

22 Sept 2016

TO: City Council, Board of Estimates, & Board of Park Commissioners

FROM: Susan Thering, PhD, Executive Director, Design Coalition Institute

RE: Response to Mr Knepp memo 19 Sept 2016 RE: Accessory Dwelling Units

**City of Madison Zoning Code, Occupancy Standards, & Conditional Use Restrictions
Combine to Limit occupancy and Impact of ADUs:**

As described in the Facilities Needs Assessment commissioned by the Parks Division and in the memo from Mr Knepp, the impact of a residential dwelling unit on the park system is determined by number of persons per unit. The proposed park impact fee schedule assumes the number of persons per Accessory Dwelling Unit (ADU) is the same as the number of persons per unit in a multi-family apartment building with three bedroom or less, thus the impact on the park system is the same.

Not only is there is no data to support that assumption, as is clearly stated in the Facilities Needs Assessment (pg 16), the City of Madison has zoning codes, occupancy standards, and conditional use restrictions that are unique to ADUs, relative to occupancy limits:

1. Occupancy Standards: The city restricts the number of persons allowed in some dwellings by square footage. These limitations apply to ADUs:

“150 sq. ft. for the first occupant and 100 sq. ft. for each additional occupant. To determine the occupiable area for the dwelling unit take the total square footage and subtract the area of closets, hallways, bathrooms and utility rooms. Bedrooms, dens, studies, dining rooms, and kitchens count towards the occupiable space.” <https://www.cityofmadison.com/dpced/bi/occupancy-standards/60/>

Please see copy of email communication #1 below, from Kyle Bunnow, Housing Inspection Supervisor, City of Madison Building Inspection Division, and cc to Matt Tucker, Director of Zoning, City of Madison, for confirmation that this applies to ADUs, both attached and detached. The kitchen, bathroom, and closets can easily take up half the square footage of a 700 square foot ADU (see <http://www.eldercottages.com/floorplans.php> for examples of ADA accessible floorplans).

2. Zoning Code: The City zoning code restricts the size of ADUs (maximum 700 square foot), while there are no limits to the size of units in multi-family apartment buildings (example three bedroom apartment in the new “Galaxy” building is 1710 square foot).

Thus, the combination of occupancy standards and the zoning code limiting the size and occupancy make ADUs a unique category, relative to number of persons per unit. This offers strong evidence against the unfounded assumption equating the impact of ADUs with the impact of units in multi-family apartment buildings.

3. Conditional Use: ADUs are only allowed as a conditional use and only on owner-occupied single-family detached homes. In addition, “Conditional approval may have **additional occupancy requirements** beyond the minimum standards that will be enforced on case by case basis.” (accent added). Please see copy of email communication #2 below, from Kyle Bunnow, Housing Inspection Supervisor, City of Madison Building Inspection Division, and cc to Matt Tucker, Director of Zoning, City of Madison.

Cost of an ADU: In his letter, Mr Knepp refers to the cost of building a detached cottage-type ADU, much like a small house. This is not the type of ADU most low-to-moderate income families can afford when they are considering how to house aging or vulnerable family members. Many ADUs are constructed by installing a bathroom and a kitchenette in a portion of an existing house, or by constructing a small addition. This is a very economical way to house an aging or vulnerable family member. In that case, thousands of dollars of fees can put the monthly payments out of reach for families on a moderate or fixed income. However, regardless of type, the occupancy restrictions detailed above apply to all ADUs.

As I mentioned in my memo, dated 8 September 2016, to which Mr Knepp refers in his memo, our concern is for these low-to-moderate income households and the aging and vulnerable family members they hope to care for. Our concern is that these fees disproportionately impact these vulnerable members of our community, and that this disproportionality brings up concerns about compliance with the Fair Housing Act.

Again, we request that this proposal is sent back to the Parks Division with instructions to meet with representatives from the disability and aging community, and staff from the DPCED, and the City’s Disability Rights Committee. We hope the results will reduce or eliminate the fees and bureaucratic processes that pose barriers to housing the most vulnerable residents of our city.

Thank you again,
Susan Thering

A handwritten signature in black ink that reads "Susan Thering". The signature is written in a cursive, flowing style.

MESSAGE #1

Begin forwarded message:

From: "Bunnow, Kyle" <KBunnow@cityofmadison.com>

Subject: RE: Occupancy Standards

Date: July 3, 2014 at 2:28:08 PM EDT

To: "'susan@designcoalition.org'" <susan@designcoalition.org>

Cc: "Tucker, Matthew" <MTucker@cityofmadison.com>

Susan,

To clarify, you must comply with both zoning requirements and minimum housing requirements regardless. A rental duplex and single family home rental are each subject to the same enforcement criteria. The rented home or ADU are first assessed for compliance with zoning standards and then assessed for square footage requirements – you must comply with both parts of the standard.



Kyle Bunnow

Housing Inspection Supervisor

City of Madison Building Inspection Division
Madison Municipal Building
215 Martin Luther King, Jr. Blvd. • Suite LL100
Madison, Wisconsin 53701-2984
Tel: 608-266-6503
www.cityofmadison.com

MESSAGE #2

From: Bunnow, Kyle [<mailto:KBunnow@cityofmadison.com>] **Sent:** Monday, June 30, 2014 05:03 PM **To:** 'Susan@DesignCoalition.org' **Cc:** 'Tucker, Matthew' **Subject:** Occupancy Standards

Susan,

Attached is an breakdown of occupancy standards in the City of Madison. Enforcement will follow the standards outlined. Conditional approval may have additional occupancy requirements beyond the minimum standards that will be enforced on case by case basis. All other minimum housing and zoning codes are still applicable for any accessory dwelling units.



Kyle Bunnow

Housing Inspection Supervisor

City of Madison Building Inspection Division
Madison Municipal Building
215 Martin Luther King, Jr. Blvd. • Suite LL100

Madison, Wisconsin 53701-2984

Tel: 608-266-6503

www.cityofmadison.com