

October 14, 2016

TO: ASTORIA PLANNING COMMISSION

FROM: KEVIN A CRONIN, AICP, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AMENDMENT REQUEST (A16-02) BY COMMUNITY DEVELOPMENT DIRECTOR TO THE DEVELOPMENT CODE CONCERNING CHANGES TO ACCESSORY DWELLING UNITS SECTION 3.020.

Background

Accessory dwelling units are a popular housing type found in urbanized locations. They are subordinate to the main dwelling in size and appearance and offer a market rate, affordable option for renters while offering a supplemental income to the property owner. In Astoria, ADUs became legal under certain conditions in 2004, but has produced only one application. In an effort to incent construction of more ADUs, increase housing supply, and achieve a City Council FY 15-16 Goal the Community Development Director initiated a Development Code update (i.e. “plan amendment”) in January 2016.

The Astoria Planning Commission (APC) has held three work sessions prior to the public hearing on September 27 to review a proposal by the Community Development Director. The focus of the hearing was to take public comment on amendments to the accessory dwelling unit provisions in the Astoria Development Code (“Code” - Section 3.020). The hearing was continued to October 25 to allow additional testimony and respond to comments received at the hearing. Subsequent to the hearing, the Community Development Director requested a work session with the APC to review comments. A work session has been scheduled for October 19 at 630 pm in Council Chambers.

The following memo outlines the issues raised at the hearing and provides direct responses to address the concerns.

First, the Director reviewed the Sightline Institute report “The ADU Gauntlet: Selected Restrictions and Requirements for Accessory Dwelling Units in Cascadian Cities” (March 2013). The report (enclosed) is a matrix of criteria that selected cities were graded on in terms of flexibility of constructing ADUs. Below is an assessment of Astoria based on staff’s evaluation:

Astoria: Accessory Dwelling Units “Report Card”

Criteria	No. of ADUs per Lot	Off Street Parking Spaces Required	Owner Occupied Requirement	How many people may live on the lot?	How big can they be built?	Where can they be built?	Design Review
<i>Current</i>	Lot coverage	1 space	Yes	Up to 6 persons	800 SF 40% of primary	R-1, R-2, R-3	Yes
<i>Proposed</i>	TBD	On street credit	No change	No change	No change	No change	No change

1. *Density*: The number of ADUs per lot is currently regulated through lot coverage standards. For example, if a 1,000 SF single family home is located on a 5,000 SF minimum lot, then the lot coverage would be 20 percent assuming no other accessory structures (i.e. garage). The lot

coverage maximum is 30% in the R-1 and 40% in the R-2 zones. This would allow a rather small accessory structure to be built on a 5,000 SF lot, but larger on a lot that exceeds the minimum lot size. The options are to keep the lot coverage standard or add a specific limit to the proposal, such as: "Only one ADU per lot shall be built." For example, a property owner could convert a garage or a basement, but not both. Finally, the allowable density for the neighborhood does not change based on the addition of an ADU since the permitted density for each zone (R-1, R-2, etc) is not changing. The actual density will slightly increase as more units come online. Furthermore, as stated above, ADUs have been allowed since 2004.

2. *Parking*: The Code requires one additional off street parking space per ADU. The current amendment proposes one off street credit if on street parking is available on an improved city street. The APC can remove this credit and require one additional space. However, staff continues to receive multiple variance requests that would nullify parking requirements in Article 7 similar to the epidemic of variance requests for setbacks and lot sizes that have been processed over the last ten years. The on street credit is intended to increase flexibility for areas of the City with adequate city streets that have curbs and delineated parking areas. Parking would still be required for areas that don't meet this standard. The Code has other alternatives including leasing spaces from neighbors for shared parking arrangements.
3. *Owner Occupancy*: The Code has clear provisions for requiring residency either in the main dwelling or in the ADU. No changes are proposed.
4. *Occupancy Limit*: Astoria defines "family" (Article 1: Definitions) as an individual or couple (related) and up to four unrelated persons can live in one unit. The proposal does not include an occupancy limit. The small size of an ADU typically dictates a lower number of persons that can live in one unit.
5. *Size*: The total size of the ADU cannot exceed 800 SF or 40% of the primary structure, whichever is less. For example, if a house is 1,000 SF the ADU would be 400 SF and a 2,000 SF house could result in an 800 SF ADU. No changes are proposed.
6. *Location*: Currently, an ADU can be built in any residential zone (R-x). The proposal does not change where they can be built in Astoria, but does provide more flexibility with the types of ADUs such as new construction, converted detached units, and tiny homes.
7. *Design Review*: The Code has provisions for architectural design review in most residential areas of Astoria on the north side of town. A GIS map will be provided at the work session to illustrate the coverage. These areas have historic districts and design overlay zones which require design review by staff, Historic Landmarks Commission, and Design Review Committee, respectively. There are three different permits for design review: Exterior Alteration (conversion), New Construction (Detached Unit), & Design Review (New Construction). The only area of town that is not covered by design review is the South Slope area.

Other Issues:

- *Review Types*: The APC recently recommended a set of review types (Type 1-4) in Article 9 – Procedures of the Code. An ADU would be a conditional use (Type 3) in the R-1 before the APC and an outright permitted use (Type 1) in the R-2 and R-3 zones, which would be reviewed over the counter. The proposal does not change this standard. Alternatively, the APC could propose requiring public notice (Type 2- Admin) staff level review.
- *Conversions & New Units*: There is some confusion regarding the conversion of existing areas of the main dwelling of accessory structures as well as the addition of new detached areas. Staff will rewrite the provision to clarify that ADUs are allowed as conversions OR new detached units.

- *Site Design:* The siting standards for ADUs are regulated by the zone. Each zone has setback standards for the front, side, and rear yard. In addition to setbacks, the size is regulated as described above. Depending on the location of main dwelling, most new detached ADUs would be sited in the rear yard where there is ample room. In the rare case where the main house is set back toward the back of the property, the new unit could be built in front with a 20 foot setback. In this scenario it would most likely appear as a garage or cottage similar to the property at 1590 Lexington adjacent to Clatsop Community College. Enclosed are diagrams of different house types that meet siting standards.
- *Height:* The height standard for the zone dictates the height of new structures. For example, the R-1 zone would allow 28 feet for a new structure. In response, a revised proposal will add a height standard of “20 feet or 80% of the main dwelling, whichever is less” to the proposal. For example, if the main dwelling is a single story at 20 feet high, the new ADU could be 16 feet high. If the existing house is 30 feet high, then 20 feet is the maximum.
- *Entrances:* The current standard requires a separate entrance to the ADU to be a side or rear yard entrance due to the nature of conversion type ADUs. New construction provides more flexibility in how to design the location of the entrance depending on a number of factors, including, solar, relationship to the main dwelling, street access, and privacy. The proposal does not contemplate any changes to the entrance requirement other than to allow flexibility to the designer for new construction type projects. Alternatively, specific provisions can be prescribed for corner lots or front yard facing units.
- *Vacation Rentals:* The Code allows “homestay lodging” and “bed and breakfasts” under certain conditions and in all zones either conditionally or as outright permitted uses. The ADU proposal does not alter this provision of the Code. If an owner builds a new ADU, they could rent out the new unit as homestay lodging if they met all the standards. Conversely, the APC can prohibit homestay lodging in ADUs.
- *Affordability & Tiny Homes:* The assertion that tiny homes are cheap or “low income” housing is a false premise. The cost estimate range for tiny homes vary widely from \$30,000 – \$100,000 depending on multiple factors: size, finishes, materials, green building versus salvaged materials, and contracted versus DIY labor. These costs do not include a foundation and utility hook ups which could run another \$10,000. The assertion that this proposal is being done to provide low income housing is completely false and misunderstood. The goal is simple: provide more housing options. In particular, ADUs provide affordable, market rate options to a demographic that is growing in Astoria; workforce housing for single people and young couples.

THE ADU GAUNTLET: SELECTED RESTRICTIONS AND REQUIREMENTS FOR ACCESSORY DWELLING UNITS (ADUs) IN CASCADIAN CITIES, EARLY 2013.

(Attached units, such as secondary suites and in-law apartments = AADUs; detached units, such as laneway houses and backyard cottages = DADUs.)

Please help us fact check and fill in the blanks!

CITIES	NUMBER OF ADUs ALLOWED PER LOT	OFF-STREET PARKING SPACES REQUIRED PER ADU	MUST PROPERTY OWNER LIVE ON THE SITE?	HOW MANY PEOPLE MAY LIVE ON THE LOT?	HOW BIG MAY ADUs BE? (IN FLOOR AREA)	WHERE IN THE CITY ARE ADUs ALLOWED?	MUST ADU MATCH HOUSE IN EXTERIOR DESIGN?	CITY POPULATION	ADU-FRIENDLINESS SCORE (0-100)
Vancouver, BC	1 AADU + 1 DADU	0	no	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit)	AADUs: ≥400 sq. ft. and ≤area of primary dwelling. (Smaller permitted in condo AADUs.) DADUs: 280 - 500 sq. ft. (plus 220 sq. ft. garage, which most residents use as living space), and ≤12.5% of lot.	AADUs in virtually all residential zones, even inside condos, where space and layout permit. DADUs: most single-family lots in city (including lots ≥33 ft. wide that adjoin lanes/alleys).	no	643,000	96
Seattle, WA	1	1	yes	Units share one occupancy quota (≤8 in both units, if any unrelated).	AADUs ≤1,000 sq. ft.; DADUs ≤800 sq. ft. and ≤40% of rear yard.	Most residential zones, but lot and unit size and characteristics must fit requirements. DADUs: sites ≥4,000 sq. ft. and ≥25 ft wide and ≥75 ft deep.	no	608,660	58
Portland, OR	1	0	no	Units share one occupancy quota (≤6, if unrelated).	≤800 sq. ft. and ≤75% of primary unit. ADU & other accessory structures (such as garage, shed) cover ≤15% of total site.	All lots in residential zones with a house, attached house, or manufactured home.	yes	583,776	72
Surrey, BC	1	1	yes	Surrey has no occupancy limits.	≤969 sq. ft. and ≤40% of primary unit. ADU attached to garage (coach house): ≤500 sq. ft. above garage and ≤430 sq. ft. at grade.	AADUs in detached single-family houses in certain zones. DADUs: in certain zones, on lots with detached single-family houses that are either corner lots or have rear lane/alley access and are ≥95 ft. deep.	Usually no, but yes in some zones.	468,000	47
Burnaby, BC	1 AADU (but only for family members); 0 DADUs	0	no, but occupants must be related	3 unrelated in main dwelling + 2 adults in ADU, must be related to persons living main dwelling	No size limit.	In single-family and two-family dwellings in most residential zones. Also permitted inside some condos.	Not applicable because DADUs banned.	223,000	36
Spokane, WA	1	1	yes	Both units share one occupancy quota (≤6, if any unrelated)	AADU: 250 - 800 sq. ft., not counting its garage, and ≤50% of total footprint of primary dwelling. DADU: Footprint of DADU ≤ footprint of primary dwelling. Combined footprint of all detached accessory structures (e.g., DADU + garage) ≤15% of lot. DADUs: ≤600 sq. ft. and DADU's area, minus its garage, counts toward floor-area ratio allowed in its zone.	On all residential lots with attached, detached, or manufactured single-family dwellings that lack a home-based business. In addition, AADUs allowed only where footprint of primary unit is ≥800 sq. ft., not counting garage.	yes	208,916	41
Boise, ID	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit)	ADU ≤10% of lot and ≤600 sq. ft. and ≤1 bedroom.	All lots in residential zones.	yes	206,000	43
Tacoma, WA	1	1	yes	≤4 people in ADU. Also, as for other single-family dwellings, must have ≥300 sq. ft. per person. (This rule makes real limit ≤3 people, because no ADU can be >1,000 sq. ft.)	300 - 1,000 sq. ft. and ≤40% of combined area of primary and accessory unit and ≤10% of lot.	Residential lots with detached single family houses that meet minimum lot size requirement of their zone. In R-2 zone, e.g., lot ≥5,000 sq. ft.	yes	198,000	38

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Richmond, BC	1 AADU, 1 DADUs	1, if on arterial streets	no	Each unit gets its own occupancy quota (e.g., ≤6 unrelated persons in each unit).	AADU: 355 - 969 sq. ft. and ≤40% of total floor area of both units. DADU: 355 - 753 sq. ft., combined with main dwelling ≤floor area ratio for lot. ADU attached to garage (coach house): 355 - 646 sq. ft., ≥75% of floor area above a garage or ≤60% in certain zones.	AADU: In single-family houses large enough to accommodate them. DADUs (coach houses attached to garage and free standing "granny flats"): in specified zones, must have vehicle access to a rear lane/alley.	yes	190,000	70
Yakima, WA	1	1	no	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	≤800 sq. ft. and ≤50% of primary dwelling.	On residential lots with detached single-family dwellings and lots ≥10,890 sq. ft. (a quarter acre).	yes	162,000	45
Eugene, OR	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	≤800 sq. ft. (more for certain flats)	AADUs: lots ≥4,500 sq. ft. (which includes most single-family lots in city). DADUs: lots ≥6,000 sq. ft.	no	156,185	56
Salem, OR	0	ADUs not allowed	ADUs not allowed	ADUs not allowed.	ADUs not allowed	Nowhere	ADUs not allowed	155,000	-
Abbotsford, BC	1 AADU, 0 DADUs	1	yes	?	AADUs ≤969 sq. ft. and ≤40% of floor area of entire house.	Residential lots in specified residential zones (mostly low to medium density zones).	Not applicable because DADUs banned.	133,000	28
North Vancouver, BC	1	1	yes	≤3 unrelated in main, ≤4 (must be related) in ADU.	AADUs: 400 - 969 sq. ft. and ≤40% of total floor area of house. DADUs: ≤800 sq. ft. and ≤15% of lot area	In single-family houses. DADU: lots ≥ 3,900 sq. ft.	yes	132,000	38
Langley, BC	1 AADU, 0 DADUs	1	yes	Each unit gets its own occupancy quota (e.g., ≤4 unrelated persons in each unit).	≤40% of total floor area of house and ≤969 sq. ft.	In single-family houses. No DADUs.	Not applicable because DADUs banned.	129,000	38
Coquitlam, BC	1 AADU, 0 DADUs	1	?	?	AADUs ≤40% of total floor area of house.	In single-family dwellings that have no lodgers or boarders. No DADUs.	Not applicable because DADUs banned.	126,000	22
Bellevue, WA	1	1	yes	Units share one occupancy quota (≤6, if any unrelated).	300 - 800 sq. ft. and ≤40% of combined floor area of units, not including garage.	In existing single-family houses where no home-based business is located, ≥3 years after final inspection approval. DADU: lots ≥ 3,900 sq. ft.	?	122,363	39
Gresham, OR	1	1 or more, depending on unit characteristics	yes	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	AADUs ≤900 sq. ft.; DADUs ≤750 sq. ft.	Lots with single-family houses in all residential zones. DADUs must attach to a garage.	yes	105,594	49
Everett, WA	1 AADU, 0 DADUs	1 (plus 2 for primary dwelling)	yes	Both units share one occupancy quota (e.g., ≤4 adults, if unrelated).	≤40% of total floor area of house and ≤800 sq. ft	On lots of ≥5,000 sq. ft. where there is a single-family house.	yes	103,000	29
Kent, WA	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤6 unrelated persons in each unit).	AADUs: ≤40% of primary unit. DADUs: ≤800 sq. ft. and ≤33% of primary unit.	On all lots with single-family dwellings.	no	92,000	53
Hillsboro, OR	1	1	yes	≤5 unrelated in primary dwelling + ≤3 related or unrelated in ADU.	250 - 750 sq. ft. and ≤75% of primary unit.	In most single-family residential zones.	yes	91,611	43
Vancouver, WA	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤6 unrelated persons in each unit).	300 - 800 sq. ft and ≤40% of primary unit.	Residential lots ≥4,500 sq. ft.	yes	91,000	38

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Beaverton, OR	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	≤800 sq. ft. and ≤50% of primary unit. No DADUs.	In most single-family residential zones.	yes	89,803	39
Victoria, BC	1	0	no	Victoria has no occupancy limit.	AADU: ≤968 sq. ft. and ≤40% of primary unit. DADU: ≤400 sq. ft. or ≤600 sq. ft. on permitted larger lots	In most single-family neighborhoods, AADUs in detached single-family houses that are ≥1,600 sq. ft.,	yes	83,000	60
Nampa, ID	No limit on AADUs, 2 DADUs	0	no, but the units are not to be rented separately	Both units share one occupancy quota (≤6 unrelated people).	AADU: no limit, but only one bedroom and kitchenette only (no 220 watt power source) DADUs: must be smaller than primary dwelling, but only one bedroom and kitchenette only (no 220 watt power source)	Most residential zones.	no	82,000	67
Bend, OR	1	1	no	no limit	≤600 sq. ft. and ≤40% of primary unit.	In several residential zones.	yes	76,639	46
Meridian, ID	1	0	yes	Both units share one occupancy quota (≤10 people, if any unrelated).	≤700 sq. ft. and ≤1 bedroom.	On lots with single-family dwellings.	yes	75,000	58
Medford, OR	1	1	?	?	≤900 sq. ft. and ≤50% of primary unit.	?	yes	75,000	20
Springfield, OR	1	1	yes	?	300 - 750 sq. ft. and ≤40% of primary unit.	All low-density residential zones, except one historic district.	yes	59,403	27
Idaho Falls, ID	0	ADUs not allowed	ADUs not allowed	ADUs not allowed	ADUs not allowed	Nowhere	Not applicable because DADUs banned.	57,000	-
Corvallis, OR	1	0	yes	?	≤900 sq. ft. and ≤40% of primary unit	On very large lots in low-density residential zones (≥8,000 sq. ft. for DADUs, ≥6,000 sq. ft. for AADUs); on smaller lots in denser zones (≥3,500 sq ft. for DADUs, ≥2,500 sq. ft. for AADUs).	yes	54,462	39
Tigard, OR	1 AADU, 0 DADUs	1	yes	No occupancy limit.	≤800 sq. ft. and ≤50% of primary unit. No DADUs.	AADUs in all residential zones on lots with single-family houses. No DADUs.	?	49,011	34
Lake Oswego, OR	1	1	yes	≤2 in ADU.	250 - 800 sq. ft. or total floor area of all buildings on site ≤40% of lot size ("floor-area ratio" of 0.4). ≤1 bedroom.	All residential zones, on lots with single-family dwellings.	no	37,046	48
Oregon City, OR	1	0 or 1, depending on site characteristics	yes	?	300 - 800 sq. ft. and ≤40% of primary unit and ≤2 sleeping areas.	On lots in single-family zones.	yes	32,211	38
Tualatin, OR	1 AADU, 0 DADUs	1	?	?	≤800 sq. ft. and ≤50% of primary unit. No DADUs.	AADUs in certain residential zones on lots with single-family houses. No DADUs.	Not applicable because DADUs banned.	26,054	19
West Linn, OR	1	0 or 1, depending on site characteristics	?	Both units share one occupancy quota.	250 - 1,000 sq. ft. and DADUs: ≤30% of primary unit.	In residential zones on lots with single-family houses.	yes	25,392	48
Forest Grove, OR	1	1	yes	?	≤720 sq. ft. and ≤30% of primary unit.	In residential zones on lots with single-family houses.	yes	21,460	31
Milwaukie, OR	1	1	yes	No occupancy limit.	≤600 sq. ft. and ≤40% of primary unit.	In residential zones on lots with single-family houses.	yes	20,291	41
Ashland, OR	1	0 or 1, depending on site characteristics	No	?	DADUs: ≤1,000 sq. ft. and ≤50% of primary unit.	On lots in single-family residential zones. Conditional Use Permit required. (In most cities, such permits are expensive and time consuming to get.)	no	20,078	51
Wilsonville, OR	1	1, waived in rare circumstances	No	?	≤800 sq. ft. and ≤2 bedrooms (unless specified otherwise in adopted city plans).	On all lots with attached or detached single-family dwellings.	yes	19,715	45
Sherwood, OR	1	1	yes	?	≤40% of primary unit.	On lots with single-family dwellings.	yes	16,115	35

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Troutdale, OR	1	1	?	?	≤750 sq. ft. and ≤1 bedroom.	On lots with detached single-family dwellings, where the dwellings are ≥1,800 sq. ft., and the subdivision was recorded after July 27, 2000.	yes	15,595	28
Happy Valley, OR	1	1	yes, but owner may instead appoint a family member to live in one of the units as a caretaker	Both units share one occupancy quota (≤6, if any unrelated).	AADUs: ≤50% of primary unit. DADUs: ≤50% of primary unit and ≤1,000 sq. ft.	On lots with detached single-family dwellings. ADUs may not have their own garages, if the primary unit already has a garage.	yes	14,965	34
Cornelius, OR	1	1	yes	ADU: ≤2; or 1, if ADU is ≤500 sq. ft.	250 - 800 sq. ft and ≤30% of primary unit and ≤1 bedroom and coverage of lot by all structures ≤50% of ground area.	?	no	12,000	28
Gladstone, OR	1	1	yes	?	≤400 sq. ft. and ≤1 bedroom.	On lots with detached, single-family units.	yes	11,500	28
Damascus, OR	1	0	yes, but owner may instead appoint a caretaker to live in one of the units and serve as manager of both	?	≤800 sq. ft. and ≤40% of primary unit	?	no	10,656	38

Cities listed above Idaho Falls are most-populous in Cascadia, in order of size. Beneath Idaho Falls are selected smaller cities. Sources: City land-use codes and other documents from each city, along with consultations with planners from many cities. Developed in collaboration with the green building team at the Oregon Department of Environmental Quality, Portland, Ore. Much of this information was gathered by volunteers, not by Sightline staff. Please let us know of any errors or additional information to include. A fuller version of this table, with more details and citations, is posted at: <http://www.deq.state.or.us/lq/sw/wasteprevention/greenbuilding.htm#current>.

**Prototypical Residential Block:
Buildable Area within a Lot**

Standard Lot Size

50' x 100'

Front Yard Requirement

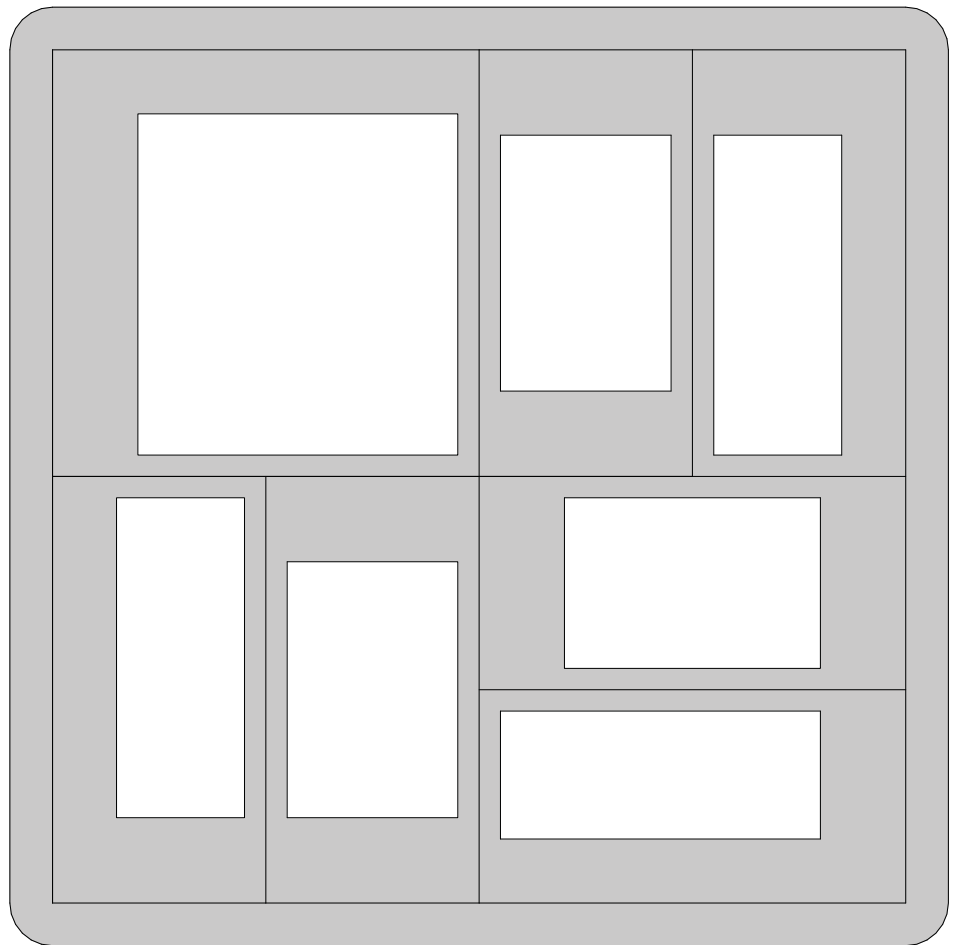
20'

Side Yard Requirement

5' (15' for corner lots)

Rear Yard Requirement

20' (5' for corner lots)



Shown: Buildable area based on front, side, and rear yard requirements

**Prototypical Residential Block:
Homes and Accessory Dwelling Units**

Allowable Lot Coverage by Zone
(including accessory structures)

R-1: 30%

R-2: 40%

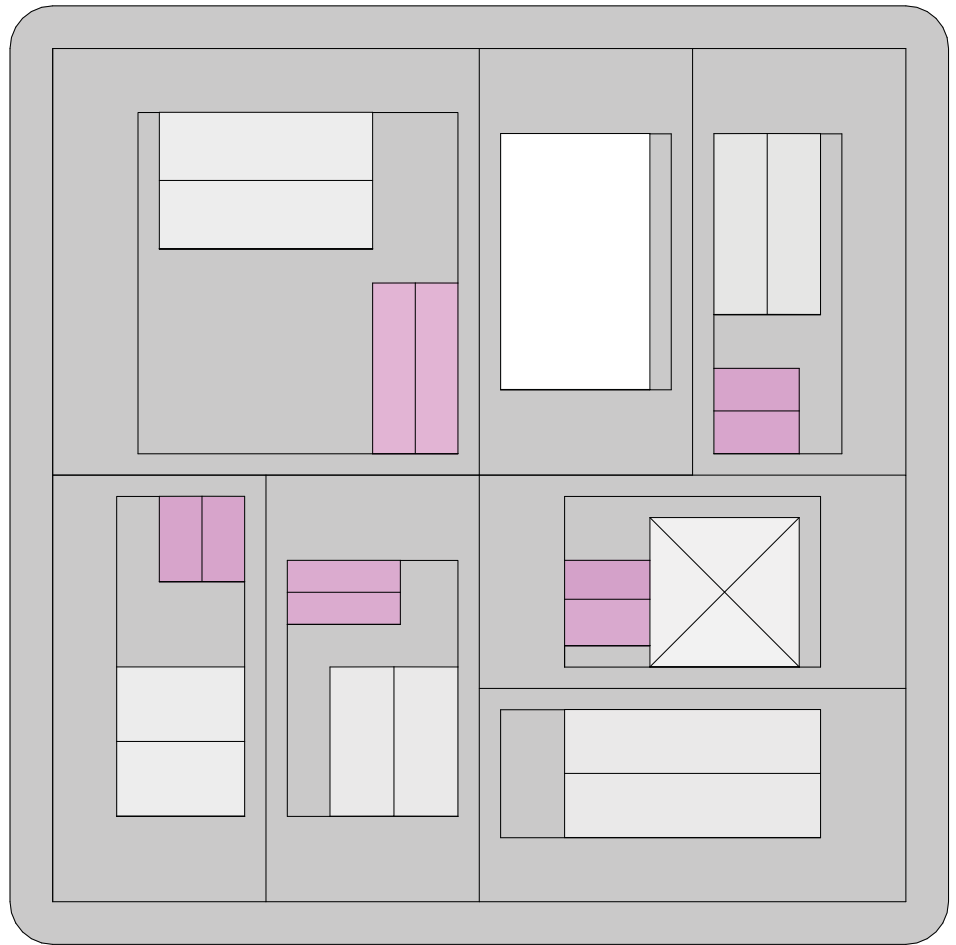
R-3: 50%

Maximum Square Footage of an
Accessory Structure

SMALLER OF:

800 SF

40 % of main dwelling



Shown: Homes and ADUs as allowable in an R-3 zone (example)

**Prototypical Residential Block:
Homes and Accessory Dwelling Units**

Allowable Height by Zone
(above grade, main dwelling)

R-1: 28 feet

R-2: 28 feet

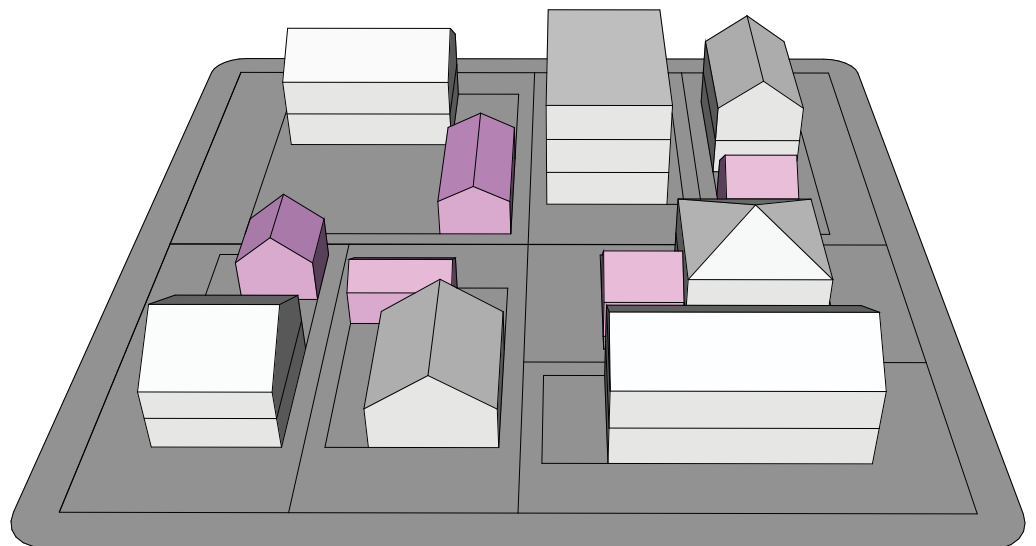
R-3: 35 feet

Allowable Height for Accessory Dwelling
Units

SMALLER OF:

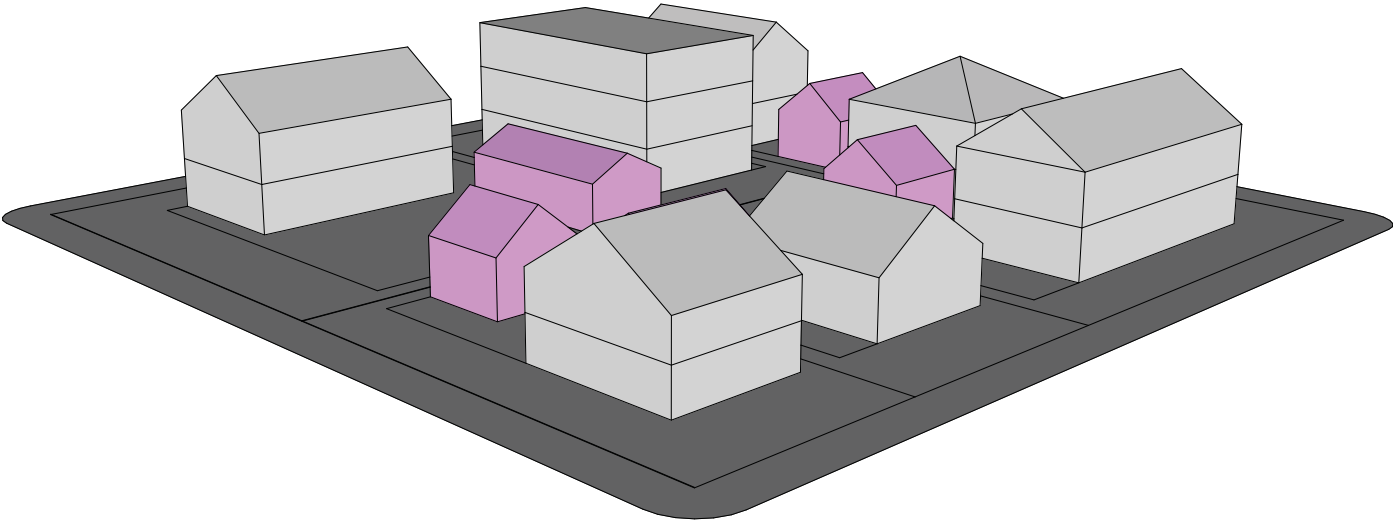
20 feet

Height of main dwelling



Shown: Homes and ADUs as allowable in an R-3 zone (example)

Alternate View:



Shown: Homes and ADUs as allowable in an R-3 zone (example)