

Seattle must halt plan for more backyard cottages and mother-in-law apartments

Originally published December 13, 2016 at 9:52 am Updated December 13, 2016 at 8:09 pm

Hearing examiner's ruling calls for more environmental study of a proposal to allow more and larger backyard cottages and mother-in-law apartments.



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Seattle must halt a proposal to allow more and larger backyard cottages — in order to conduct a more thorough review of potential environmental consequences, including the possibility that it could lead to gentrification.

That's what the city's hearing examiner said Tuesday in a [written ruling that orders the Seattle Office of Planning and Development](#) to prepare an Environmental Impact Statement on Councilmember Mike O'Brien's [proposed ordinance](#).

Hearing Examiner Sue Tanner's ruling sides with the Queen Anne Community Council, which has [sought to block the legislation until more study is done](#).

The Queen Anne council in June [appealed](#) the city's State Environmental Policy Act determination that the ordinance would have no significant impact on the environment.

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“The record demonstrates that the challenged DNS (determination of non-significance) was not based on information sufficient to evaluate the proposal's impacts,” Tanner's ruling says.

Jason Kelly, spokesman for the city's Office of Planning and Community Development, said the agency is considering the decision and its implications. O'Brien is weighing his options, he said.

The Queen Anne council's Martin Kaplan called Tuesday “a great day for the citizens of Seattle and every one of our neighborhoods.”

“Now the city will do what it should have done before and investigate every environmental impact associated with what would be the largest land-use change in Seattle's history,” Kaplan said.

Backyard cottages, also called detached accessory dwelling units, are stand-alone structures. Mother-in-law apartments, known to city planners as accessory dwelling units, are apartments built inside a house.

Such units have been allowed in single-family zones throughout the city since 2010.

Proponents say the small homes can be a good option for people who can't afford to buy or rent an entire house.

The legislation would allow accessory units to be built on smaller lots, remove an existing requirement that each accessory unit have its own off-street parking space, allow a cottage and mother-in-law apartment to be built on the same lot, increase the maximum height of cottages and allow owners to live off-property after six months.

[The city's initial environmental review](#) and [determination of non-significance](#) were largely based on an estimate of how many units would be built under the new approach: The construction of accessory units on 5 percent of 75,000 eligible lots over 20 years would yield 188 per year.

That would be more than five times the rate of 34 per year since 2010 but would yield less than 4,000 total.

Tanner's ruling relies heavily on what she heard from William Reid, an urban economist from Oregon who testified in the appeal's hearing on behalf of the Queen Anne council.

Reid said the city's estimate made sense with regard to accessory units that would be built by property owners for their own uses, such as renting to a family member.

But he said the planners failed to acknowledge that the ordinance would encourage investors to convert single-family lots into rental-income properties.

He said allowing more and larger cottages and mother-in-law apartments to be built and eliminating Seattle's existing requirement that owners live on-property would enable owners to rent out three units and would greatly boost the value of their lots.

Reid and others who testified on behalf of the Queen Anne council said the legislation would result in developers buying modest houses, tearing them down and replacing them with three-dwelling complexes. They predicted the redevelopment would displace minorities.

Sou Souvanny, a land-use consultant, said the ordinance would "accelerate gentrification, driving up home values and reducing the number of entry-level single-family residences."

The hearing examiner was persuaded.

"The evidence here shows that the indirect impacts of the legislation would adversely affect housing and cause displacement of populations," Tanner's ruling says.

The ruling also says the city's conclusions that the legislation would have minimal impacts on parking and utilities weren't supported.

"The parking analysis was not even reviewed" by a key transportation planner, the ruling says.

Jesse Piedfort, chair of the Sierra Club's Seattle group, said the ruling is a disappointment.

He said his organization supports adding housing density "because it lets people drive less" and thereby combats pollution.

Piedfort said he hopes the Queen Anne council will support O'Brien's ordinance once a more extensive environmental study is done.

“Delay tactics like this hurt,” he said. “The more people get priced out of the city, the more time they spend commuting in cars.”

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