordinance (1983)
The City of Boulder first considered regulations regarding accessory dwelling units in 1975. Over the next seven years, various iterations of accessory units (i.e., “Limited Living Units,” “Accessory Apartments,” etc.) were analyzed and discussed in an attempt to identify the pros and cons of such a code amendment. In 1983, after much community deliberation, City Council passed an ordinance establishing standards for accessory dwelling units in certain zoning districts. The intent of the ordinance was to provide a broader mix of living options for residents in various age and economic groups while preserving the character of single family neighborhoods, to reduce the number of unsafe and illegal rental units being constructed and to offer a way for homeowners to offset the increasing cost of living in the area. The original 1983 ordinance allowed a second unit in single family homes in low density zoning district and included the following provisions:
The right to have an ADU runs with the ownership, not the property; when a property is sold, the new owner must reapply if an ADU is desired;

A maximum of 10% of the single family homes within a neighborhood area (300 or 600 feet around the property, depending on the zoning district) may have an ADU. Non-conforming multifamily structures are counted in this calculation;

No more than two persons may occupy the accessory unit and the occupancy for the primary residence may not exceed the occupancy requirements of the zoning district;

An ADU permit can be revoked if the property owner does not comply with other ordinances, such as those regarding maintenance and noise;

The maximum size of an ADU is 1,000 square feet, or a third of the size of the main house, whichever is less;

A minor expansion of the building footprint is allowed, but may not exceed 5% of the total floor area.

Amendments to the 1983 Ordinance
Since the original ordinance was adopted in 1983, concerns regarding ADUs have centered on the potential impacts to neighborhood character due to increased noise, density and traffic created by accessory unit tenants. As a result, amendments to the ordinance have been informed by these concerns.

The first change to the ordinance was made in the late 1980s to require that the primary dwelling unit be at least five years old before an owner could apply for an accessory dwelling unit. This change was made in response to the concern that ADUs should not be constructed in new homes.

In 1986, an amendment allowing density and parking variances was drafted but not adopted. The change would have permitted a variance through the Board of Zoning Adjustment to the 10% density limitation and the off-street parking requirement. Opposition to the amendment centered on concern for the change in neighborhood character caused by the increased parking and density.

1995 Study and Amendments
In 1995, a study was conducted by city staff to determine the effectiveness of the ADU program. The study included a survey of property owners to identify the direct and indirect benefits of the program. The study included questions regarding the demographics of the accessory unit’s occupants, the reasons for maintaining an accessory unit, rental rates, and the neighborhood perception of the unit.

Based on the 1995 study, staff made the following recommendations to City Council to improve the ADU program:

1. Change the requirement of renewing a rental license from one year to three or five;
2. Allow an accessory unit in a garage or carriage house;
3. Give nearby owners on the waitlist an opportunity to apply for an accessory unit when a property sells; require a new owner to have the unit re-inspected and a sign a Declaration of Use within 60 days of the transfer of ownership;
4. Send an annual letter to the property owners reminding them about accessory unit regulations;
5. Remove the 10% rule in certain neighborhoods to encourage the creation of accessory units;
6. Waive or remove the requirement of a second off-street parking space in cases where a second space is not possible and perhaps allow tandem parking instead;
7. Reduce the maximum size of an accessory unit from 1,000 square feet to 400 square feet, with the ability to expand the size up to 600 square feet through a variance granted by the Zoning Administrator.

The first three recommendations were eventually adopted by Council. In 1997, the ordinance was amended to allow certain accessory units in the Mixed-Density Residential-Established (now the RMX-1) zone. In this zone, these units may be attached or detached from the primary structure. They are typically located above an existing garage or in a free-standing structure that is secondary to the main house. The code differentiates this type of unit as an Owner’s Accessory Unit (OAU). In 1998, an amendment to the ordinance changed the requirement for annual rental license renewal to match the requirements of other rental properties. This was due in large part to the burden the annual requirement created for the city’s Building Inspectors and homeowners. Changes were also made to give priority to property owners on the waitlist when a property with a permitted accessory unit was sold. Under current regulations, a homeowner is required to have the unit re-inspected and the ADU license transferred within 60 days of the purchase date of the property.

**Toolkit for Housing Options (1999) and Recommended Changes**
Accessory dwelling units were next addressed in 1999 as part of the Comprehensive Housing Strategy, a broad initiative aimed at increasing housing diversity and affordability in the city. The strategy, informed by a study titled *A Toolkit for Housing Options*, recommended expanding the number of ADUs and OAsUs under the current regulations, and made recommendations for changes to the ordinance to expand the number and types of accessory units.

*A Toolkit for Housing Options* provided thirty options to better serve the affordable housing goals and to encourage the creation of accessory units. Accessory Dwelling Unit section considered ways to promote the use of ADUs, proposed ways to simplify and loosen the regulations, and suggested new provisions so that ADUs would better serve an affordable housing strategy. The options included:

1. **Option 1: Market the ADU program**
   a. Create in-house brochure highlighting the benefits of maintaining an accessory unit to mail to property owners in districts where accessory units were allowed.
2. **Option 2: Simplify the Ordinance**
   a. Eliminate the 10% Rule;
   b. Change the 10% Rule to 50% and expand the neighborhood radius from 300 feet to 600 feet in the RL-1 and RL-2 zone districts;
   c. Modify the parking requirement and allow tandem parking for lots that cannot provide a second off-street parking space;
   d. Raise the maximum size of accessory units to better facilitate basement conversions.
3. Option 3: Reduce the Maximum Size of ADUs
   a. Reduce the maximum size from 1,000 square feet to 400 square feet to help ensure the unit’s affordability;
   b. Allow accessory units in separate structures for both existing and new homes if the units are permanently affordable;
   c. Provide an incentive for the development of small, permanently affordable rental units, i.e. in new home construction.
4. Option 4: Reduce the application fee.
   a. Reduce application fee to reflect reduced staff time due to a simplified ordinance.

Public hearings on the recommended changes were held at the March 18th, 1999 and August 19th, 1999 Planning Board meetings. The Planning Board voted to recommend the following amendments to the accessory dwelling unit ordinance:
   1. Allowance of the new parking space to match the existing space in material as long as it is suitable for parking cars;
   2. Revision of current minimum ADU size to 300 square feet;
   3. Simplification of neighborhood notification to only include adjacent property owners;
   4. Allowance for the ADU to be transferred to a new owner if it has been rented and occupied within the last year and there is nobody on the waiting list in the unit’s neighborhood area;
   5. Require that the property owner sign a Declaration of Use rather than be required to remove the ADU kitchen when the ADU is discontinued.

The City Council reviewed the proposed changes at its September 7th and September 21st meetings and voted to adopt the changes at the October 5th, 1999 meeting.

Additionally, the application fee for the creation of an ADU or OAU was reduced from $1,200 to $420 and a fee to transfer an ADU to a new owner was established at $100. The next year saw an increase in applications for ADUs, with 14 ADUs permitted in 2000 and 9 ADUs permitted in 2001. The changes did not affect the number of OAU applications.

V. BEST PRACTICES
To address concerns of affordability and diversity of housing stock, many cities have adopted ordinances allowing accessory dwelling units. Concerns regarding increased density and its impact on neighborhood character and parking are common throughout the nation. Boulder’s program is similar in many ways, but also has unique regulations regarding the definition and density of units. For side-by-side comparison, see Attachment C: Other Cities/Best Practices Chart.

Santa Cruz, California
The City of Santa Cruz, California is a recognized leader in encouraging Accessory Dwelling Units. The city recently implemented changes to its program to promote high-quality design, provide more rental housing options in the developed core of the city, promote urban infill to help preserve the existing greenbelt around the city and foster the use of the city’s public
In 2005, local architects were hired to design seven prototype ADU designs that would be permissible through the permitting process. Each design meets the city’s requirements in terms of scale, massing, design and materials, and provides a way for homeowners to realize the construction of an ADU. Additionally, the city revised its ADU ordinance in 2003 to streamline the permitting process and provide incentives for providing ADUs at low-income rates; Building permit fees, at an estimated cost of $11,000, may be waived if homeowners place an affordable housing covenant on the property. Owners must submit an annual compliance report and the restrictions may be removed by paying the amount of the waived permit fees. Parking and rear yard variances are also available to homeowners.

The city’s zoning restrictions in regards to ADUs are typical of other municipalities; ADUs are allowed on residential lots larger than 5,000 square feet and the property owner must occupy either the accessory dwelling unit or the primary structure on the lot. One additional parking spot is required for a one-bedroom accessory unit, and two spaces are required for a two-bedroom unit. The allowable size is dependent on the lot size, and ranges from 500 square feet for a 5,000-7,000 square foot lot to 800 square feet for a lot larger than 10,000 square feet. However, the accessory dwelling unit must not be larger than 30% of the rear yard. In terms of design, the building’s height is restricted to 13 feet for a one-story structure and 22 feet for a one and a half story structure and must be compatible with the main structure in terms of massing, scale, roof form, window types and materials.

The program is considered a success and has been used a model for other cities across the nation. In the first five years after the ordinance was adopted, it was estimated that approximately 40 to 50 ADU permits were approved each year. The streamlined process and elimination of certain zoning requirements (i.e. covered parking spaces) have helped address the demand for more affordable housing types in the city.

**Portland, Oregon**

Portland, Oregon has seen a community-driven effort to encourage ADUs within the city in recent years. Various websites and blogs offer video tours of existing ADUs and interviews with owners that promote the benefits of having an additional unit. The effort is driven by a desire to create sustainable housing options by increasing density with a relatively low impact. Residents who have adopted a Small House philosophy of maximizing the use of space have also popularized the idea of ADUs or “granny flats”.

The City of Portland defines an ADU as a second unit that is smaller than the primary structure on the lot. An ADU can be a conversion of a portion of the existing house, an addition to the main house, or a new free-standing structure. ADUs are allowed in most residential zones and can be located within an attached home, such as a row house. Occupancy regulations do not vary from the standard residential allowance of one or more persons related by blood or marriage.

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3 See [www.accessorydwellings.org](http://www.accessorydwellings.org) and [www.pdxadu.blogspot.com](http://www.pdxadu.blogspot.com) as examples.
plus no more than five additional persons. Despite this relatively high occupancy allowance, additional parking spaces are not required. In terms of size, an ADU cannot be more than 75% of the living area of the house or 800 square feet, whichever is less. The height of an attached ADU cannot exceed 18 feet and the lot coverage may not exceed the footprint of the primary structure. However, the total lot coverage of all accessory buildings may not exceed 15% of the lot. To diminish the visibility of the accessory structure from the street, the unit must be set back 60 feet from the front lot line or 6 feet behind the primary structure. To encourage compatible design, only one main entrance may be located on the street-facing facade of the house and exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match the house.

Portland’s ADU regulations are less stringent in terms of occupancy and parking requirements, and have recently be modified to further encourage the development of Accessory Dwelling Units. The vibrant grassroots effort has been instrumental in promoting this housing type as a way to meet the community’s sustainability goals.

**Seattle, WA**
Like Boulder, the city of Seattle, Washington has separate regulations for attached and detached accessory units. The City of Seattle defines an Accessory Dwelling Unit (ADU) as a “room or set of rooms in a single-family home or a row house or townhouse that has been designed or configured to be used as a separate dwelling unit and has been authorized/established by permit.” The property owner must occupy either the primary or the accessory unit, with the total number of both units not exceeding eight persons. Parking restrictions differ for the two zones; one parking spot is required for an ADU in the single-family zone but there is no additional spaces are required for ADUs in the low-rise zone. In Single-Family Zones, an ADU is limited to 1,000 square feet in size but may exceed the maximum if it was in existence before the program was implemented in 1999 and is located on a single level. Like Portland, OR, only one entrance may be located on a street-facing elevation. For Low-Rise Zones, an ADU is limited in 650 square feet and may not exceed 40% of the total gross floor area of the lot. The entrance must be through the primary entrance of the house, or be on the primary façade of the building, given it is less visually prominent than the main entrance.

The regulations for Detached Dwelling Units (DDUs) are similar. The definition matches that of an ADU, except that the unit is located in a separate structure. DDUs are located in single-family and Low-Rise zones, but are not allowed along shoreline districts. The occupancy requirements are the same, with a maximum of eight unrelated persons. One off-street parking spot is required, except in areas designated as urban centers or urban villages. A lot may have no more than one accessory dwelling unit (attached or detached). Lots must be a minimum of 4,000 square feet and DDUs may not exceed 800 square feet. Entrances to backyard cottages may not face the nearest side lot line or the rear lot line, unless there is an alley abutting on that side of the lot and existing structures, such as a garage, may be converted into a backyard cottage, as long as any existing non-conformities to the Land Use Code are not increased. For Low-Rise zones, a DDU has the same regulations as an ADU in terms of size, parking requirements and design of the primary entrance.
Denver, CO
The City of Denver has recently revised their zoning code and modified their regulations for Accessory Dwelling Units (ADUs). Typical of other cities, the property owner must reside in either the primary or accessory unit and occupancy is limited to a minimum of 200 square feet of gross floor area per occupant (typically 3 to 5 occupants). Size limitations are determined by overall lot size; an ADU may not exceed 650 square feet for lots smaller than 6,000 square feet, 864 square feet for lots ranging from 6,001-7,000 square feet and 1,000 square feet for lots larger than 7,001 square feet in size. In terms of design, the primary structure may not be altered to appear as a multiple-dwelling unit and a second driveway is not permitted. The ADU may be accessed by a secondary entrance, as long as it is not prominently visible. Similar to the City of Santa Cruz, CA, roof and exterior wall materials and finishes must be comparable in composition and appearance to that of the primary single unit dwelling structure on the lot.

VI. ISSUE IDENTIFICATION
Boulder’s accessory dwelling unit ordinance has been in place for 30 years. Proposed amendments over the years have consistently focused on the issues of concentration, parking, size, and occupancy. If the city is interested in encouraging the creation of more accessory dwelling units, some of the current barriers present in the regulations may merit reconsideration.

1. Concentration
   • The 10 % saturation rule: While the intent of this provision is to prevent an overabundance of ADUs in single family neighborhoods (presumably in areas such as the Hill), it is somewhat contrary to certain sustainability goals, such as increased density.
     o This provision is unique among ADU ordinances across the nation. Considering the relatively low number of applicants currently on the waiting list, it may be worth discussing whether certain zone districts should allow higher saturation rates.

2. Parking
   • LAU parking requirements: Currently, a minimum of three off-street parking spaces are required for an LAU. This requirement can make it difficult for applicants to create an LAU.
   • ADU/LAU parking requirements: Parking has been cited as one of the primary obstacles to creating a legal accessory unit. Some properties cannot easily accommodate an additional off-street parking spot, while other areas are more conducive to the provision of off-street parking.
     o Parking is a common concern across other jurisdictions, and one additional off-street parking space is typical. However, some cities, such as Portland, have eliminated this requirement altogether. In Seattle, the parking requirement varies by zoning district; one off-street parking space is required in Single-Family zones, but no additional spaces are required in Low-Rise zones. Modifying the parking requirements by neighborhood type may increase the number of accessory dwelling units.
3. **Size**
   - *The lesser of 1/3 of the size of the principal Dwelling Unit or 1,000 square feet rule:* This regulation limits the options of people with smaller homes with regards to ADUs. For many people with smaller homes, it may not be possible to create an ADU using only 1/3 of their floor area; for lower income people with smaller homes, having an ADU may be all the more important for relieving some of the financial pressure associated with homeownership.
     - This restriction can also make basement conversions difficult in cases where the basement space accounts for half of the house’s square footage. To meet the size restriction, a small portion of the basement may need to be excluded from the ADU conversion. In Portland, the maximum size of an ADU may not exceed 75% of the living area of the house or 800 square feet, whichever is less. The overall size is smaller than what is allowed in Boulder, however, it may allow for more flexibility within the existing structure. It may be worth considering changes to the current restriction to maintain the 1,000 square footage restriction but allow for increased flexibility within the existing structure.

4. **Occupancy**
   - *The occupancy of any accessory unit must not exceed two persons:* This can make it difficult for a homeowner and their family to live in the accessory unit and rent the principal unit.
     - This standard has been cited by a few property owners as problematic, but it is anticipated that a change to the occupancy standard would have little effect on an increase in the creation of accessory units. While it may benefit some property owners, such as a couple with an infant, the restricted size of the accessory unit would likely limit the instances where the accessory unit is occupied by the homeowner and their family.

**VII. ATTACHMENTS**

Attachment A – Survey of Current ADU Property Owners
Attachment B – Map of Current ADUs, OAUs and LAUs
Attachment C – Other Cities/Best Practices Chart
<table>
<thead>
<tr>
<th>CITY</th>
<th>DEFINITION</th>
<th>WHERE ALLOWED</th>
<th>SIZE RESTRICTIONS</th>
<th>OCCUPANCY</th>
<th>PARKING</th>
<th>ADD'L REQUIREMENTS</th>
<th>Approx #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boulder, CO</td>
<td>Accessory Dwelling Unit Owner’s Dwelling Unit Limited Accessory Units</td>
<td>ADU: A separate and complete housekeeping unit within a single-family detached dwelling unit which complies with the city code provisions</td>
<td>Allowed in all Residential - Rural, Residential - Low, and Residential - Estate zoning districts Only allowed on lots 6,000 sq ft or more.</td>
<td>ADU must be min. 300 sq ft and max 1/3 of total floor area of principal structure or 1,000 sq ft, whichever is less.</td>
<td>One off-street parking space is required. Owner-occupancy required of either primary or accessory dwelling. The occupancy of any accessory unit must not exceed two persons. Property may not be used for the renting of additional rooms.</td>
<td>Allowed: No more than 10% of lots in a neighborhood may have an ADU. There are also regulations concerning utility connections, size of additional square footage, retention of interior connections, and screening of entrances.</td>
<td>186</td>
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<td>OAU: A separate and complete housekeeping unit within a single-family detached dwelling unit or in an accessory structure which complies with the city code provisions</td>
<td>RR, RE, RMX-1 zoning district on a lot which contains only one detached single-family dwelling. Only allowed on lots 6,000 sq ft or more;</td>
<td>OAU may not exceed 1/3 of total floor area of the primary structure, or 1,000 sq ft, whichever is less. Detached: 500 sq ft building coverage, 450 sq ft floor area. (check 9-6-3-A) If attached, primary house must be at least 1,500 sq ft. (excluding garage)</td>
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<td>One off-street parking space is required</td>
<td>Add'l regulations address interior connections, screening of entrances, open space and design of new structure to ensure compatibility.</td>
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<td>LAU: An existing nonconforming duplex or two detached dwelling units located on the same lot and within the R-1 use module may be converted to LAUs.</td>
<td>In dwelling units that legally existed, were actively used as multiple dwelling units and had a valid rental license in 2005.</td>
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<td>Denver, CO</td>
<td>Detached Dwelling Units</td>
<td>A unit such as a guest house or carriage house that is detached from the primary residence and meets provisions for sleeping, cooking, and sanitation. In certain residential and suburban zones. Minimum lot size depends on zoning district and ranges from 6,000 sq ft to 8,500 sq ft.</td>
<td>Size: 6,000 sq ft or less—650 sq ft; 6,001-7000 sq ft—864 sq ft; More than 7,000 sq ft—1,000 sq ft</td>
<td>The owner must reside in either the principal dwelling or the ADU. Occupancy limited to a minimum of 200 sq ft of gross floor area per occupant. (3 to 5 occupants?)</td>
<td>One off-street parking space is required</td>
<td>Expansion cannot exceed 20% of total floor area</td>
<td>356 in 2009 (Market Rate Study, 2009)</td>
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<td>Portland, OR</td>
<td>A second dwelling unit created on a lot with a house, attached house or manufactured home. The second unit is created auxiliary to, and is smaller than, the main dwelling. ADUs can be created in a variety of ways, including conversion of a portion of an existing house, addition to an existing house, conversion of an existing garage or the construction of an entirely new building. ADU’s are allowed on sites that are zoned as residential and can be created in a house (detached single-family dwelling), an attached house (rowhouse) or a manufactured home.</td>
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<td>356 in 2009 (Market Rate Study, 2009)</td>
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<td>CITY</td>
<td>DEFINITION</td>
<td>WHERE ALLOWED</td>
<td>SIZE RESTRICTIONS</td>
<td>OCCUPANCY</td>
<td>PARKING</td>
<td>ADD'L REQUIREMENTS</td>
<td>Approx #</td>
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<td>Santa Cruz, CA</td>
<td>An additional living unit that has separate kitchen, sleeping, and bathroom facilities, attached or detached from the primary residential unit on a single-family lot.</td>
<td>On residential lots of 5,000 sq ft or more in specific zones.</td>
<td>No more than 500 sq ft for lots 5,000-7,000 sq ft. Up to 640 sq ft for lots larger than 7,500 sq ft. Up to 800 sq ft for lots larger than 10,000 sq ft. Structures may not exceed 30% of rear yard.</td>
<td>The property owner must occupy either the primary or accessory dwelling. Number of occupants not specified</td>
<td>Parking One parking space shall be provided on-site for each studio and one bedroom accessory unit. Two parking spaces shall be provided on site for each two bedroom accessory unit.</td>
<td>Add'l regulations address design, scale, utilities, open space, siting, landscaping, and setback req's and deed restrictions.</td>
<td>An average of 40-50 ADUs have been permitted since the changes in 2003. (HUD Study, 2008)</td>
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<td>Seattle, WA</td>
<td>An ADU is a room or set of rooms in a single-family home in a single-family zone or a rowhouse or townhouse in a lowrise zone that has been designed or configured to be used as a separate dwelling unit and has been authorized/established by permit. ADUs generally include living, sleeping, kitchen and bathroom facilities and have a lockable entrance door.</td>
<td>Single-Family and Low-Rise Zones</td>
<td>Single-Family Zones: 1,000 square feet. A unit in a single-family home may exceed the maximum size if the structure was in existence prior to June 1, 1999, and if the entire accessory unit is located on the same level. Low-Rise Zones: 650 square feet or 40% of the gross floor area.</td>
<td>Unless all residents of both units are related to each other, the total number of residents in both units may not exceed eight. Owner-occupied</td>
<td>Single-Family Zones: One parking spot required Low-Rise Zones: No parking requirements</td>
<td>Add'l regulations address Street-facing entrances, access and egress.</td>
<td>Between 1995 and 2003, 1200 ADUs were permitted (the majority were legalizing existing ADUs). (DPD Report, 2004)</td>
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<td>Seattle, WA</td>
<td>A backyard cottage is a room or set of rooms located in a separate structure that shares a lot with a single-family home in a single-family zone or a rowhouse or townhouse in a lowrise zone, and which has been designed or configured to be used as a separate dwelling unit and has been authorized/established by permit. Backyard cottages generally include living, sleeping, kitchen and bathroom facilities and have a lockable entrance door.</td>
<td>Single-family zones, except in shoreline districts.</td>
<td>A backyard cottage is limited to a gross floor area of 800 square feet, including garage and storage areas.</td>
<td>1. Either the home or the backyard cottage must be occupied by one or more owner(s) of the property as a permanent and principal residence. 2. Unless all residents of both units are related to each other, the total number of residents in both units may not exceed eight.</td>
<td>Except in designated urban villages and urban centers, one off-street parking space is required for the backyard cottage. An existing required off-street parking space may not be eliminated to accommodate an accessory dwelling unit, unless it is replaced elsewhere on the lot in conformance with regulations</td>
<td>Add'l req's address density and access.</td>
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