

Accessory Dwellings

Recommendation of the
Housing Commission
to the County Board

Presentation to the
Arlington County Civic Federation
January 8, 2008

Legal ADs Offer Great Benefits

- **Accommodate more households thru expansion of housing stock in numbers, style and price**
 - Gives greater assistance to households in social stress
- **Lessen strains on housing affordability for owners and tenants**
- **Improve opportunities for property owners and renters**
 - Quality-of-life (remain on property; extra set of hands/eyes)
 - Small-scale landlord opportunities
 - Property values

**Win-Win – Many Beneficiaries
With Little County Investment**

AD Report to County Board

Jan 8, 2008

The Accessory Dwelling Report and its Executive Summary are available on the web:

- Accessory Dwelling Report
<<http://www.arlingtonva.us/Departments/CPHD/housing/pdf/page60104.pdf>>
- Executive Summary of the Report
<<http://www.arlingtonva.us/Departments/CPHD/housing/pdf/page60105.pdf>>

What It Is

- **Set of recommendations to amend Zoning Ordinance**
- **Feasible way to legally expand housing stock with:**
 - **Incentives for owners**
 - **Protections for neighborhood character**
- **Designed to accommodate households and budgets needing different options**

What It Isn't

- **NOT a solution to illegal accessory dwellings**
- **NOT a remedy for anemic Code Enforcement**
- **NOT designed to fit every owner and every lot**
- **NOT meant to accommodate every household circumstance**



WHAT ARE

THE ISSUES

Scope

- **Applicable to:**
 - Which housing styles?
 - Which areas of the County?
 - Interior?
 - Semi-detached?
 - Detached?
 - Portable?
 - Renovation?
 - New construction?
 - Non-conforming?

Which Forms to Allow?

- **Interior?**
- **Semi-Detached?**
- **Detached?**
- **Temporary?**
- **Combination of above?**

Which Styles to Allow?

- **Renovation?**
- **New construction?**
- **Change of use?**

Regulation

- **How to approve?**
- **How to enforce?**

Currently Illegal ADs

- **Require permit application?**
- **Allow non-conforming change of use?**
- **Ignore?**

Size Limits?

- **Occupancy?**
- **Bedrooms?**
- **Sq footage?**
 - **Sq footage limits occupancy thru building code**

Height Limits? (Detached)

- **1-1/2 stories (25 ft)?**
- **2 stories (35 ft)?**

Setbacks (Detached)

- **Garage**
 - Currently allowed 1 foot from property line
 - If converted to residential use ... ?
- **New construction**
 - Abide by 25-ft rear yard setback?
 - Buildable only on largest lots?

Will Creating an AD Ordinance...

- ...create safe, decent housing?**
- ...maximize utility of existing (illegal) ADs?**
- ...expand number and style of housing stock?**
- ...create more affordability for renters and owners?**
- ...allow elderly owners to remain on property?**
- ...create housing foothold for young couples/singles?**

Central Questions

- **Will an AD ordinance improve Arlington's housing situation by increasing the overall supply, specifically providing a stock that better fits the needs and budgets of households currently unable to find optimal housing circumstances?**
- **How can we motivate property owners to invest in AD creation?**

Unintended Consequences

- **Will allowing legal ADs...**
 - ... Cause parking problems?**
 - ... Change neighborhood character?**
 - ... Adversely impact current tenants of existing (illegal) ADs?**
 - ... Encourage tear-downs of modest-sized homes?**
 - ... Exacerbate unenforceable overcrowded rentals?**



**WHAT HAS
OUR GROUP
DONE**

Subcommittee Members

- Housing Commission: Melissa Bondi, Kit Britton, Reid Goldstein, Dave Leibson, Susan Retz and Larry Withers
- Planning Commission: Inta Malis, Eric Dobson and Terry Savela.
- Transportation Commission: Peter Owen
- Housing Division Staff Support : Fran Lunney, Sarah Pizzo and Joel Franklin

Members

- **Representatives from:**
 - **Housing Commission**
 - **Planning Commission**
 - **Transportation Commission**
 - **Community Development Citizen's Advisory Comm**
 - **Faith Community**
 - **Real Estate Sales Community**
 - **Staff: County Housing Div**
- **Expertise:**
 - **Architect**
 - **Lawyer**
 - **Community Development Organization**
 - **Community Planning**
 - **Strategic Planning**
 - **Renters**
 - **Owners**
 - **Landlords**
 - **Municipal Housing Dept**

Plan of Action

- **Get Smart**
- **Determine if development of new AD ordinance is warranted and feasible**
- **Prepare concept of new AD ordinance**
 - **Get input from stakeholder groups**
- **If approved, work with staff who will write ordinance language**

Get Smart

- **Reviewed 1983 Report**
- **Internet Searches for Experiences in Other Communities**
- **Guest Subject-Matter Experts**

Assess Need


- **Accumulate Information**
- **Understand Current AD Situation**
- **Determine Feasibility & Advisability of Potential Changes to Allow Broader AD Participation**

Guest Experts

- **John Albrittain – Builder**
- **Pat Buck – Realtor**
- **Sarah Stott – Arl Co. Parking Administrator**
- **Terry Russell – Arl Co. Zoning Administrator**
- **Ken Aughenbaugh – Arl Co. Housing Div**
- **Bob Brosnan – Arl Co. Planning Div**
- **Shariar Amiri – Arl Co. Insp Services Div**
- **Patrick Hare – AD Expert, Author**

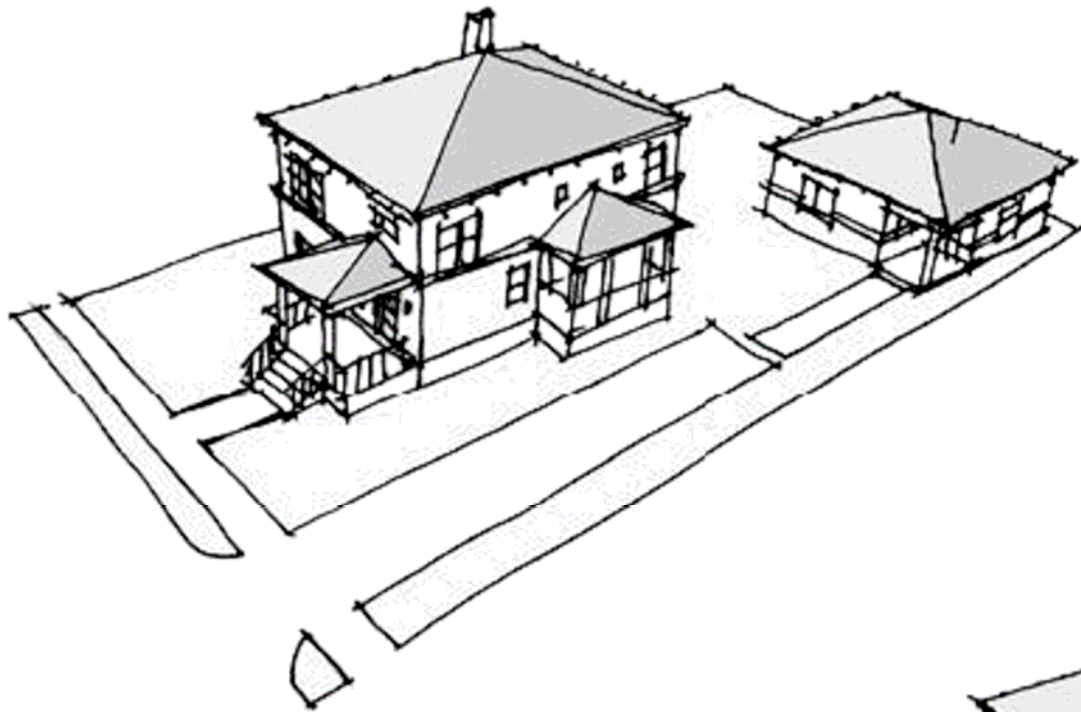
Create AD Ordinance Concept

- **Propose elements of an AD Ordinance**
- **Get initial community feedback**
- **Submit to County Board**
- **Work with staff in writing ordinance**



**WHAT ARE
ACCESSORY
DWELLING
FORMS**

Detached ADs

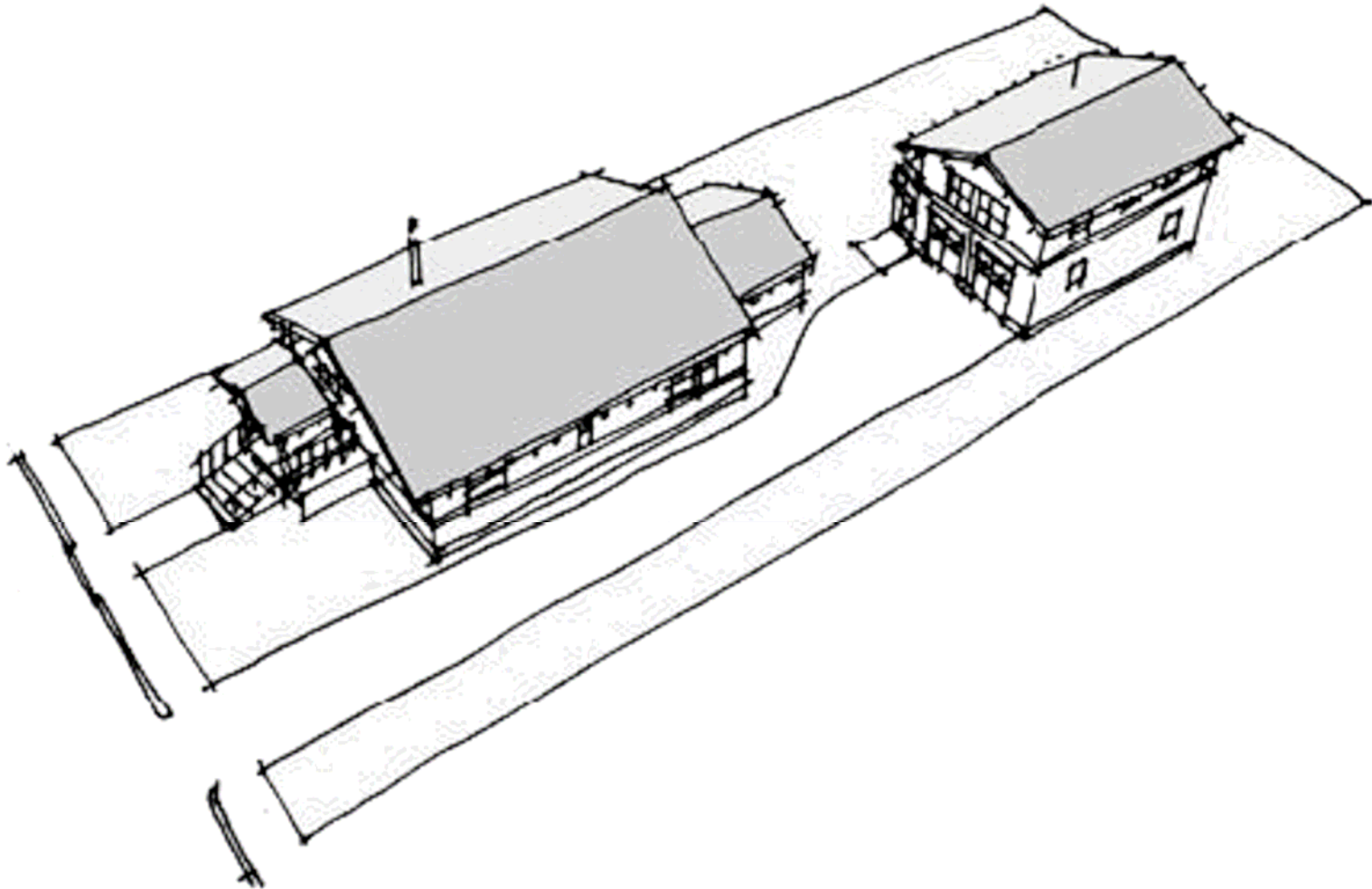


**1 Story
Backyard
Cottage**

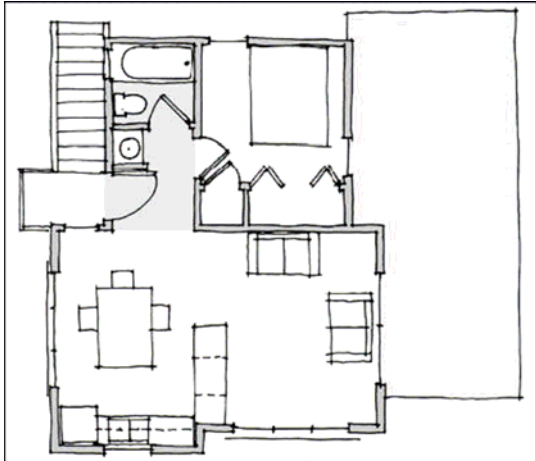


**1-1/2 Story
Backyard
Cottage**

2nd Story AD Over Garage



Example Layouts



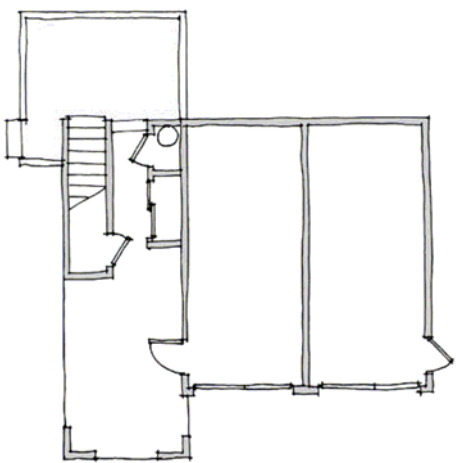
Upper Level



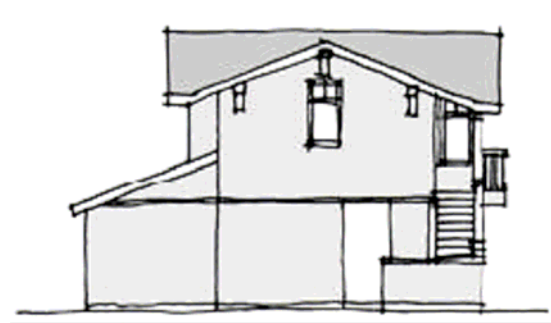
East Elevation



South Elevation



Ground Floor/Parking



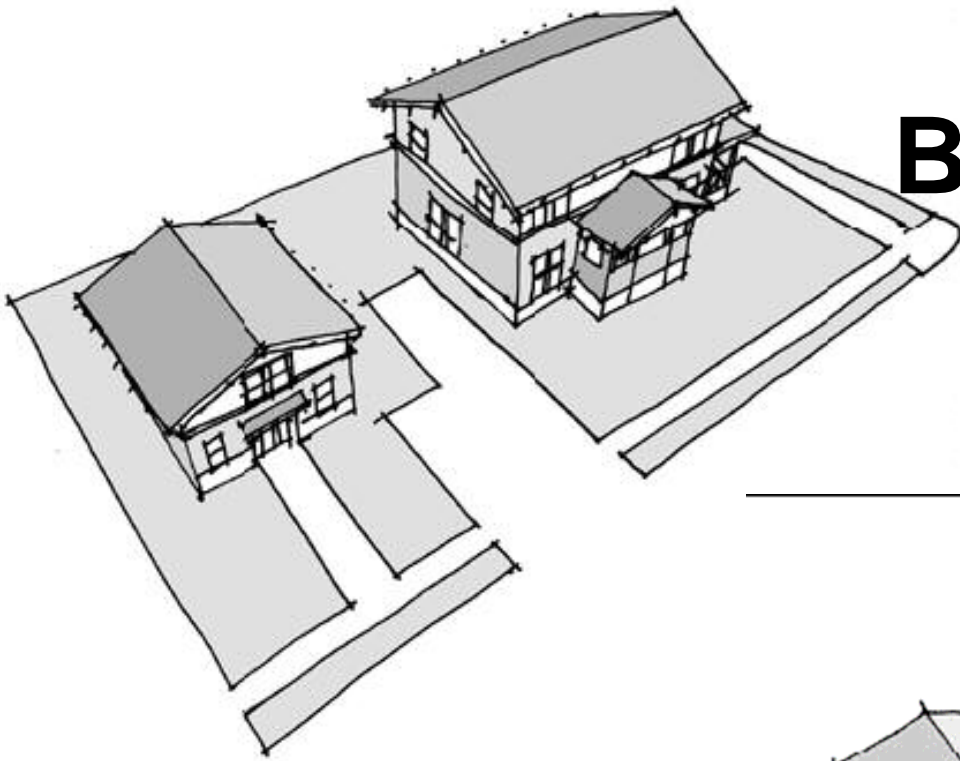
West Elevation
CivFed Presentation-8 Jan 08



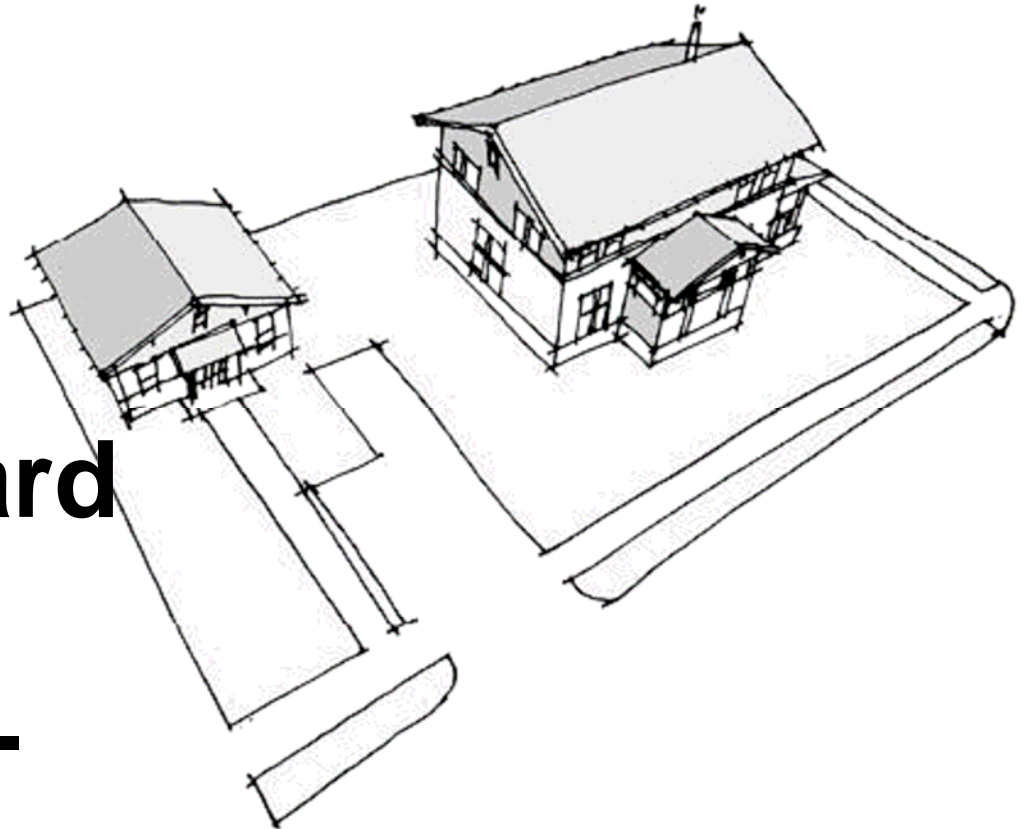
North Elevation

ADs on Alleys and Corner Lots

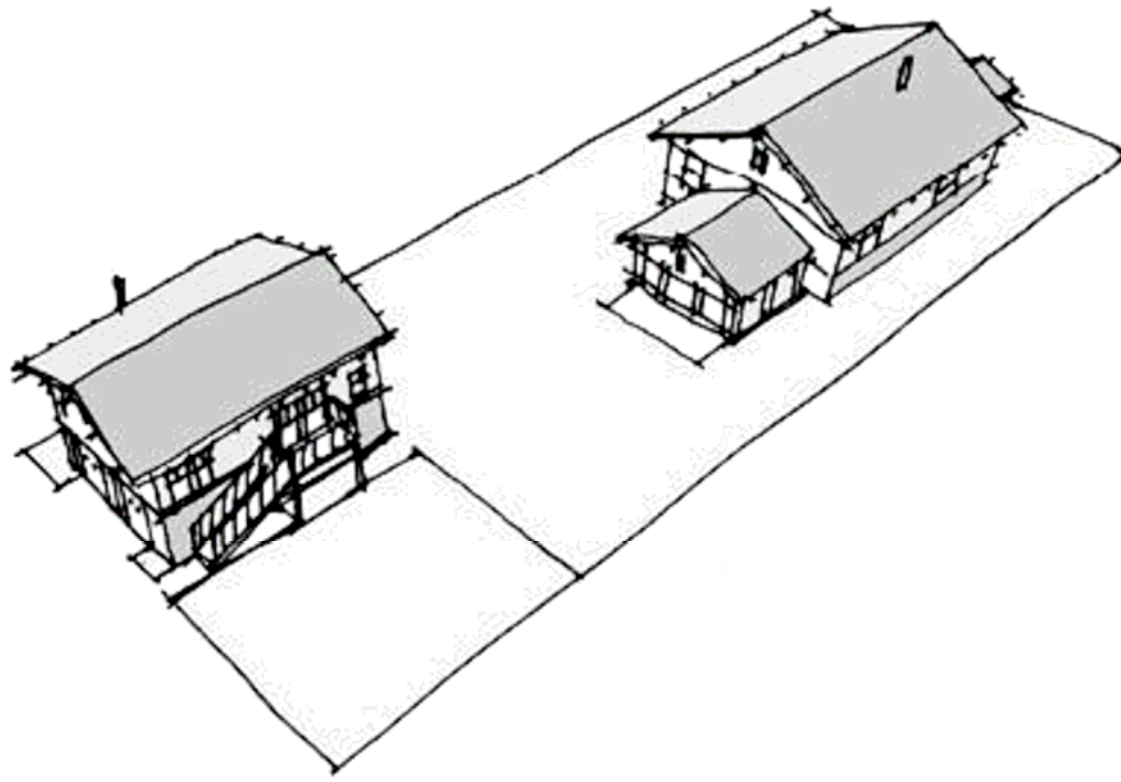
1-1/2 Story Backyard Cottage - Corner Lot -



1 Story Backyard Cottage - Corner Lot -

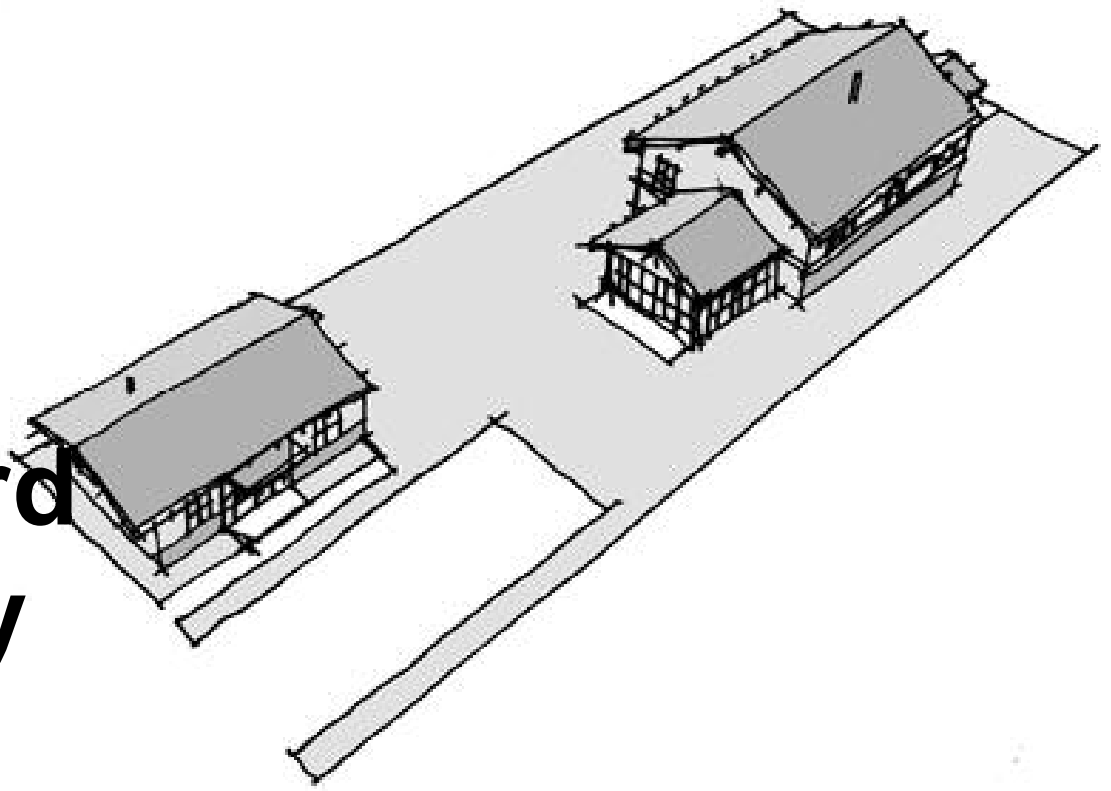


**2nd Story AD
Over Garage –
Alley Loaded**

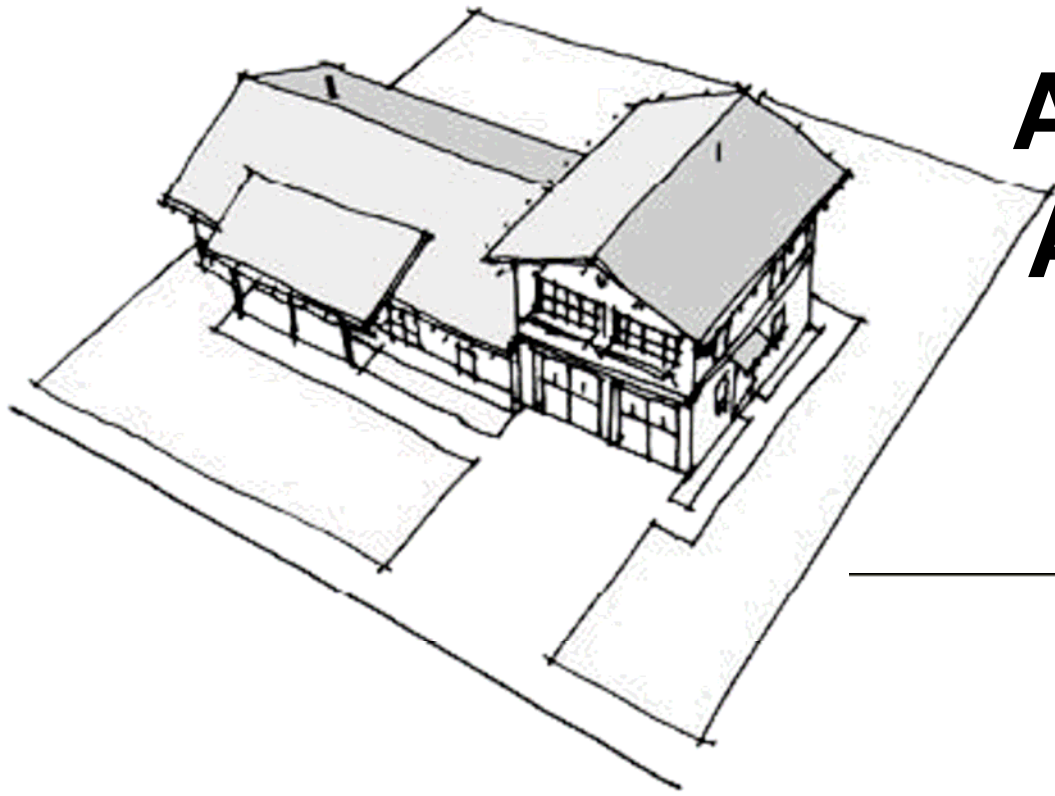


**1 Story Backyard
Cottage – Alley
Loaded**

Ci

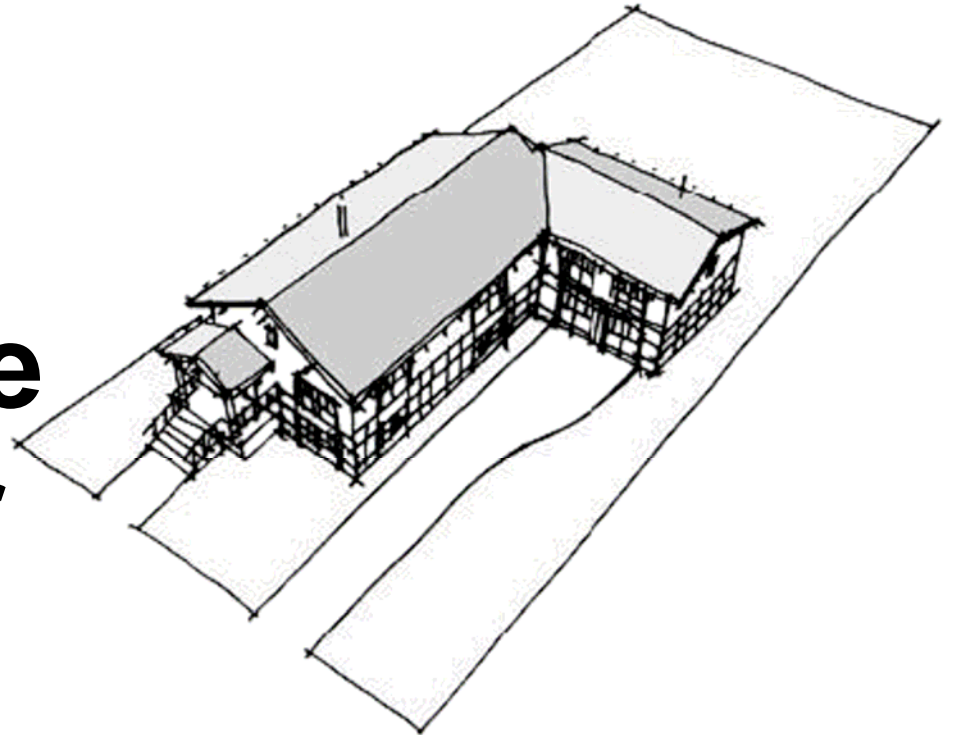


Attached ADs

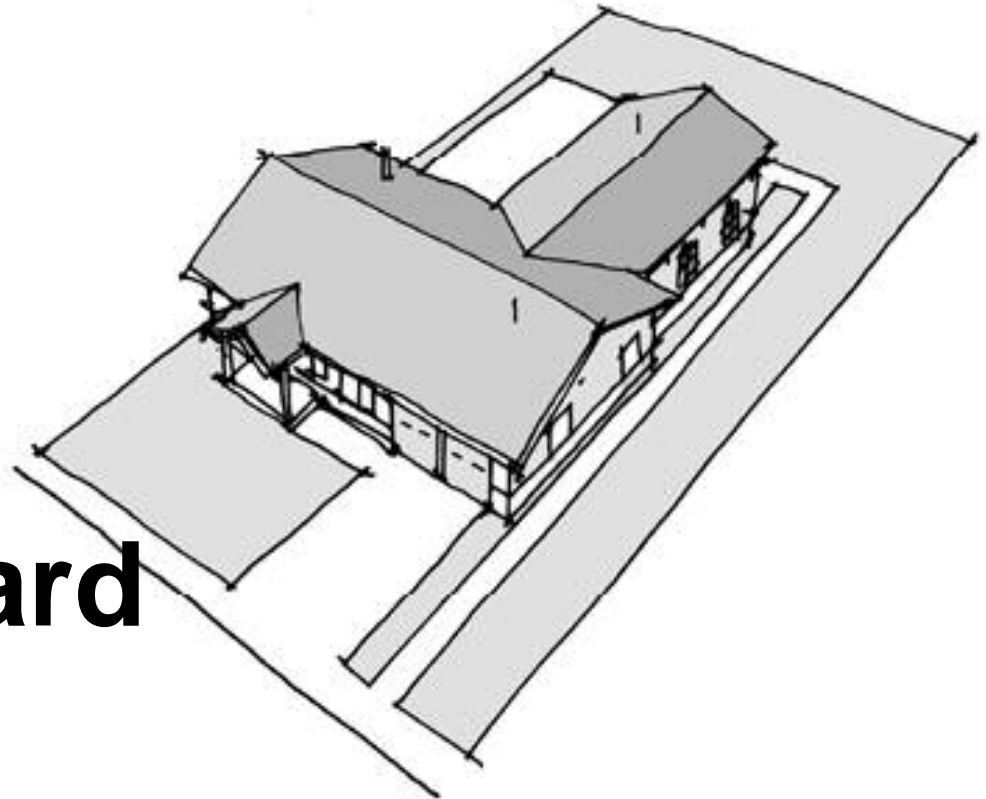
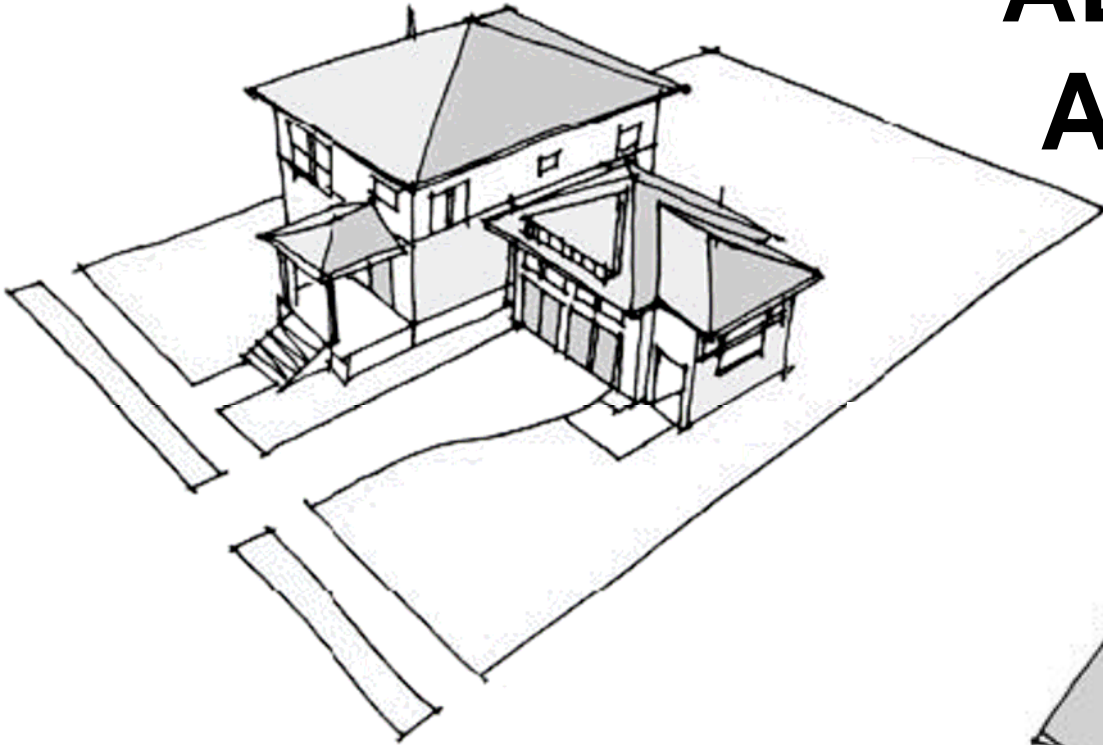


AD and Garage Addition-Front

AD and Garage Addition-Rear



AD and Garage Addition-Side



1 Story Backyard Addition

Civilized Pre



**WHAT DO THE
EXPERTS SAY**

John Albrittain

Builder

- **In new construction market (\$800K - \$1.2M range), 50% of buyers would want AD if it were legal to build them**

Pat Buck

Virginia Ass'n of Realtors

- Major clientele are seniors, people in transition
- Still large number of people wanting to stay in family homestead vs senior community
- Residential seniors want younger people as renters to help out
- ADs increasingly found in lesser-expensive neighborhoods

Terry Russell

Arl Co Zoning Administrator

- **Where Can We Make Ordinance Changes?**
 - **Allow 2-family dwellings in single family district by use permit**
 - **Occupancy limits and definitions**
 - **Legalize family suite when property changes hands**
 - **New homes built with high basement ceilings to accommodate English basements or basement BRs**

Sarah Stott

Arl Co Parking Administrator

- Families can have unlimited number of cars as long as they all belong to the family
 - As long as cars per family is unlimited, what is the argument against another car on the property?
- Permit parking is done by postal address
- AD permission could be contingent on demonstrating adequate on-site or on-curb parking
- ADs could be considered apt buildings for zoned parking permits – 6 permits on a lot that used to have 3

Shariar Amiri

Director, Insp. Services Div

Renovation: Detached Garage → AD

- **Changing use, per the Zoning Ord, categorizes AD as *new construction***
 - everything about the building will be required to meet the current building code

Building Code - Detached -

- **Wall < 5 ft from property line must be fire rated**
- **Openings prohibited w/in 3 ft of property line**
- **Roof overhang close to property line has fire rating req'ts**

Patrick Hare

- **Nationally recognized authority on ADs**
- **Author of books and studies on AD creation and development**

Predicted Installation Rate

- Patrick Hare -

- Typically, 1 per 1000 single-family units (attached and detached) per year in most communities
- With legislative, administrative and financial support, could go as high as 3 per 1000 units per year

Dozens – Not Thousands

Affordability

- Patrick Hare -

For the Renter:

- **6 studies claim ADs typically rent for less than HUD Fair Market Rent levels**

For the Owner:

- **Canadian mortgage company study shows that having an AD allows owner to afford 25% more mortgage**

Occupancy

- Patrick Hare -

- **Require Owner-occupancy on property (either primary or secondary unit)**
- **Most AD tenants are family members of primary unit owner**

Community Acceptance

- Patrick Hare -

- **Homeowners worst fear – bad tenants**
- **Avoid flat restrictions like only municipal employees, only local workers, etc..**

Workforce Housing

- Patrick Hare -

- **To help workforce to have access to ADs, the community should help homeowners screen tenants**
- **Resort communities (eg, Aspen) reserve AD tenancy for workers, not tourists**

Architectural

- Patrick Hare -

- **Look at what IS permitted**
- **Investors are typically risk-averse and don't want to build large ADs**
- **Could require Site Plan review**

Ordinance Changes

- Patrick Hare -

- Make it simple politically
- Civic associations want protection (hearing on each unit?)
- Homeowners want easy, non-public hearing process
- Need good brochure for applicants so both neighbors and applicants know how to do it and what is expected
- Regulate approvals administratively
- Make ordinance detailed
 - Need to address carryover tenants when owner changes
 - PH recommends that AD attaches to owner, not the land. When owner changes, new owner must re-apply to have legal AD

Illegal ADs

- Patrick Hare -

- **Most communities have had open enrollment periods to bring ADs into compliance**
 - **Look at the code**
 - **What is the impact of the code making current ADs illegal – important or negligible?**
 - **Can the code be changed to create legal ADs without significant impact to the community**
- vs**
- the cost to homeowners to bring the AD into compliance?**
- **Most communities ignore the illegal ADs when creating new AD ordinances**



**WHAT IS THE
EXPERIENCE
IN OTHER
COMMUNITIES**

Other Communities Researched

- Fairfax County, VA
- Lexington, MA
- Marin County, CA
- Montgomery County, MD
- Montpelier, VT
- San Diego, CA
- San Jose, CA
- Santa Cruz, CA
- Seattle, WA



**WHAT IS THE
COMMUNITY
PROCESS**

AD Subcomm-Driven

- **Review concept with stakeholder groups**
 - July-October 2007
- **Approval by Housing Commission**
 - Dec 2007
- **Submit to County Board**
 - Jan 2008

Recommended County Board Process

1. Request that County staff evaluate this report and its recommendations and report back on the feasibility of adopting ordinance changes, including amendments the staff believes add value.
2. After the staff's feasibility report, a full public process should ensue. During the public process, staff can weigh comments from the community and amend its initial report in the final version.
3. Following a public hearing, if approved, the Board should direct staff to begin writing the ordinance language changes that the Board approves.
4. When staff is finished, the Board can hold a final public hearing before formally adopting the revised language on ADUs as part of the County Zoning Ordinance



**WHAT ARE THE
RECOMMENDED
ELEMENTS**

1 – Types Allowed

- Internal
- Semi-detached
- Detached (conversion)
- Detached (new construction)

2 - Limit

One accessory dwelling allowed on a lot

3 – Zoning Districts Allowed

- Single-family detached houses (all 'R-' Districts)
- Duplexes (if within the existing house)

4 – Not Allowed In

- Townhouses
- Multi-family complexes ('RA-' districts)

5 – Site Plan Projects

- No AD “By-right” baseline for Site Plan projects
- Accessory dwellings could be negotiated separately in any Site Plan project.

6 – Height Limits

Attached

- Current zoning requirements for the primary structure would apply

Detached (conversion or new construction)

- Current Zoning Ordinance height limit of 1½ stories (or 25 feet) for accessory structures would apply.

7 - Setback

Attached

- The setback requirements for the primary structure would apply

Detached (conversion)

- Such a structure could be converted without change to its existing setback

Detached (new construction)

- Side yard and back yard setback requirements for accessory structures would apply

8 – Owner Occupancy

- Owner must live in either primary or secondary dwelling.
- With a waiver, a family member of owner may fulfill the owner-occupancy requirement.
- With a waiver, Foreign Service or military with a temporary overseas assignment may rent both the primary and secondary dwelling.

9 – AD Limits

- No numerical limit per year
- No numerical limit on a block, other than those imposed by parking requirements

10 – Parking Requirements

Parking Survey: 65% threshold (vs 75% for residential parking permits)

- If the block is LESS than 65% parked, no off-street parking requirement to add an AD.
- If the block is MORE than 65% parked, the following requirements apply:

Existing Off-Street	Must be Maintained	Must be Added
No Spaces	None	1 Space
1 Space	1 Space	None
2 Spaces	2 Spaces	None

- Tandem parking counts for multiple off-street parking spaces.
- Parking standard is set at initial approval and would not be changed at a later date.
- Secondary units will not be eligible for separate residential parking permits

11 – Approval Process

- ADs are permitted:
 - By-right for ADs within the house
 - By use permit for detached structures
- AD Permit required
- Zoning Administrator certifies req'ts are met:
 - Parking, Building Code, Owner occupancy, Occupancy limits, all other zoning ordinance req'ts

Permit Condition - Owner Must Grant Access To Code Enforcement Personnel

12 - Enforcement

- County Code Enforcement office enforces maintenance and occupancy requirements.
- AD Permit could be revoked by the Zoning Administrator for certain violations, e.g. elimination of a required off-street parking space or failure to maintain owner occupancy.

13 – Maximum Occupants

The primary and secondary dwelling each must meet the occupancy requirements of both the Zoning Ordinance and the Virginia Uniform Statewide Building Code (VUSBC).

**2 Adults or 2 Persons?
Housing Commission Made No
Recommendation**

14 - Affordability

- No mandated affordability requirements.
- No requirement to accept Section 8 or Housing Vouchers.
- No requirement to accept Housing Grants.
- No requirements or incentives for ADs to serve certain users, (e.g. government employees or low income persons)
- No County subsidized loans for construction or renovation to create ADs.

15 – Homeowner Assistance

- Homeowners will be given a package of tenant-landlord information
- Handbook on AD requirements, design types, and approval process will be developed to assist owners wishing to create or permit an AD

16 - Requirements for the Primary Dwelling

No special limits will apply to:

- maximum square footage
- maximum number of bedrooms
- maximum number of bathrooms
- other aspects of the primary dwelling.

Requirements for the Secondary Dwelling

17 - Size of AD

- Secondary dwelling must be smaller than the primary dwelling.
- An AD within the existing dwelling may be larger than 1,000 square feet.
- A detached AD must be smaller than 1,000 square feet.
- The footprint of a detached AD must be consistent with current Zoning Ordinance, i.e., 560 sq ft in R-5/6, 650 sq ft in R-8 and above)

Requirements for the Secondary Dwelling **18 - Entrance**

The AD should have its own entrance.

Requirements for the Secondary Dwelling

19 - Structural Changes

- New floor may be added to an existing house.
- Bump-out of the roof of an existing house is allowed.
- Second story may be added to a garage.

Requirements for the Secondary Dwelling

20 - Miscellaneous

- AD must have:
 - separate air handling
 - separate heating
 - separate electric panel
- AD need not have separate water.
- The Americans with Disabilities Act (ADA) does not require accessibility improvements for ADs.
- The AD must meet all legal requirements of the Virginia Uniform Statewide Building Code.

21 - Family Suites

- Family suites approved prior to the date of adoption of AD provisions will remain legal for occupancy by a family member.
- At such time as the owner wishes to rent an approved family suite to a non-family member, the owner must apply for an AD Permit.
- New family suites may be authorized.

22 - Guest Houses

- An owner may have a guest house and an AD.

23 – Compliance of Illegal ADs

- **Owners of illegal ADs must obtain an AD Permit**
 - Given six months from the date of County Board approval of ADs to obtain AD Permit from the Zoning Administrator.
 - Owner-occupancy will be required.

24 - Annual Report

- Staff shall provide an annual report on:
 - number of AD Permit applications
 - number of AD Permits approved
 - other details to be specified.

Lot Coverage

- **No changes to existing coverage**

Summary of Significant Recommendations

- Allowed In R- Districts, Not RA
- Permit Required
- Approved By-right (Attached), Use Permit (Detached)
- Owner Occupancy Required
- Additional Parking Requirements
- Current Setbacks And Heights Retained
- No By-right In Special Exception Categories
- Limited To 1 AD Per Lot
- **Occupancy Limits - ?? – No Recommendation**
- 1000 Sq Ft Limit (For Detached)
- No Affordability Incentives Or Subsidies
- Illegal ADs Required To Obtain Permit
- No Changes To Lot Coverage
- Owner must allow Code Enforcement access

What It Is

- **Set of recommendations to amend Zoning Ordinance**
- **Feasible way to legally expand housing stock with:**
 - **Incentives for owners**
 - **Protections for neighborhood character**
- **Designed to accommodate households and budgets needing different options**

What It Isn't

- **NOT a solution to illegal accessory dwellings**
- **NOT a remedy for anemic Code Enforcement**
- **NOT designed to fit every owner and every lot**
- **NOT meant to accommodate every household circumstance**

AD Report to County Board

Jan 8, 2008

The Accessory Dwelling Report and its Executive Summary are available on the web:

- Accessory Dwelling Report
<<http://www.arlingtonva.us/Departments/CPHD/housing/pdf/page60104.pdf>>
- Executive Summary of the Report
<<http://www.arlingtonva.us/Departments/CPHD/housing/pdf/page60105.pdf>>

**“I have yet to see any problem,
however complicated, which,
when you looked at it in the right
way, did not become still more
complicated.”**

-- Poul Anderson