



Draft Staff Recommendations on **Accessory Dwelling Proposal**

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Presentations

- Review draft staff recommendations on amending to the Zoning Ordinance to:
 - Allow Accessory Dwellings (ADs) inside single-family homes
 - Allow caregivers to live in Family Suites
- Discuss why the County is considering allowing accessory dwellings
- Discuss code enforcement and building code issues related to ADs and to overcrowding issues identified by the community



What is an Accessory Dwelling

- An accessory dwelling is:
 - a second dwelling,
 - with kitchen and bath, and
 - its own entrance
 - on a single family lot
- It may be inside the main house or detached
 - The staff recommendation is limited to internal ADs
 - The Housing Commission proposal allow external ADs

Timeline for Community Review

- Timeline:
 - *January:* Housing Commission released recommendation
 - *January-June:* Meetings with community to educate residents on the proposal and to seek community comment
 - *Late April:* County releases preliminary staff recommendations for community comment
 - *May 17 or 19:* Request to Advertise goes to County Board
 - *July 7 or 9:* Planning Commission public hearing
 - *July 10:* Housing Commission public hearing
 - *July 19 or 22:* County Board hearing to review proposal

Community Meetings on Proposal

- Since January, 39 meetings on the proposal have been or are scheduled to be held, including:
 - 22 Civic Associations
 - 4 Civic Federation meetings
 - 8 County Board Advisory Group meetings
 - 2 Community Forums
 - 3 Other: the Committee of 100, the Unitarian Universalist Church, and the National Ass'n of Retired Federal Employees



Draft Staff Recommendations

- Are much more restrictive than the Housing Commission's
- Respond directly to issues raised by the Civic Federation, civic associations, persons voicing concerns at the first forum and other meetings or through phone calls and emails
- Are preliminary - from a staff team to the County Manager
- Your comments are being sought to help as the County Manager develops his recommendations

Draft Staff Recommendations

- Cover more detail than the Housing Commission proposal, e.g.:
 - Require single-family lots to meet minimum area requirements in order to qualify to add an AD
 - Address accessory uses of the AD, such as home occupations
- Add tools that increase County control over potential neighborhood impacts, e.g. annual inspections and Certificate of Occupancy
- Allow caregivers to reside in family suites

Qualifying Properties

Housing Commission	Staff
Single-family houses Duplexes	Single-family houses only
Existing height and setback requirements would apply, except for conversion of detached accessory structures, e.g. garages, that pre-date Board approval of ADs; and conformed to the Zoning Ordinance when built.	For a property to be considered for an AD approval, it must conform to all lot area requirements, including width.

Types of ADs

Housing Commission	Staff
Interior ADs (Ones in basements, on second floors, or in additions to the house)	Interior ADs only
Exterior ADs (Ones in separate structures such as a converted garage.)	N/A

Approval Process

- Each AD would need an AD Permit approved by Zoning Administrator
- Zoning Administrator would certify that all requirements are met, including:
 - Building Code,
 - Zoning Ordinance, and
 - Parking requirements

Approval Process

Housing Commission	Staff
Administrative Process for Interior ADs	Administrative Process for Interior ADs
Use Permit process for Exterior ADs Allows conditions to ensure preserving the character of the neighborhood and protecting neighbors' privacy	No other process

Parking Requirements

- Both Housing Commission and staff would:
 - Require a parking survey for each AD application to determine if the street was over 65% parked
 - This is a tighter standard than for residential zone permits (75%)
 - If less than 65% parked, an AD can be added without a parking requirement
 - If the block is more than 65% parked, the owner must:
 - Add an off-street space if there are none; or
 - Agree to preserve existing off-street parking.

Requirements in Zone Parking Areas

- Housing Commission did not address this
- Staff recommends, if the parking survey shows the block is less than 65% parked, that the AD occupant be allowed 1 Regular Permit, 1 Flex Pass, and 1 book of visitor passes

Maximum Size

Housing Commission	Staff
Interior ADs: No cap on square footage	Interior ADs: Maximum size is 1/3 the size of the house and AD combined or 750 sq. ft., whichever is less
Exterior ADs: Maximum size is 1,000 sq. ft. Maximum footprint of Exterior AD is 650 sq. ft.	No exterior ADs allowed

Owner Occupancy Requirement

Housing Commission	Staff
Yes Some waivers allowed, e.g. for military	Yes No waivers allowed

- This requirement provides a significant incentive for careful screening of prospective tenants.
 - Owner will be the party most directly impacted by a noisy tenant with lots of parties.

Maximum Occupancy

Housing Com.	Staff
Include a cap on number of occupants	Maximum number of occupants is 2
Owner agreement to provide access for code enforcement	Owner agrees: <ul style="list-style-type: none">-to annual inspections-to cooperate with code enforcement staff in the event of complaints-to record a deed covenant on number of occupants-to get a Certificate of Occupancy-to file an affidavit of compliance with identifying info on tenant

Code Enforcement

- Code Enforcement staff enforce maintenance and occupancy requirements
- AD Permit could be **revoked** by the Zoning Administrator for:
 - Failure to maintain owner occupancy or enforce occupancy limits or
 - Failure to cooperate with the County if it needs to inspect the AD or
 - For repeat violations of AD Permit conditions
- If the Permit is revoked, the owner would no longer be able to rent the unit

Design Guidelines

Housing Commission	Staff
No reference made	Includes design guidelines

- Proposed guidelines include:
 - The door to the AD cannot be on the same side of the house as the main entrance.
 - No exterior stairs to 2nd floor visible from the front of the property
- A voluntary style guide will be developed for owners considering an addition to their homes

Legalization of Illegal ADs

Housing Commission	Staff
Recommends owners have a 6-month grace period to apply for an AD Permit	Recommends waiver of AD Permit fee for owners for a period of 6 months

- Owners of illegal ADs must obtain an AD Permit
 - Owner-occupancy will be required
 - ADs must meet Building Code, Zoning Ordinance and Parking requirements

Annual Report

- Staff would provide an annual report on:
 - number of AD Permit applications
 - number of AD Permits approved
 - other details to be specified, such as number of complaints by type and resolution of complaints
- All approved ADs would be recorded in the County's Real Estate Database

Why Legalize ADs?

- ADs provide many benefits with little County investment
- Can increase the number of affordable rental units
 - Studies have shown that rents are typically below market rates
- *Key Benefit:* Will facilitate elders' ability to age in place
 - Recommended by Elder Readiness Plan

Why Legalize ADs?

- Illegal ADs often provide unsafe housing
- Encourage owners of illegal ADs to legalize them
 - Increasing County controls over safety and ability to address violations
- Legal ADs can make home ownership more affordable
 - Rental income stream can allow a higher mortgage

Definition of Family Suites

- A family suite is “not more than two (2) rooms plus a bathroom and ‘efficiency’ kitchen” which:
 - May only be occupied by persons related by blood, marriage or adoption
 - Is limited to occupancy by no more than 2 persons related by blood, marriage or adoption
 - Has a maximum size of 500 sq. ft.
 - Must have interior access to the rest of the dwelling (but may have its own entrance)
 - Can have only an efficiency kitchen
 - May not have separate utilities

Why Broaden Family Suite Requirements?

- To allow a family or four or more to have a caregiver, e.g. an Au Pair, live on-site
 - The County's Zoning Ordinance definition of family includes:
 - Any number of people related by blood, marriage, adoption or foster care
 - No more than 4 unrelated persons
 - Technically a family of 4 with an Au Pair counts as 5 persons who are not all related



Why Broaden Family Suite Requirements?

- To allow an elderly or disabled person to have a caregiver live on-site
- It can be difficult to find caregivers
 - Being able to offer a person their own dwelling unit, perhaps with reduced rent, can make the position attractive
- Can be particularly valuable for an elder who:
 - needs only limited care, i.e. is not offering full-time work, but
 - likes the security of having someone live on-site



Why not limit ADs to Family Suites?

- Once the family member or caregiver moves out, a family might need the income from a rental unit to pay for the creation of the family suite
- Some households without children, elders or disabled persons might:
 - Value having a caregiver live on-site, or
 - Need the extra income to afford to stay in the house when circumstances change

Why not limit ADs to Family Suites?

- Some might want to create a larger, accessible AD to:
 - Facilitate aging in place (planning to rent the main dwelling & occupy the AD) or
 - Provide more independent living for a disabled family member
- A caregiver might want more space or more than an efficiency kitchen



For More Information

- Please contact Fran Lunney, Coordinator of Housing Planning, at:
 - Email: flunney@arlingtonva.us
 - Phone: [703-228-3785](tel:703-228-3785)
 - Written comments will be shared with the Housing Commission and the County Board office