

ACCESSORY DWELLING UNITS AND
ACCESSORY STRUCTURES IN OLYMPIA, WA

by

Travis Skinner

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This Thesis for the Master of Environmental Study Degree

by

Travis Skinner

has been approved for

The Evergreen State College

by

{Primary Reader's Name}
Member of the Faculty

Date

ABSTRACT

Accessory Dwelling Units and Accessory Structures in Olympia, WA

Travis Skinner

This research project is a multi-disciplinary evaluation of Accessory Dwelling Units (ADUs) and Accessory Structures in Olympia, WA. A thorough literature review and the use of a new research method developed by Martin John Brown in Portland, OR, aim to monitor the “secondary dwelling” market and compare the results of permitted and non-permitted dwellings in the City of Olympia, WA. The methodology revealed 7 sample properties displaying three ADU characteristics, an additional dwelling containing a separate entrance, a bathroom and a kitchen. 71% or 5 of the 7 dwellings were non-permitted. Finally investigative interviews with City of Olympia officials and a Portland micro-developer were utilized to find out particulars on the permitting process and recommendations. The literature review and interviews identified clear steps to help streamline City of Olympia ADU and Accessory Structure permitting protocol in hopes of increasing the number of permitted ADUs and Accessory Structure dwellings in the future.

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Chapter 1: Introduction

This project is a multi-disciplinary evaluation of Accessory Dwelling Units (ADUs) and Accessory Structures, in Olympia, Washington. There are two clear sides to the research. The first evaluates the effectiveness of ADU code and protocol, and investigates ways that other cities have increased the permitting efficiency for ADUs. The other side focuses on Accessory Structure dwelling units, the accepted city protocol, and the necessity for clear standards in the Accessory Structure zoning code.

Why does this matter?

ADUs and Accessory Structure dwellings are a form of micro-infill development and offer increased housing options for a changing population demographic, within single-family zoned neighborhoods. ADUs are recently being accepted as infill development in planning literature (Wegman, 2011).

ADU zoning code is a style of housing that works in conjunction with the largest resource in the United States, single-family neighborhoods. Zoning standards vary considerably based on local regulation, so focusing on the idiosyncrasies of a single case study location is necessary. The in-depth evaluation of a medium sized city will provide good case study research for other similar sized cities.

“Regardless of what the law says on paper, maintenance of housing standards depends on active enforcement. A “poor” law well observed produces better results than a “good” law poorly enforced” (Woodruff, 1954). This curt and powerful statement reinforces the notion that municipalities should seek to find a balance between getting codes in touch with what citizens are doing and citizens

in touch with what codes are promoting. This research acts as an information outlet between these two entities. Comparing the intentions of a law and the reality of the results is a necessary evaluation mechanism for successful policy.

What is the setting?

The City of Olympia, Washington has a population of about 50,000 citizens, located as the base of the Puget Sound in central, western Washington. Based on data from City of Olympia Comprehensive plan, 72% of the acreage inside of city limits is zoned for single family residential housing (City of Olympia, 2006). Olympia has a progressive Accessory Dwelling Unit (ADU) ordinance from 1995 that was inspired by the Washington State Growth Management Act (GMA) from 1990. Based on the low number of ADU permits issued, less than 2 per year on average, Olympia is ripe for an evaluation of the zoning code for ADUs.

What were the methods?

Three methods were utilized to prepare this evaluation. The first was a literature review of planning literature, ADU case studies, and government documents about additional dwelling expansion in single-family neighborhoods. The second method was an analysis of the Northwest Multiple Listing Service (NWMLS) Real Estate database to locate “Functional ADUs” and then cross check properties with city records for permitted ADUs and Accessory Structures. The third method involved interviews with City of Olympia employees to better understand the environment and city protocol for small structure and conversion

apartment dwelling units, and an interview with a micro-developer from Portland, Oregon.

What are the conclusions and recommendations?

The zoning code for Accessory Structures needs a standard Accessory Structure dwelling zoning classification. This is an easy step the city can take to clarify the zoning code to increase citizen understanding. Secondly, the city should take advantage of the upcoming review of the Olympia Comprehensive plan, in 2013, to make headway on a revised ADU code, streamlined protocol, and incentives program. "People are building ADUs to meet pent up demand and provide for a family need regardless of the legislation in place," (Hickey, 2010). Olympia has significant potential to replicate a successful development model and benefit from the synergy of community engagement and strategic incentives.

Chapter 2: Literature Review

Early Planning Literature Review:

Throughout the 1970's and 1980's increased academic interest in "Accessory Apartments" began to appear. Numerous articles were published in planning journals and various experts emerged in support of expanding the capacity of single-family homes (Gellen, 1986, Hare, 1982, Moudon, 1982).

Planners emphasized the wasteful use of collective resources including: land, transportation infrastructure, housing infrastructure, utilities, and energy use in low density, single-family neighborhoods. Many planners identified enormous potential for conversion apartment development within the single-family neighborhood (Moudon, 1982). A conversion apartment refers to using unutilized space in a single family house to build an additional apartment. Two prominent researchers, Patrick Hare and Martin Gellen, published numerous articles and books about the potential for conversion apartments to expand the housing stock without adding new structures (Gellen, 1986). Low density, single-family neighborhoods are still "...the most adaptable physical form of housing in America" (Hickey, 2010).

Conversion apartments and small structure dwellings are now commonly recognized in various cities' zoning code as Accessory Dwelling Units (ADUs).

ADU regulations have been making incremental steps toward convergence between citizen practices and municipalities policy for the last several decades. Presently there is a small body of literature available focusing on Accessory Dwelling Units (ADUs). The 70's and 80's planning literature was much more

general, today the literature focuses on the idiosyncrasies of a particular locale. The experiences of various cities acted as the guiding principles of the research.

Context: Cities of Interest

Portland, Oregon:

Portland has a long history with Accessory Structures and Accessory Dwelling Units. The City of Portland has remained an innovator of progressive ADU policy and has seen significant results with unique and creative dwelling units. The structures utilize a variety of "...recycled and renewable materials and encourage green building techniques. And [Portland's Policy] shows how increased density can be achieved with only low-rise building, another overlooked or misunderstood reality" (Gratz, 2004). Portland's Bureau of Planning and Sustainability website provided information for comparing Olympia and Portland's zoning regulations.

A study from 2003 published by the City of Portland Bureau of Planning, "Accessory Dwelling Unit (ADU) Monitoring Project Report 1998-1999," was conducted to research the repeal of the ADU Owner Occupancy Requirement from 1998 (City of Portland Bureau of Planning, 2003). This project used a variety of data sources to closely monitor the ADU program. These data sources include: aerial photos, permit application, land use review applications, site visits and interviews with neighborhoods, designers and owners. The Portland Planning staff was able to monitor, track and record the decisions made based on the context of the scenario. No evidence was found for the raised public concern of an explosion of ADU development. The concern involved with tracking

and recording all the ADU application cases allowed for a transparent, effective protocol.

Martin John Brown wrote a self-published article entitled, "*People in Portland want and build ADU's---with or without permits*". Brown is a resident of Portland, Oregon and an owner/builder of a permitted ADU. He was interested in studying the market value for houses with ADUs, but he quickly realized that there were very few permitted ADUs on record. In order to gain a different perspective on the market for ADUs he decided to research sales data of properties with ADU-like characteristics and find out how many possessed building permits.

With the help of a benevolent real estate agent, Brown searched the Real Estate Multiple Listing Services (RMLS) database from September 2006 to September 2009 for "single family detached" properties. Then he sifted through the property descriptions and viewed the available images to decipher if three characteristics were present: separate bath, kitchen and entrance. The properties found with these characteristics were then labeled "functional ADUs". Finally, Brown cross referenced these properties with the permitted ADUs and deciphered a ratio of permitted to non permitted dwellings from his sample population. Of the 42 "functional ADUs" discovered, 38% or 16 structures were permitted and 62% or 26 structures were not. Based on three years of real estate listings, Brown suggests the "total number of functional ADU's in Portland could be 2 or even 3 times the number of permitted ADU's" (2).

Brown's study is the cornerstone research of this project. Developing a method to monitor the number of non-permitted dwelling units in comparison to the number of permitted ADUs is a way to check the efficiency of the regulation. Continuing to advance the regulation toward higher rates of compliance is the main motivation of this research.

San Francisco, California:

The Double Unit Opportunity (DUO) program of the San Francisco Development Fund from 1985-1988 provided experience that has been very influential in developing this research project. DUO offered a realistic approach to encouraging and monitoring increased density through expansion of dwelling units in unused space in single-family neighborhoods. DUO supported construction of new units and helped homeowners get building permits for illegal structures. This project worked with clients in 28 jurisdictions in the Bay Area.

Their experience with navigating zoning code among 28 different jurisdictions revealed unnecessary regulatory barriers and important recommendations.

The study suggests that more illegal units will mostly likely occur where zoning standards and building regulations are the most restrictive. This report did not gather statistics on estimations of illegal units, but commonly references information about experiences with them. DUO worked with homeowners for three years to market, recruit, finance, design, build, and monitor citizens interested in building additional dwelling space in their homes. The overriding conclusion is "where ordinances are relatively flexible and the process is simple, more legal second units will be built" (San Francisco Development Fund, 1988).

Seattle, Washington:

The City of Seattle has produced a great deal of planning literature dedicated to ADUs and the new development of Backyard Cottages (BYCs).

BYC is the new Seattle jargon for a detached ADU. Nathaniel Taylor Hickey's 2010 thesis "Urban Consolidation: An Analysis of Accessory Dwelling Units and Backyard Cottages in Seattle" for the University of Washington Master of Urban Planning program offered a comprehensive overview of the history and present state of ADUs and BYCs in Seattle. Various government documents, most notably Director's Reports from the City of Seattle Department of Planning and Community Development were also beneficial (City of Seattle, 2004, City of Seattle, 2009, City of Seattle, 2010). Seattle has had similar experiences and comparable protocol for ADUs as Olympia.

Santa Cruz, California:

The City of Santa Cruz served as a well-documented case study in the ADU research. In 2003, the City of Santa Cruz implemented an ADU Ordinance and an ADU Program. In the first year the program saw 35 new ADU permits and in 2004, 36 new ADU permits. There was over a 300% increase in permits issued after the program was implemented (Andrews, 2005). The program relied upon community outreach and advertisement in order to gain acceptance, and received a 3 year, \$350,000 Sustainable Communities Grant funded by the California Pollution Control Financing Authority (Tyre, 2008). Several strategic protocol changes and incentives were implemented to make the ADU program successful.

The three strategies helped make Santa Cruz's experience unique were: first, the city relaxed parking requirements in order to encourage ADU development. This is a monumental move in the history of ADU development, because parking requirements are almost always the notion of contention that opposition brings to the table. The second important step was a low interest ADU loan program provided by the Santa Cruz Community Credit Union and backed by the city during the years of the grant. The loans were available to homeowners who agreed to rent their ADU at low-income prices, and the stability of the loans has allowed for the credit union to offer a loan without government backing today. This technique proved to be a way a city can encourage development of low income housing with comparatively low monetary investment. Patrick Hare, an early planning advocate, published an article in 2004 identifying the "funding roulette" as the largest obstacle to establishing more ADUs. Santa Cruz's experience has demonstrated that backing low interest loans for ADUs is a great way to institutionalize loan options for ADUs because it reduces the risk the bank assumes with a new loan program for a new housing type, and at the same time it establishes a bank protocol for ADU loans.

The final step was development of a streamlined ADU program and pre-approved architectural plan-set. The City of Santa Cruz published two books that were pivotal in the development of a streamlined ADU model. The first book is an ADU Manual that explains the step-by-step process of how to permit an ADU. This manual covers how to start, financing resources, design standards, how to be your own project manager, and appendix of helpful resources. The other

book is a plan-set of 7 pre-approved architectural designs for ADUs. Citizens of Santa Cruz can choose a design from the plan-set and avoid the expense of an architect and engineer signing off. This incentive significantly reduces the cost of construction for homeowners and encourages an aesthetic that is congruent with the existing architecture. Patricia Tyre's 2008 Masters Thesis from the University of Florida school of Urban and Regional Planning provided ample information about Santa Cruz's methods for implementing their ADU protocol (Tyre, 2008).

Olympia: ADU History

Washington State has had a developing atmosphere for ADUs thanks to the Growth Management Act (GMA) of 1990. The GMA requires that municipalities of 20,000 and larger take action and prepare for prospected growth. The actions required by this act are to focus urban growth in urban areas. The development of High Density Corridors (HDCs) was established to locate and intensify development to reduce sprawl, provide efficient transportation, encourage affordable housing and foster sustainable economic development (Washington State Legislature, 1990). The City of Olympia adopted the present Comprehensive Plan in 1994 as part of the GMA requirements. The comprehensive plan discusses design standards, goals and policies for Olympia to shift toward more "...desirable, livable neighborhoods that provide a variety of housing opportunities, accommodate different lifestyles and income levels, and provide a sense of community" (City of Olympia, 1994). The comprehensive plan will be re-drafted in 2013 and an opportunity to continue to streamline the ADU zoning code and protocol is available.

ADUs have not taken off to the extent that GMA advocates hoped for, at least not if we look at the Olympia permitting records. Only 53 (attached and detached) ADUs have been permitted since the ordinance was passed in 1995 (City of Olympia). The zoning laws have started to accommodate for changing demands of a new demographic with the introduction of an ADU ordinance to zoning code in 1995. Based on a report prepared by the Municipal Research and Services Center of Washington, the average household size in Washington State has decreased from 3.09 in 1960 to 2.53 in 1990. The average size of families is shrinking, so who dominates the population? “American family composition has become more diverse and smaller; young singles and older persons living alone have become a dominant group” (Hickey). There is a growing proportion of people, young and old, living alone. Small habitations offer many opportunities for the growing demographic of people living alone and in smaller families.

Problems with ADUs in Literature:

According to a research report prepared by Daniel Carlson and Shishir Mathur in 2003 for the Brookings Institute, “A major stumbling block to implementing increased densities or ADU programs is parking. Standard suburban level off-street parking requirements which significantly increase development costs for multifamily housing and neighbors’ fears of loss of on-street parking to ADU residents stand in the way of these smart growth alternatives. Flexible and reduced parking standards can go a long way toward addressing these problems” (Carlson, 2003). Parking requirements are

continually referenced in the literature as the largest obstacle for further density expansion in single-family neighborhoods. This is the “parking paradox,” i.e. parking requirements restrict density development, and the density is needed to sustain public transit and reduce automotive dependence. The lower densities create more dependence upon automobiles and consequently parking. Parking remains a problem that needs to be further researched and addressed, but it is not an insurmountable obstacle to increasing density and small-scale infill development.

The other concern when discussing ADUs is the social or cultural conflict. “The accessory apartment represents a deviation from the traditional image of housing, family, and neighborhood. It symbolizes a change in the way the single family house is used, a change that clashes with the traditional meanings attached to the categories of residential zoning” (Gellen, 1985). The population demographics research reveals that ADUs are needed for the change in population dynamics in the near future, so why would the cultural identity of America resist ADU development? Home-ownership has stimulated American economy. The “American Dream” of a single family detached house (de Neufville and Barton, 1987) acts as a dominant cultural driver.

In Constance Perin’s classic work, “Everything in it’s place: Social Order and Land Use in America,” she dissects the foundation of zoning laws through observation of cultural patterns. The goal of a home and family is glorified as the top rung on the symbolic ladder of achievement (Perin, 1977). The cultural identity of America will not waver with the advent of further utilization of the

single-family residential neighborhoods. “The American system of zoning is based on an implicit value judgment about the ordering of land development where single-family neighborhoods reign over apartments and all other housing types” (Hickey, 2010). The acceptance of ADU ordinances across the country shows incremental steps toward public acceptance of a new housing option. The worries of ADU opponents will be softened with the documentation of increased property values instead of the preconceived fear of neighborhood blight.

While the ADU can be perceived as a direct assault on the single-family neighborhood, the ADU represents a symbiotic relationship with single-family housing to create new dwelling options. Increasing density is a set goal for the City of Olympia and while the ADU does represent a change in the classic image of a single-family neighborhood, it works in conjunction with the existing infrastructure to diversify options.

How is this Research Contributing to the Literature?

According to a comprehensive literature review published by the UC Berkeley Institute of Urban and Regional Development, by Jake Wegmann and Alison Nemirow, ADUs and permitted Accessory Structure dwellings are being recognized in the literature as “new” forms of suburban/urban infill development (Wegman, 2011). Infill development is usually associated with purchasing larger tracts of land and re-developing all of it to take advantage of economies of scale.

It is expensive to buy land within a city, demolish it, perform environmental analysis, remediate and build again. Piecemeal infill development in the form of attached and detached dwelling units utilizes private investment to fund this form

of micro infill development (Wegman, 2011). ADUs do not expand the footprint of the built environment, but concentrate use. The concentration of use may well increase the impervious surfaces and use of land within city limits, which will have environmental effects. However, increasing density remains a goal for Olympia, for a variety of reasons, and this style of housing has a low impact comparatively with other forms of development.

“Urban infill has steadily increased in prominence in recent decades as an area for research and praxis, but those studying this topic have had little or nothing to say about its manifestation at the smallest spatial scale, and with possibly the potential for greatest ubiquity, namely the secondary unit.”

(Wegman, 2011). This literature review revealed a lack of proper monitoring of secondary dwellings and the common problem of non-permitted dwelling units.

There was little research on non-permitted structure estimation and the research found was mostly focused in major metropolitan areas, New York and San Francisco (San Francisco Development Fund, Chhaya Community Development Corporation). No scholarly assessment of Accessory Structure dwellings was identified in the literature and the phenomenon of Accessory Structure dwellings remains poorly research and documented.

Now to discuss the research methodology. In light of the lack of monitoring of ADUs, Martin John Brown’s model is replicated to characterize the ratio of permitted and non-permitted ADUs in Olympia, Washington.

Chapter 3: Methodology

In order to predict the ratio of permitted to non-permitted ADUs in Olympia, I used Martin John Brown's method for monitoring non-permitted dwelling units was utilized. With the aid of a local real estate agent, I was able to perform a general search of all properties listing "additional dwelling on property" in the Northwest Multiple Listing Service (NWMLS) real estate database. This search returned several hundred properties in the Olympia, Tumwater, and Lacey districts. The property descriptions were evaluated and online photos of the property were used to decipher, following Brown's method, if the dwelling had a separate bathroom, kitchen and entrance. There were numerous property listings that did not offer revealing photos of the dwelling and this made it more difficult to establish if the property fit the criteria. I was conservative in finding samples and was careful to make sure the listing exhibited all three characteristics before labeling them "functional" ADUs. A functional ADU can be defined as "an independent living area within, or on the grounds of, a single family house," (Brown, 2) and will be synonymous with secondary dwelling for the purposes of this paper. A functional ADU or secondary dwelling can therefore be with or without a building permit, which allows for a larger catchment of results and a more accurate depiction of the atmosphere for conversion apartments and accessory structures in Olympia, WA.

It was difficult to classify the properties into categories, but there were important similarities among listings. There were many manufactured homes, but they were not included in the sample selection. Manufactured housing has

separate federal, Housing and Urban Development (HUD) department, code.

For the purposes of this research, manufactured homes have the characteristics of a secondary dwelling, but differ in zoning and building code and therefore will not be included.

Once I located properties that fit the description of a functional ADU, I was able to record the following information about each property listing:

- Address,
- Year main house was constructed,
- Price of property,
- Zoning classification,
- Number of bedrooms,
- Number of bathrooms,
- Square footage of ADU,
- Detached or attached,
- Description of additional dwelling,
- The year property was listed on the NWMLS database,
- Permitted as an ADU?
- Permitted as an Accessory Structure?

No identifiable information will be released in this report and no pictures of structures will be displayed to protect the identity of the homeowners involved in the analysis. Therefore, the addresses of all functional ADUs discovered will remain confidential. Understanding how citizens interact and respond to permitting requirements and finding ways to increase the efficiency of permitting infill development is important to understand in order to protect and support Olympia home owners who wish to increase the density, capacity, and community of their homes.

After recording this information I used a public records request document from the City of Olympia Planning Department and Clerk's Office to cross check

for permitted ADU and Accessory Structure documentation. The Clerk's office sent me a list of all 53 permitted (attached or detached) ADUs in Olympia, as of March 11, 2011. There were 29 attached and 24 detached ADUs permitted since the ADU ordinance was passed into zoning regulation in 1995.

The City of Olympia has set density goals for the coming years and infill development offers a way to chip away at these goals at very little cost to the city. If a majority of dwellings are non-permitted, the City of Olympia should consider policy from progressive cities (Portland, OR, Seattle, WA and Santa Cruz, CA) that have dealt with similar permitting avoidance issues. Increasing the efficiency of permitting is an attainable and beneficial pursuit for a city that already has a well-developed ADU code. This methodology acts as a test for the efficiency of permitting in any city.

Limitations and assumptions of the research methodology need to be discussed. Locating samples is dependant upon accurate descriptions and photos of properties on the NWMLS database. Relying upon descriptions and photos skews the results based on the accuracy of the listing. The method assumes that three years of real estate data is a realistic depiction of the housing stock of a city (Brown, 1). The accuracy of the data is also an accepted assumption. The real estate data is a filter to the reality of the secondary dwellings in Olympia. The estimate of the ratio of non-permitted to permitted dwellings is expected to be a conservative depiction of the non-permitted secondary dwelling market.

Another issue that should be mentioned is the chance that some of the functional ADUs located by the research methodology are not currently being rented. Even if an additional unit is not currently being rented, the owner must have a building permit to build the additional dwelling space on their property, regardless. Having the option to house a family member or friend in distress, or making additional income from renting the unit is enough incentive for many Olympia homeowners to build, and to build you are required to have a building permit.

Investigative interviews were also utilized, in addition to the market research, in order to gain a dynamic understanding of the policy protocol associated with secondary dwelling units. Interviews with Todd Stamm, Planning Manager, and Tom Hill, Building Official for the Olympia Department of Community Planning and Development helped unveil some of the specifics on procedure and practice. These interviews were critical to understand city protocol. An Interview with Eli Spevak, a builder in Portland, Oregon was utilized to learn more about permitted Accessory Structure dwelling units.

Architecture is an essential piece of the cultural identity of a city. In “Obduracy in Urban “Sociotechnical” Change,” Anique Hommels discusses the concept of embeddedness. Embeddedness analyzes how society and culture “co-evolve” with technology; the connection of natural and social sciences. “...Cities are not purely technical constructs; rather they are a “seamless web” of material and social elements,” (Hommels, 26). As society progresses with the technical and material world, laws begin to embody new and different meanings

and results. ADUs are a piece of this socio-technical tapestry and have become accepted into the identity of Olympia. Understanding city protocol and depicting the ratio of permitted to non-permitted functional ADUs helps gauge the success of the ADU ordinance and permitting system by comparing it with the reality of the functional ADU sample selection.

Chapter 4: Results

Section 1: Analyzing the Northwest Multiple Listing Service (NWMLS) Database

The search for “additional dwelling on property” field in the NWMLS database resulted in several hundred cases of potential functional ADUs. The database contains information from 2005 to present, but for this sample evaluation the results were narrowed to properties listed on the NWMLS database from 2008 through 2010 in order to follow the same protocol as the Brown study. These three years of data rendered 7 property listings within Olympia city limits and 33 properties located in Olympia (Thurston County), but outside of city limits. These results show property listings describing or displaying photos of secondary dwelling units. Based on city records, two properties out of the seven samples contained an ADU permit, or 28.6% of the samples were permitted as ADUs and five out of 7 (71.4%) were non-permitted. None of the 33 listings discovered in Thurston County contained an ADU building permit. Table 4.1 and 4.2 display the information collected on the secondary dwelling unit samples.

The descriptions of the property listings were one of the most revealing aspects of the NWMLS database along with the pictures, however no pictures, addresses or information revealing the location of the structures will be displayed in this article to protect the homeowners involved in the research. Many descriptions clearly list a dwelling, “\$800/mo rental. 2 BR/1Ba, 720 SF,” then with use of pictures provided one could check for a separate bathroom, kitchen, and entrance. The use of the ADU description in the listings show they are

desirable and marketable housing option in the Olympia and Thurston county real estate market.

TABLE 4.1: Olympia Sample Secondary Dwelling Unit Data:

| Address | ADU Permit | Accessory Structure Permit | Listed Property Value (\$) | # of Beds | # of Baths | Detached/Attached | Year listed on Database |
|---------|------------|----------------------------|----------------------------|-----------|------------|-------------------|-------------------------|
| P-1 | None | None | 189000 | N/L | N/L | Detached | 2008 |
| P-2 | None | None | 310000 | 2 | 1 | Detached | 2008 |
| P-3 | None | N/A | 424700 | 1 | 1 | Attached | 2010 |
| P-4 | None | N/A | 289000 | 1 | .75 | Attached | 2010 |
| P-5 | None | None | 265000 | N/L | N/L | Detached | 2010 |
| P-6 | Permit | N/A | 325000 | N/L | N/L | Detached | 2008 |
| P-7 | Permit | N/A | 297500 | 1 | 1 | Attached | 2008 |

TABLE 4.2: Thurston County Sample Secondary Dwelling Data:

| Address | ADU Permit | Accessory Structure Permit | Listed Property Value (\$) | # of Beds | # of Baths | Detached/Attached | Year listed on Database |
|---------|------------|----------------------------|----------------------------|-----------|------------|-------------------|-------------------------|
| P-1 | None | None | 495000 | 1 | .5 | Detached | 2009 |
| P-2 | None | Yes | 499000 | 1 | 1 | Detached | 2010 |
| P-3 | Yes | None | 865000 | n/l | n/l | Detached | 2008 |
| P-4 | None | Yes | 539000 | n/l | n/l | Detached | 2008 |
| P-5 | None | None | 449950 | 2 | 1 | Detached | 2008 |
| P-6 | None | N/A | 499000 | n/l | n/l | Attached | 2008 |
| P-7 | None | None | 699000 | 2 | 1 | Detached | 2009 |
| P-8 | None | Yes | 467900 | 2 | 1 | Detached | 2010 |
| P-9 | None | None | 489900 | 1 | n/l | Detached | 2009 |
| P-10 | None | Guest House | 329900 | 1 | .75 | Detached | 2010 |
| P-11 | None | None | 499900 | 2 | 1 | Detached | 2009 |
| P-12 | None | Yes | 625000 | 1 | 1 | Detached | 2010 |
| P-13 | None | None | 640000 | 2 | 1.5 | Detached | 2009 |
| P-14 | None | N/A | 499900 | n/l | n/l | Attached | 2010 |
| P-15 | None | N/A | 1299997 | 3 | 2 | Attached | 2010 |
| P-16 | None | N/A | 275000 | 1 | 1 | Attached | 2010 |
| P-17 | None | N/A | 349900 | n/l | n/l | Attached | 2008 |
| P-18 | None | Yes | 489500 | n/l | n/l | Detached | 2009 |
| P-19 | None | Yes | 591000 | n/l | n/l | Detached | 2008 |
| P-20 | None | Yes | 209990 | 2 | n/l | Detached | 2008 |
| P-21 | None | None | 379900 | n/l | n/l | Detached | 2010 |
| P-22 | None | None | 394950 | 4 | 2 | Detached | 2010 |
| P-23 | None | Guest | 399500 | 1 | 1 | Detached | 2008 |

| | | | | | | | |
|------|------|-------------|---------|-----|-----|----------|------|
| | | House | | | | | |
| P-24 | None | Guest House | 470000 | 1 | 1 | Detached | 2010 |
| P-25 | None | Yes | 570000 | n/l | n/l | Detached | 2009 |
| P-26 | None | None | 725000 | n/l | n/l | Detached | 2009 |
| P-27 | None | Yes | 1175000 | n/l | n/l | Detached | 2008 |
| P-28 | None | Yes | 1295000 | n/l | n/l | Detached | 2010 |
| P-29 | Yes | None | 1595000 | n/l | .75 | Detached | 2009 |
| P-30 | None | Yes | 375000 | 1 | n/l | Detached | 2009 |

The Olympia secondary dwelling analysis rendered a similar ratio of non-permitted dwellings as the original study conducted in Portland, Oregon (Brown, 2). Brown found that 62% of his 32 sample analysis were non-permitted. The sample size of the Olympia study was much smaller, 7 compared to 32 cases collected. The difference in sample size was expected due to the considerably smaller population of the City of Olympia. The population of Olympia is about 52,000, while Portland has 530,000 people. Proportionately the studies render similar results. This helps to unveil the scope of the non-permitted dwelling issue, and make comparisons between the Olympia and Portland markets for secondary dwelling units.

The methods of analysis portray a snapshot of the Olympia market, although it is a limited portrayal due to the small sample size. The average value of a property with a permitted ADU inside of Olympia city limits is \$311,250. The average value of a property with a non-permitted secondary dwelling is \$295,540. The properties with a permitted ADU have a slightly higher average value, but the methodology does not investigate why.

The City of Olympia does contain a higher percentage of permitted ADUs than the Thurston County sample, most likely because lot sizes are smaller and

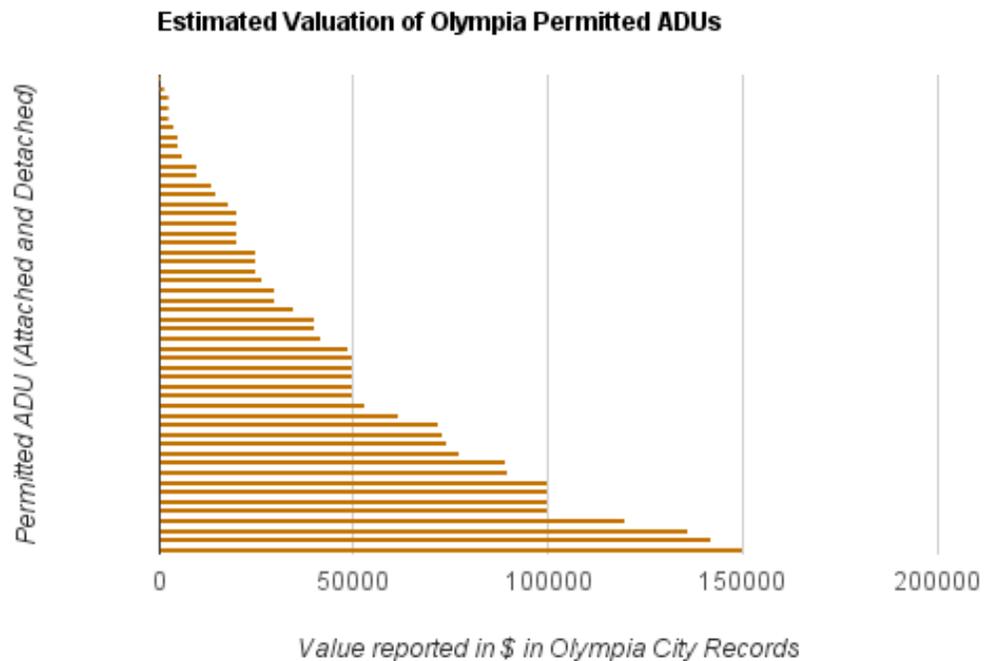
houses are closer together. Within city limits it is more likely that a neighbor would report an additional dwelling because of the increased proximity of homes. The rate of non-permitted secondary dwellings inside of Olympia city limits shows that higher density development does create barriers, but does not stop citizens from avoiding permitting costs.

Moving outside of Olympia city limits, the Thurston County secondary dwelling analysis rendered a larger sample size. Of the 30 samples, 2 were permitted as ADUs (7%), 14 had some kind of accessory structure permit (47%) and 14 contained neither an ADU or an Accessory Structure permit (47%). The results of this analysis show a substantially smaller proportion of permitted ADUs than in the City of Olympia analysis and Brown's Portland studies. There were also a much higher percentage of Accessory Structure permits because Thurston County zoning code has a provision for a Guest House and a Family Member Dwelling Unit.

A similar study on Thurston County zoning regulations for ADUs is necessary for further comparison. This paper's focus is the City of Olympia permitting process and zoning regulations, but a subsequent research project focusing on Thurston County is highly recommended, due to the proportion of non-permitted ADUs found in the sample data.

Information on permitted ADUs in the City of Olympia records reveals price trends of permitted ADUs. The average valuation of an Olympia ADU, according to city permit records is about \$44,000 (detached: \$31,965, attached: \$53,963). The values of ADUs are quite variable. Below is a graph depicting all

permitted ADUs and their listed valuation in Olympia City records (City of Olympia, 2011).



Based on the graph above, ADUs are accessible to wide range of households. They are functional and adaptable solutions that have a market in Olympia and Thurston County, however, based on this research the majority of that market may well be non-permitted dwellings. If this is an accurate depiction of the functional ADU market, the vast majority of expansion of dwelling units goes undetected. The results from this analysis frame the scope of the problem of inefficiency in permitting. The rest of the work involves qualitative research through investigative interviews. Interviews were utilized to ask revealing questions about the permitting process and the clarification between an Accessory Structure and an ADU building permit.

Section 2: Interviews

In order to gain a clear understanding of the protocol for ADUs and Accessory Structure dwellings, two City of Olympia specialists were interviewed.

The first interview was with Todd Stamm, a Planning Manager for the City of Olympia. Mr. Stamm stated when we began our conversation that in his opinion there were two main obstacles to a more effective ADU code. The first obstacle is that most Olympia citizens think they cannot get a permit for what they are building, so they do not try. This research is supporting a more streamlined and clear protocol. It would clear up the confusion that has created an unwarranted paranoia of the permitting process. The direct avoidance of city regulation is clear, so public outreach and social marketing is absolutely necessary to make the intentions of the city regulation transparent and persuasive.

The second obstacle is that the owner of a permitted ADU has to live on the property. According to Mr. Stamm, this is the only place in the entire city zoning code where a distinction between owner and renter is established. It is a check against developers building ADUs to expand capacity of their rental units.

While this protective measure is well intentioned, I cannot help but stress the apparent goals of increased density and expanding housing options as absolutely necessary for growth management preparation. Developers are limited to be creative with new designs. The literature review identifies clear recommendations to keep the codes as simple and streamlined as possible (San Francisco Development Fund, 1988), and the Conclusion directly addresses these recommendations from the context of Olympia.

In an email I inquired if Mr. Stamm was familiar with Accessory Structure coding that allowed for a permitted Accessory Structure dwelling unit. This is a middle ground between an Accessory Structure and an ADU. One major difference between an Accessory Structure dwelling unit and an ADU is an ADU has a kitchen. Mr. Stamm replied, "Olympia already does allow detached bedrooms and similar forms of detached structures that don't include an additional kitchen. Generally the principal barrier to these types of spaces has been Olympia's limit of 800 square feet and 16 foot height limit for detached structures" (email, 2011). This was very curious because the Accessory Structure zoning code is quite short and refrains from mentioning Accessory Structure dwelling units. The Olympia Accessory Structure zoning coding is displayed below.

OLYMPIA ACCESSORY STRUCTURE ZONING CODE:

Accessory structures are permitted in all residential districts subject to the following requirements:

- 1. Time of Establishment. Accessory structures shall not be built prior to commencing construction of the main building on the lot. However, lots may be created which contain an accessory structure (without an associated primary use) constructed prior to submission of the subdivision application.*
- 2. Subordination to Primary Use. Accessory structures shall be clearly incidental and subordinate to the use of the lot (e.g., structures used for storage of personal property or the pursuit of hobbies) or used for agricultural purposes. In single-family and two-family residential districts each accessory structure shall not exceed eight hundred (800) square feet in size, except for structures accessory to an agricultural use which are located on a parcel one (1) acre or larger in size.*
- 3. Garages. Private garages shall meet the following standards:*
 - a. Garages shall not exceed a total of eight hundred (800) square feet of floor space per dwelling unit.*
 - b. Garages exceeding eight hundred (800) square feet per dwelling unit may be permitted as conditional uses in the districts specified in Table 4.01 provided that they will not be adverse to the public interest and are compatible with the surrounding neighborhood. The Hearing Examiner shall establish a maximum*

size for garages receiving conditional use approval. See Section 18.04.080. 4. See Section 18.04.060(P)(4) regarding accessory structures in mobile home/manufactured home parks.

According to Todd Stamm, if an external dwelling unit is 800 square feet or smaller, there is some grey area, an accessory structure permit can suffice.

There is nothing about dwelling units mentioned in the Accessory Structure zoning code. The enforcement of policy is therefore conditional based on the discretion of the employee. In other words, the City of Olympia employees are following a protocol that is not defined in the zoning code, so it is conditional based upon their interpretation of the accepted protocol. Mr. Stamm recommended discussing the Accessory Structure/ADU code differentiation with Tom Hill, City Building Official as well. Mr. Hill is in charge of enforcing the code infractions and issuing building permits. He has the most pragmatic sense of how the code is understood and enforced.

Mr. Hill discussed the “dilemma of the kitchen.” The distinguishing factor for an ADU or an Accessory Structure dwelling unit is the existence of a kitchen.

Mr. Hill made it clear that as the Building Official his main goal is to “ensure it is safe, ensure it is sanitary, and there is no reason to be concerned about fire” (Interview, 2011). Distinguishing if someone has a toaster oven or a range is not Mr. Hill’s top priority. However, when asked if guidelines for establishing the difference between Accessory Structure dwelling unit and ADU would be beneficial, he replied, “guidelines would be better”(Interview, 2011).

Both City of Olympia officials were in agreement that a city protocol for an Accessory Structure dwelling would be beneficial to clarify the code. In order to

gain a new perspective on the issue I decided to interview a developer of small structures in Portland, Oregon, Eli Spevak. Mr. Spevak has a vested interest in understanding the building and zoning code of Portland. He has a practical understanding of the code from the perspective of someone who has to follow it. Mr. Spevak works for Orange Splott, LLC, a housing development company and general contractor dedicated to using less land per structure and arranging more units per lot. Mr. Spevak first introduced me to Martin John Brown's research and first summarized the difference between an Accessory Structure dwelling and an ADU. Mr. Spevak was an important stakeholder to interview because he has to navigate the codes all the time. While the majority of the research has focused on advocates and opponents of ADUs, few stake holders have a practical understanding of the code the way that a builder does.

In Portland, the Accessory Structure is only legally habitable if it is permitted as such. One big difference that Eli mentioned was, in Portland, the code is specific, and city planners make people aware that it is easier, and cheaper to permit a dwelling unit as a permitted Accessory Structure dwelling than it is as an ADU. The big differentiation between these two classification is the existence of a kitchen, which is clearly defined in the code. This is not the case in Olympia, and navigating the protocol for ADUs and Accessory Structure dwelling units is a matter of discussing your project with a building official. Until a homeowner has that conversation they are unable to understand that an Accessory Structure dwelling unit is a possibility and if the official fails to mention

the Accessory Structure dwelling unit option, the homeowner would never know it exists.

Mr. Spevak spoke a bit about the Owner Occupancy Requirement. He mentioned that Portland had a similar requirement and the city performed an investigation and decided to repeal the requirement in 1998. There is a comprehensive study (City of Portland Bureau of Planning, 2003) that assess the results of relaxing the ADU code requirements. In the study the Owner Occupancy Requirement is recognized as being a significant barrier to further development of legitimate ADUs. Portland has not experienced a spike in the number of ADU rental unit expansion and the number of permitted ADUs has remained modest. Mr. Spevak remains confident there will not be a huge increase in the number of ADUs in Portland, regardless of the reduction of prohibitive ADU code requirements.

ADUs and Accessory Structure dwellings are slowly growing in numbers and are becoming accepted in the social and cultural identity of the City of Portland. Portland has accelerated the development of ADUs with strategic monitoring and creative incentives. Olympia has a similar market for ADUs and significant potential to use case study examples discussed in the literature review, specifically Santa Cruz, CA, to replicate a more fecund environment for ADU micro-infill development.

Chapter 5: Conclusion/Recommendations

The real estate database search revealed the scope of the non-permitted dwelling unit problem in Olympia, Washington, with proportionately similar results as Martin John Brown's study in Portland, Oregon. Although 7 cases inside of Olympia city limits does not reveal conclusive evidence, the research methodology was quite conservative, as it only includes properties on the market over a three year period, 2008 to 2010. To gain a larger sample population more years of real estate data could be used, or a larger study area. The only problem with a larger sample size is it stretches into different jurisdictions, which all have different zoning codes. This study specifically focuses on the City of Olympia zoning code, but a more thorough investigation of Thurston County seems important due to the large number of non-permitted secondary dwellings located in the sample population. Although the Olympia sample population was small, 5 out of 7 homes listing descriptions and pictures of an ADU on the North West Multiple Listing Service (NWMLS) database are not concerned with permitting. The bold disregard for the permitting process demonstrates the disconnect of regulation from reality.

Accessory Dwelling Unit (ADU) Revision:

Making codes easy to navigate, and the permitting process clear and simple yields the maximum number of permits issued. Recommendations have arisen from the case study examples in the literature review and the investigative interviews. These recommendations have two facets. One issue lies with ADU permitting efficiency; in what ways could the ADU protocol change to be more

streamlined? The other side of the issue lies with the need for an Accessory Structure zoning code classification for dwelling units.

The ADU zoning code could be altered in several ways to increase the number of permits issued. The actual code can be amended, protocol for permitting can change, and incentives programs can encourage development. If the code were to be amended the most significant change, based on the interview with Todd Stamm, Planning Manager for the City of Olympia, is the current necessity of the ADU owner to live on the property. This provision significantly hinders the development of more ADUs. It was added in the 2nd revision of the code from the late 1990's. Todd reiterated that this is the only place in all of the city code that the specification between owner and renter is made. Repealing this requirement is the most pertinent way to increase the number of structures permitted based on the experience of a Planning Manager.

Eli Spevak supports and agrees that the Owner Occupancy Requirement causes unnecessary barriers to permitting an ADU. A huge increase in ADU development has never been documented in any city. Based on other city's experiences, there is no reason to expect ADU development will increase at a rate beyond the acceptance of the city ethos.

There are numerous other code changes that would be beneficial, including reducing parking requirements, and more flexible design standards. A re-evaluation of the City of Olympia ADU code requirements would be a great starting point for revising the ADU program. Significant public outreach through Imagine Olympia is already happening. Imagine Olympia is a public forum that

focuses on re-writing Olympia's Comprehensive plan for 2013. This event provides a convenient driver for an evaluation of the current ADU code.

Another necessary change is a streamlined ADU protocol. Having city staff work to streamline their process for ease of the citizens would significantly increase compliance with the code. The use of an ADU manual, replicating Santa Cruz's ADU model is highly recommended. This manual should cover all aspects of what it takes to design, fund, build and rent an ADU in the City of Olympia. Along with the ADU manual the City of Santa Cruz also offers a pre-approved design booklet. This booklet has pre-approved architectural and engineering plans for ADU designs that fit the aesthetic and cultural influences of the city. The pre-approved plan book significantly reduces the cost of constructing an ADU and ensure positive aesthetic results.

An incentives program encouraging development of ADUs is highly recommended and some key incentives to consider are:

1. A moratorium on impact fees:

The City of Portland recently enacted a three year moratorium on impact fees for ADUs. This technique removes financial restrictions of the permitting process and gets citizens and contractors aware and familiar with the permitting protocol while it is free. The best way to increase the awareness of a streamlined ADU program is to waive impact fees and encourage investors with incentives.

2. Backing an ADU loan program with a local bank:

One identified obstacle to advancing housing options is funding for new

housing options. Banks are reluctant to fund new housing options due to lack of proven return on investment, so the City of Olympia can identify funds to support an ADU loan program with a community bank for a short period of time. The City would guarantee all loans for ADUs, to reduce the risk for banks lending money to homeowners constructing ADUs. Santa Cruz backed their loan program for four years and after that four year period the bank was able to maintain the loan through proven protocol success.

3. Public Outreach Program:

Todd Stamm mentioned one of the biggest problems for permitting ADUs is the paranoia factor. Because citizens do not understand the coding, they imagine that they cannot permit what they are building. This fear feeds from their lack of knowledge of the law. In order to quell the irrational fear of the permitting process a public outreach campaign is necessary. According to Nathaniel Taylor Hickey “simple increases in awareness have a strong effect on overall conversion rates” (55). This has proven successful in various other cities, most notably Santa Cruz, California (see literature review).

Accessory Structure Revision:

The other issue revealed by the research methods was the lack of clarity in the Accessory Structure zoning code, in the case of dwelling units. Accessory Structure building permits are being used to permit detached dwelling units in Olympia, WA. However, Olympia zoning regulation for Accessory Structures does not include defined standards for Accessory Structure dwelling units. City of Olympia Officials are forced to use discretion to classify dwelling units without

kitchens and under 800 square feet as permitted Accessory Structure dwellings.

The zoning regulation for Accessory Structures needs a classification of standards for Accessory Structure dwelling units, in order to avoid confusing citizens and officials when interpreting the zoning regulations.

According to Tom Hill it is difficult to distinguish a kitchen and it is not his priority to discover. There are no standards for classifying a kitchen. If a citizen were to read the code they would have no way to interpret this. Mr. Hill does not have a vested interest in investigating to see if occupants of a dwelling have a microwave and a toaster oven. Mr. Hill's ethos is respected and appreciated, but the concern that arises is he will not be the City of Olympia Building Official forever. As the opinions of the individual in the position changes, so shall the interpretation of the law. While there is a consensus for the protocol of Accessory Structure dwelling units, it makes sense for the City to make the necessary steps to establish zoning code.

It remains very difficult for citizens to understand the protocol that the City Officials are following. It is especially difficult to navigate this zoning code as a novice because it refrains from mentioning dwelling units in the code. There is a significant barrier between expert and citizen. The City of Olympia Comprehensive Plan uses language that supports infill, small scale development, however onerous ADU codes have resulted in relatively few permits issued for ADUs since the ordinance was passed in 1995. A revision in the zoning code for Accessory Structures might help increase the number of permitted Accessory Structure dwellings. This would also allow for more accurate documentation of

existing dwelling units and better understanding of the actual density capacity of the City of Olympia.

It is important to note that ADUs are different from an Accessory Structure dwelling units and while this zoning regulation articulation would make it easier to track dwellings without kitchens, there would still be a market for non-permitted ADUs. Set standards for defining the kitchen will help with congruency in decisions made by City Officials. Though this strategy does not help resolve non-permitted ADU issues it is a step in the right direction for getting buildings to code and properly accounted for in city records.

It is necessary for the zoning code to reflect the public interests that are affected by the code. If those public interests cannot navigate the code without the aid of City of Olympia Officials, then confusion results and available options for interested parties becomes undecipherable. In order to make the city protocol navigable by diverse perspectives, it is necessary to amend the Accessory Structure zoning code with clarification of standards for a dwelling unit.

Last Words:

The simple conclusion is that in the short term the Olympia Planning Commission should work with the City of Olympia Department of Planning and Development to develop a standard Accessory Structure dwelling zoning classification. In the not so long term, the Olympia Comprehensive plan will have to be re-drafted in 2013 and there is opportunity to make headway on a revised ADU code, streamlined protocol, and incentives program. In the long term, “People are building ADUs to meet pent up demand and provide for a family

need regardless of the legislation in place,” (Hickey, 2011). Olympia has significant potential to replicate Santa Cruz’s development model and benefit from the synergy of community engagement and strategic incentives.

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