

# APPROVED

## CITY OF BREMERTON

### PLANNING COMMISSION MINUTES OF VIRTUAL MEETING (Via Zoom)

May 18, 2020

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#### CALL TO ORDER:

Chair Wofford called the regular meeting of the Bremerton Planning Commission to order at 5:30 p.m.

#### ROLL CALL

##### Commissioners Present

Chair Wofford  
Vice Chair Tift  
Commissioner Coughlin  
Commissioner Mosiman  
Commissioner Pedersen  
Commissioner Rich

##### Staff Present

Andrea Spencer, Director, Department of Community Development  
Allison Satter, Planning Manager, Department of Community Development  
Isaac Gloor, Planner, Department of Community Development  
Sarah Lynam, DCD Project Assistant, Department of Community Development

##### Commissioners Excused

None

##### *Quorum Certified*

#### APPROVAL OF AGENDA

VICE CHAIR TIFT MOVED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER MOSIMAN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

#### APPROVAL OF MINUTES

The Commission approved the minutes of April 20, 2020 as presented.

#### PUBLIC MEETING

Call to the Public (public comments on any item not on the agenda)

Chair Wofford asked if there were any comments from citizens. Seeing none, he closed the public portion of the meeting.

Public Workshop: Discussion on Accessory Dwelling Units with Focus on Washington Legislature E2SHB 1923

**Ms. Satter** reminded the Commission that the Comprehensive Plan is a blueprint document that sets the vision, goals and policies for the City for the next 20 years, and the Zoning Code is a supporting document outlining the specific development standards. The Comprehensive Plan can only be amended once each year, but the Zoning Code can be amended multiple times throughout the year. She reviewed that the Washington State Legislature recently issued guidelines for increasing urban residential building capacity. The intent is for local jurisdictions with populations greater than 20,000 to adopt code amendments that are consistent with the recommendations of state guidelines.

**Ms. Satter** explained that the purpose of the workshop is to discuss potential Zoning Code amendments for Accessory Dwelling Units (ADUs). The amendments to Bremerton's code are related to size requirements, parking requirements and owner-occupancy and ownership requirements. Staff is seeking enough direction from the Commission to move forward with a comprehensive environmental review and agency outreach. Following environmental review, the proposed amendments will be presented to the Commission for a public hearing and recommendation to the City Council. The City Council will make the final decision.

**Ms. Satter** advised that ADUs are essentially additional living quarters on a single-family lot that are independent of the primary unit. An ADU must include a kitchen and bathroom and may be detached from or attached to the main unit. New ADUs must meet all building and fire code regulations, including fire separation. She noted that there are many different types of ADUs (attached, detached, converted garage, basement conversion, etc.)

**Ms. Satter** reviewed the amendments that were adopted in 2017 relative to ADUs. The Commission's recommendation to the City Council at that time was to remove the owner-occupancy requirement, which staff pointed out was difficult to regulate. However, there was some citizen concern about removing the requirement due to the perception that the properties might not be adequately maintained. Staff recommended some additional design criteria in lieu of the owner-occupancy requirement. The City Council adopted the design criteria, but decided to extend the owner-occupancy requirement from 6 to 12 months a year.

**Ms. Satter** said the City is still permitting a few ADUs in the City each year, even after the 2017 amendments were adopted. However, staff believes that the current code requirements are an impediment to this housing type. In recent years, it has become clear that more housing capacity is needed within the City, and the state has asked cities to reconsider amending their zoning codes to provide more housing opportunities. In addition, ADUs were identified in the City's Infill Toolkit as potential options for increasing residential capacity without significantly impacting existing neighborhoods.

**Ms. Satter** further reviewed that, in an effort to encourage increased residential capacity in larger jurisdictions throughout the State, the Washington State Legislature passed House Bill (HB) 1923, which took effect on July 28, 2019. While the bill does not mandate the requirements, it strongly encourages local jurisdictions to implement them. The intent is to increase residential development capacity, as well as local government emphasis on affordable housing. The bill provides multiple housing recommendations for local jurisdictions to consider, and the City has decided to focus on ADUs and cluster housing. The bill also provides incentives for cities to participate, and the City has received grant funding to implement Zoning Code amendments. The amendments must be adopted by April of 2021.

**Ms. Satter** referred to Attachment A of the Staff Report, which outlines the requirements of HB1923 in mark-up format, and invited Mr. Gloor to provide a summary of the bill and its associated requirements.

**Mr. Gloor** explained that the City's current code does not meet the State's ADU recommendations related to parking, size and occupancy/ownership requirements. However, the City's current code does satisfy the State's recommendations relative to types and the sale of ADUs. He reviewed each of the requirements as follows:

- **Size (Amendment A).** The City currently restricts ADUs to no more than 60% of the floor area of a single-family residence, but HB1923 doesn't allow the City to restrict ADU size below 1,000 square feet. Many houses in Bremerton are quite small, so potential ADUs would have to be extremely small. The current code acts as a small-house penalty for these homeowners. The proposed amendment would allow a maximum ADU square footage of 60% of the floor area of a home or 1000 square feet, whichever is larger. For large houses, the proposed amendment would still allow ADUs that are greater than 1,000 square feet. Based on a 2014 study in Vancouver, Washington, the primary desire of most ADU residents was for more interior living space. Potential impacts of the proposed amendment, such as larger ADUs, could

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be mitigated via design standards and development coverage standards. For example, in the R-10 zone, the maximum development coverage is 60%.

**Commissioner Mosiman** asked for clarification about whether the guidelines in HB1923 were recommendations or requirements.

**Mr. Gloor** explained that guidelines in HB1923 are recommendations from the State and not mandates.

- **Parking (Amendment B).** The City's current code requires one parking space for an ADU and two parking spaces for the primary residence, but HB1923 doesn't allow the City to require on-site parking for ADUs. Many ADUs serve aging, young or disabled family members as an alternative form of housing. These people might not use vehicles, and requiring parking might be expensive and unnecessary. According to the U.S. Census Bureau, Bremerton has very low vehicle access compared to the rest of Washington. 14.4% of Bremertonians do not have access to a vehicle compared to just 7% of Washingtonians and 17% of Seattleites. Portland, Oregon doesn't require parking for ADUs, but 63% include parking anyway. In a 2014 study by the State of Oregon, it was determined that the fear that ADUs harm parking conditions had little rational basis. Because ADUs are typically dispersed throughout a city, there wouldn't be a large increase in parking in any one area. The potential amendment would eliminate the parking requirement for an ADU, provided the underlying parking requirement for the zone is met. For example, in the R-10 zone, all properties with ADUs would have a minimum of two parking spaces. If a single-family residence in the R-10 zone doesn't have two parking spaces, an additional space must be added before an ADU can be granted occupancy.
- **Occupancy (Amendment C).** Currently, the City requires that owners must live on the property year-round, and HB1923 does not allow the City to require owner-occupancy at all. Removing the owner-occupancy requirement is becoming commonplace in the Pacific Northwest. For example, Gig Harbor, Bainbridge Island, Olympia, Lacey, Vancouver and Seattle have all removed the requirement. The City Council expressed some concern in 2017 that removing the requirement would lead to absentee landlords. However, there is little evidence that renters maintain units worse than owners, and Bremerton is close to 50% renter occupied anyway. There is currently no code that requires owners of single-family residences to live on the premises and nothing stops owners from renting out stand alone single-family residences. Other cities have removed the requirement without ill effects. Portland has not had an owner-occupancy requirement since 1998, yet 64% of the ADUs remain owner-occupied. Lastly, the Bremerton Municipal Code (BMC) requires owners to maintain their units whether they reside in them or not. The proposed amendment would remove the owner-occupancy requirement. Instead, a provision would be added to require property owners to abide by Chapter 3, Section 302 of the International Property Maintenance Code and all applicable provisions in BMC Chapter 6 regarding health and sanitation. Staff anticipates that most properties would remain owner-occupied and all properties would be required to be maintained regardless of owner occupancy.
- **Types.** HB1923 requires that the City authorize both attached and detached ADUs, and the City's current code satisfies this requirement. Attached and detached ADUs are allowed on all lots that contain single-family residences.
- **Rent/Sale.** HB1923 requires that the City allow ADUs to be rented and/or sold separately from the main unit, and the City's current code satisfies this requirement. Currently, the code is silent on the sale or renting of ADUs.

**Mr. Gloor** summarized that if the proposed amendments are adopted, ADUs could be added wherever a single-family residence currently exists and could be sold independently of the main dwelling. In addition, ADUs could be up to 1,000 square feet regardless of the sizes of the main dwelling or greater than 1,000 square feet if the main dwelling is 1,350 square feet or greater. No additional parking would be required if the main dwelling already has as many spaces as the underlying zone requires, and ADUs could be rented out alongside the main dwelling. All other code provisions related to ADUs would still apply, including height limits and setbacks for accessory structures.

**Vice Chair Tift** asked how an owner would sell an ADU separate from the main dwelling. Would a short plat be required, or would the land be leased to the new owner? **Ms. Satter** said the property could be subdivided into two primary units if the density requirements of the zone could be met. Another option would be to condominiumize the ADU. Other cities try to limit who can sell and who can buy rental ADUs, but the City's code is silent on how to deal with this issue. It would be difficult to separate an ADU to be sold separately from the main residence.

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**Commissioner Coughlin** asked staff to verify the 1,350 square foot number that was mentioned earlier by Mr. Gloor. He suggested that the correct number would be 1,660 square feet. Secondly, he asked if someone who wants to renovate a basement as a separate unit would have to have it permitted as an ADU in order for it to be considered legal, livable space. **Ms. Satter** answered that if the space is rented out as a separate unit, it must be permitted as an ADU. The intent is to make sure that the ADU meets all of the building codes for safety, etc.

**Ms. Satter** recalled that, as discussed in 2017, a two-story residential structure could be divided into two units (upper and lower) as long as the structure meets the building code requirements.

**Chair Wofford** asked how the City would guarantee access to both structures if an ADU and primary residence are sold to separate owners. **Ms. Satter** said the condominium process is outlined by State law, and it would include provisions to ensure access to both units. **Director Spencer** clarified that, in the condominiumization process, an owner would sell the unit, but not the land. A complex legal agreement would be required, as well as a notice on title, so the new owner would be fully aware of what is being purchased. **Ms. Satter** said no one has approached the City with a request to sell the two units separately, and staff is not proposing any changes to the current provisions related to sell and rental.

**Commissioner Mosiman** pointed out that if a property is of sufficient size, it could be subdivided so that the units could be sold separately. If that were the case, the ADU would be considered a single-family residence and parking would be required as per the code. **Ms. Satter** agreed that parking would be required as part of a short-plat, and the ADU would be considered a primary residence.

In addition to amending the Zoning Code to meet the requirements of HB1923, **Ms. Satter** said staff is proposing amendments to the **ADU Design Standards (Amendment D)**. She reviewed that the design criteria were increased as part of the 2017 update using the model ordinance that was provided by the State in 1998. As per the current criteria for all ADUs, the roof pitch must match the single-family home, have 12-inch eaves, have the appearance of a single-family home, and architecturally blend into the neighborhood. In addition, detached ADUs must provide four of the following architectural features: dormers, gables, recessed entries, covered porches, offset in building face or roof, bay windows, shutters, decorative cornices and rooflines, brickwork/masonry/stucco, or alternative features.

**Ms. Satter** requested feedback from the Commission on whether the current design provisions are appropriate and adequate or if amendments are needed. One option is to remove the design standards entirely. Another option would be to simplify the design standards. A potential amendment, patterned after Bainbridge Island, would require that ADUs preserve the appearance of the primary dwelling as a single-family residence. Another potential amendment, patterned after Lacey, would require that the ADU be integrated into the main unit and that the design present the overall appearance of the structure as an individual single-family residence. Designs that give the impression of a “duplex” would not be permitted. A third option would be to maintain the current standards with no changes. She summarized that, while amending the design standards is not required, it would help the City accomplish its goal to allow more residential capacity and would meet the state’s requirement by removing additional impediments.

**Ms. Satter** said the current ADU code says that an ADU’s entrance cannot be on the same façade as the main entrance. The intent of the provision is to avoid the appearance of a duplex, but it limits some homes from converting interior space. She shared examples to illustrate **optional façade designs (Amendment E)** and requested feedback from the Commission about whether or not the façade definition should be amended.

**Ms. Satter** said the Commission’s order of the day is to consider public testimony and provide direction to staff on the proposed changes. Staff will conduct environmental review and public outreach prior to the public hearing before the Commission.

**Chair Wofford** opened public comments

**Alex Marcus, Bremerton**, said he owns property in the Manette Neighborhood. He and his wife have considered building an ADU to support their potentially growing family, but they ran into all of the issues that have been discussed by staff. Specifically, the owner-occupancy and architectural requirements were show-stoppers for them. While they currently live in their home full time, they don’t know what the future will hold. They would like to have the ability to rent either or both units, if necessary, in the future. The ala carte architectural requirements seem a little overbearing, dictating how specific the designs

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must be and increasing the cost of construction. He said he supports the State's recommendation to eliminate the owner-occupancy requirement.

**Russ Shippet, Executive Officer, Kitsap Building Association**, said the association has been a strong proponent of the infill toolkit and everything that staff has been trying to do over the last few years. All of the recommendations presented by staff make sense. Most importantly, the proposed amendments address affordable housing. It makes sense to remove roadblocks and make it easier for people to build affordable housing in Bremerton. Building associations throughout the United States are seeing similar trends, and are in favor of changes such as those being proposed. While they are interested in giving builders more work, the changes make sense for promoting affordable housing. Building associations are doing their part to address the need, and they hope that cities and counties are doing so, too. He said he supports all of the proposed changes and appreciates the City staff's efforts.

There were no other public comments.

**Commissioner Coughlin** asked if the current design requirements for ADUs are the same as those for new single-family residential construction. **Ms. Satter** said the design criteria for new single-family residential construction is minimal. **Commissioner Coughlin** commented that Bainbridge Island's requirement that an ADU maintain a single-family residential appearance on the outside seems too subjective. **Ms. Satter** said the City's current code requires that the ADUs appearance is complimentary to the main residence. She agreed that it can become subjective and based on the opinion of the planner who is reviewing the application.

**Chair Wofford** asked if the 5-foot side setback is measured from the side of the house or the eave. **Ms. Satter** the setback is measured 5 feet from the primary structure, but the eaves can extend up to 16 inches into the setback. **Chair Wofford** commented that if the eave requirement is removed, the size of the ADU could potentially be increased. **Ms. Satter** explained that the front setback requirement is 15 feet, and 20 feet for a garage entrance. The side setback is typically 5 feet. However, you can build an ADU up to 3 feet from the property line in the rear or side, provided you can do fire-rated construction (no windows or openings). The footprint of the ADU could be larger, but the 60% lot coverage limitation would still apply.

The Commissioners provided comments on each of the amendments as follows:

- **Amendment A – Size Requirement.** **Commissioner Mosiman** said he likes the proposed Amendment A, and the remainder of the Commissioners concurred. However, **Vice Chair Tift** observed that, as proposed, an ADU could be significantly larger than the primary residence. Would the ADU then be considered the primary residence? **Ms. Satter** clarified that, as proposed, property owners with homes less than about 1,600 square feet would be allowed to build an ADU up to 1,000 square feet. In cases where the ADU is larger than the initial structure, the ADU would become the primary structure. However, ADUs associated with larger homes would be limited to 60% of the square footage of the primary residence.
- **Amendment B – Parking Requirement.** **Commissioner Pedersen** said he supports the proposal to eliminate the parking requirement for ADUs. **Commissioner Mosiman** commented that the language in the staff's presentation appears to be prohibitive in nature so that a property owner could not provide parking for an ADU. He said he likes the language in the Staff Report better. It indicates that off-street parking would not be required for an ADU, but it doesn't prohibit a property owner from providing off-street parking. **Mr. Gloor** agreed that the language was not intended to be prohibitive. The Commissioners indicated general support for the proposed amendment, as presented in the Staff Report.
- **Amendment C – Owner-Occupancy Requirement.** **Commissioner Mosiman** and **Commissioner Rich** indicated support for Amendment C, which would eliminate the owner-occupancy requirement. **Chair Wofford** said he would prefer to have an owner-occupancy requirement. **Ms. Satter** noted that there are concerns that eliminating the requirement will lead to people not caring for their properties. It is important to note that the amendment includes additional language to emphasize that property owners will be required to comply with existing code requirements related to health and sanitation. **Commissioner Coughlin** said he also supports removing the owner-occupancy requirement, with the logic that someone could rent out a very large single-family residential house without having to even be a City resident. It seems inconsistent to impose an owner-occupancy requirement on ADUs.

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- **Amendment D -- ADU Design Standards and Amendment E – Optional Façade Design.** Commissioner Mosiman recalled that staff offered three options: remove the design standards entirely, amend/simplify the design standards or keep the design standards as is. He said that, in principle, he likes the Bainbridge Island approach that requires ADUs to preserve the appearance of the primary dwelling as a single-family residence, but he is concerned it would be too subjective. Ms. Satter said it appears the Commissioners are interested in a proposal that meets somewhere in the middle—a few specific standards, as well as some guiding policies to address what is important to Bremerton. Chair Wofford said he appreciates the cost factor involved, but he likes the idea of loosening the standards somewhat while still requiring the incorporation of architectural design elements that make a house look more than a box. Ms. Satter said she looks forward to presenting some middle ground with the goal of loosening up the standards without being too subjective. Commissioner Pederson suggested the City could reduce the number of desired design features from four to three or two. This would still require ADUs to be more than simple boxes without significantly increasing construction costs.

**BUSINESS MEETING**

**Chair Report**

Chair Wofford did not have any items to report.

**Director Report**

Director Spencer reported that the Department of Community Development staff is doing a great job. All are working remotely to continue the City’s business. She thanked the Commissioners and citizens for their willingness to participate in a Zoom meeting, which she anticipates will be the case next month, too. It is important to remain nimble, as it is not possible to predict what each day will be like.

Director Spencer further reported that the Department had another record-breaking month in April, approving permits for nearly \$19 million in construction. There are a number of permits waiting for issuance as soon as the governor releases the order to move forward with new construction. A new Building Inspector will join the team on June 1<sup>st</sup>.

**Old Business**

There was no old business.

**New Business**

There was no new business.

**ADJOURNMENT**

The meeting was adjourned at 6:54 p.m.

Respectively Submitted by:



Andrea L. Spencer, AICP  
Executive Secretary



Nick Wofford, Chair  
Planning Commission

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