



MEMORANDUM

DATE: July 27, 2022
TO: Rachael Markle
FROM: Kevin Bagwell
RE: SFR22-0214 – 17339 1st Ave NW

This memo covers the summarized chronology of events from when the subject project came in as a Planner of the Day inquiry to the current status. The review section below summarizes the code sections that are the areas of concern for the project proponents. If there are any questions or concerns, please feel free to contact me at kbagwell@shorelinewa.gov or 206-801-2551.

Chronology

- 11/10/2021 – Anne Brask (Permitting Manager) contacts Kevin Bagwell (Associate Planner) regarding the subject ADU development.
 - Kevin Bagwell looked briefly at the site plan to ensure the new location would meet the setbacks for the irregular shaped property. In the e-mail reply stated a full comprehensive review of the proposal would occur during the application process. Pointed out specifically:
 - EV-ready vehicle requirements for the ADU parking as well as annotating where the (2) parking spaces for the single-family residence
 - “Please don’t forget to take a look at our ADU requirements” which was linked to [SMC 20.40.210](#) which also states the additional required parking
- 1/14/2022 – Abodu Inc applied for a new ADU at 17339 1st Ave NW.
- 1/27/2022 – The application is routed for review
- 2/9/2022 – Kevin Bagwell requests revisions by sending a letter to the Paul Whitehill (Project Manager)
 - Comment 9 on the Zoning Comment Memo stated the two spaces for the primary residence can be tandem, but the ADU space must not be blocked by the primary unit and vice versa.
 - Comment 10 stated the ADU parking was not dimensioned and the plan wasn’t to scale. Requested information to clarify that the parking was adequate

- Requested demonstration that the EV-ready requirement is denoted on the plans and whether it was existing or proposed.
- 3/4/2022 – All comments from reviewers were sent to the applicant.
- 6/1/2022 – Revisions were routed for review.
- 6/15/2022 – Kevin Bagwell requests additional revisions.
 - Comment 9 and 10 from previous letter were unresolved with revisions.
 - The ADU space was inadequately sized and blocked all SFR parking.
- 6/16/2022 – Spoke with Anne Brask via phone on the following topics:
 - Trees in the project area were removed without the benefit of permits and can be resolved throughout the permitting process with replacement trees.
 - There was work on the existing residence without permit outside of the applicant’s scope conducted by Buzz Loring (Homeowner). A plan to resolve the case was discussed. (See CE22-0270)
 - A portion of the garage where the EV-ready space was denoted on the revised plans was illegally converted to a bedroom without permits.
 - The ADU parking space is required and a variance isn’t feasible unless the criteria listed in [SMC 20.30.310](#) could be met. There is no waiver and the code would need to be changed to change the requirement.
- 6/22/2022 – A similar conversation discussing the above was had separately after a call from the homeowner. Homeowner clarified the following further:
 - Homeowner was told by the Abodu that the City would work with him on getting through the requirements such as grandfathering parking in.
 - Kevin explained that nonconforming parking doesn’t count when expanding the demand. All parking requirements must be met. Explained the variance criteria above to which Buzz self acknowledged he wouldn’t meet.
 - Buzz called later the same day and acknowledged that he cut trees down and the previous owner has cut some as well. There were no notes to corroborate the claim that someone from the City came down, measured the trees, and said it was okay.
- 7/6/2022 – A Microsoft Teams meeting was held with the Abodu team (Anne Brask (Now, Director of Planning), Nathan, and Zachary), homeowners (Buzz and Maura), Kevin, and Andrew Bauer (Planning Manager). We discussed reviewing possible alternatives such as a notice on title, tandem parking, and stated that on-street parking wasn’t feasible.
 - A second driveway was also deemed not feasible by the Danielle Angiono (Development Review Engineer) who was not at the meeting

but inquired separately. The Abodu Team was asked to contact Danielle about widening the driveway.

- The concept of altering the ADU to remove the kitchen or bathroom was discussed to make it an “incidental living space” which isn’t subject to ADU standards and the Abodu team deemed it infeasible since the plans are pre-approved by the Department of Labor and Industries and pre-approved.
- 7/20/2022 – A phone call with Andrew, Anne, and Kevin went over progress updates that the tandem parking wasn’t feasible. We were still going to look into the notice, but weren’t hopeful.
- 7/22/2022 – Anne Brask stated in an e-mail the two options considered were to either provide parking or take out the kitchen to create an incidental living space.
- 7/25/2022 – Anne contacted Danielle about widening the driveway.

Review Criteria

- Per SMC 20.40.210 ADUs must meet the following:
 - Only 1 ADU per lot, not counted towards density
 - Either the ADU or the primary residence must be occupied by an owner of the property owner of immediate family member. Immediate family includes parents, grandparents, brothers and sisters, and grandchildren. The ADU must be converted to another use or removed if it cannot meet the occupation criteria above.
 - Note: The unit not occupied by the property owner or immediate family member can be rented out and used as a dwelling unit for the public or used as a short term rental as long as the occupancy criteria of one unit is met.
 - Detached ADUs cannot be larger than 50% of the living area of the primary residence
 - One additional off-street parking space shall be provided for the accessory dwelling unit.
 - ADU cannot be subdivided or otherwise segregated in ownership from the primary residence.
 - Note: This means the ADU cannot be sold as a land trust, turned into a condominium ownership or other property ownership method.
 - ADUs shall comply with all applicable codes and standards. Dwellings that replace existing accessory structures must meet current setback standards.
 - ADU approval is subject to recording a notice on title that notifies prospective buyers of the limitations of this code and provides for the removal of the ADU if any of the requirements are violated.

- [SMC 20.30.390](#) (A) states a single-family detached unit requires (2) spaces and an ADU requires (1) space.
- SMC 20.50.390(E) states an EV-ready space for reach private garage or private parking area provided for a dwelling unit is required for single-family detached/attached. E
 - Note: EV-ready provides just the complete electrical circuit with power and not a charging unit.