

Zoning Text Amendment #2020-00007

Accessory Dwelling Units

Issue: Accessory Dwelling Units	Planning Commission Hearing:	January 5, 2021
	City Council Hearing:	January 23, 2021
Description: (A) Initiation of a Text Amendment and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Article II to define accessory dwellings and to establish floor area exclusions for accessory dwellings; amend Article VII to permit accessory dwellings and to establish use limitations, bulk, height, setback, compatibility and parking requirements for accessory dwellings and amend Article XI to establish a special exception process for accessory dwellings.		
Staff: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <i>Department of Planning & Zoning:</i> Karl Moritz, Director Tony LaColla, Division Chief Mary Christesen, Principal Planner Sam Shelby, Urban Planner Alexa Powell, Urban Planner </div> <div style="width: 45%;"> <i>Office of Housing</i> Helen McIlvaine, Director Tamara Jovovic, Housing Program Manager Julia Santure, Housing Analyst </div> </div>		
Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommend APPROVAL of the text amendment.		

PLANNING COMMISSION ACTIONS, JANUARY 5, 2021: On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission moved to initiate Zoning Text Amendment #2020-00007. The motion carried on a vote of 7 to 0.

On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission moved to recommend approval of Zoning Text Amendment #2020-00007. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with staff analysis.

Speakers:

Amy Dobson, 3342 South 28th Street, spoke in support of adopting an ADU policy and agreed that there is a need for affordable housing options as demonstrated by staff. She commended the City's effort to bring ADU's to Alexandria. However, she requested an amendment to the proposal to include mobile tiny houses in the ADU policy, specifically to address the missing piece for homeowners without enough equity or otherwise limited access to capital to finance construction of ADUs. If a provision were granted to allow mobile tiny homes, she felt it would also be necessary to remove the requirement for ADUs to be under common ownership in the event the ADU resident owned their mobile ADU and wished to pay rent to a property owner for use of space on their lot.

Carter Fleming, President, Seminary Hill Association, believed that the process for developing this policy had not been conducted in an honest and transparent manner. She requested that Planning Commission not recommend approval based upon significant last-minute changes to the proposal. She noted that a majority of these community engagement meetings were held months prior to the release of the draft recommendations. Further, the association felt that the recommendations did not reflect many of the concerns raised by the community. She recalled the infamous garage case in Del Ray in which a neighbor built a structure in close proximity to their neighbor's house which attracted national attention and asked what had been learned from that incident. This neighborhood felt that a one-foot setback was insufficient and that an ADU would have a larger impact than a garage or garden shed. The second most important provision to Seminary Hill was the owner occupancy requirement. This provision was in place when staff's draft recommendations were released but was subsequently removed from the final proposal. She characterized the elimination of this provision of the policy with no public notice as troubling. The speaker cited the rationale for this decision as a concern from the City Attorney's Office. She questioned why other jurisdictions have this requirement and whether they have been subject to legal challenge. She went on to say that staff responded to this inquiry that there was no Virginia case law on this subject but that it had been challenged in the United States. She urged the Planning Commission to include the owner occupancy provision into the proposal as she believed it to be a necessary protection for neighbors that would not be addressed by the occupancy limit proposed by staff.

Ken Notis, representative from Livable Alexandria, explained that their group supports smart growth principles, including a mix of both market rate and committed affordable housing. He expressed general support for ADU policy as proposed. In particular, they were pleased with the potential to allow ADUs City-wide and the lack of a parking requirement. They believed this initiative would help increase affordability, provide homeowners with flexibility, help the city meet housing supply goals and improve the economic and demographic diversity of Alexandria's neighborhoods. They preferred no owner occupancy requirement as in other jurisdictions where that has been adopted it has limited the construction of ADUs. Mr. Notis stated that eliminating the owner occupancy requirement may be an obstacle to less affluent homeowners and may create a burden for military or diplomatic families that may have to move on short notice and need to rent out one or both units.

Robert Knotts, 504 Upland Place, spoke in support of ADU policy as it would provide a unique housing option that can benefit both homeowners and the community. He is interested in developing an ADU on his own property. He appreciated the deliberate way staff has approached this policy and would like to see it move forward without further delay so they can move forward with their own renovation plans.

John Fehrenbach, representing North Ridge Citizens Association (NRCA), had been engaged in several public meetings about ADUs but still felt this process has been rushed and that there are too many outstanding questions. Mr. Fehrenbach expressed concerns about potential negative impacts to the City's neighborhoods. He mentioned two letters submitted by NRCA. He believed that the proposed ADU policy did not adequately address or reflect suggestions made in the association's written statements. It was their opinion that the omission of the owner occupancy requirement was unjustified and that short term rentals should be prohibited as part of the ADU policy.

Jeanne Jacob, President, Seminary Ridge Civic Association, expressed the association's opposition to ADU policy. In particular, its members felt having an ADU one foot from their property line was insufficient due to potential noise concerns. Members were also concerned about an increased parking demand on an already limited supply of available parking spaces. Several expressed concerns over the potential erosion of property values if the policy were approved as written. Their primary concern however was based on a belief that most of these units would be used as income producing properties rather than for caregivers or family. Ms. Jacob stated that the association vehemently opposed the use of ADUs as short-term rentals. The concern among residents was that this policy would not address the housing shortage because these units would instead be used on a short-term basis for visitors. Finally, the association felt strongly that an owner occupancy ought to be included for any potential ADU policy to move forward.

Rebecca Loesberg, representing Grassroots Alexandria, expressed support for the proposed ADU policy. Ms. Loesberg explained that Grassroots Alexandria believes that ADUs represent a creative solution that would provide a partial solution to the affordable housing issues in the region. The organization supported the exclusion of an owner occupancy requirement. It was their feeling that any issues an owner occupancy requirement might address such as noise could be enforced using other City codes. Further they agreed that an owner occupancy requirement would restrict flexibility for homeowners, particularly military and diplomatic families.

Peter Benavage, Co-Chair, Alexandria Federation of Civic Associations (AFCA), spoke in opposition to the request. AFCA challenged whether there is a need for an ADU policy. He also indicated that due to the pandemic people in Alexandria have had other more pressing concerns and therefore were unable to participate in the public engagement process. AFCA's specific concerns about the proposed policy included those related to the setback requirements, compliance with underlying zoning and owner occupancy. AFCA felt that the policy, as written, was not ready to proceed. AFCA requested that the Planning Commission send it back to staff for further deliberation and to conduct additional outreach.

Chair Macek requested clarification on whether the views Mr. Benavage expressed were on behalf of the member associations of AFCA. Mr. Benavage clarified that all but two, Braddock Metro and Del Ray, voted in the affirmative to support his statements.

Robert Ray, 400 Prince Street, spoke in support of allowing ADUs for a family member or caregiver within existing dwellings. He also expressed strong support of single-family zoning. However, he felt the proposal had overly broad changes including provisions allowing for rental of these units by absentee landlords. He proposed that the policy be limited on a trial basis in areas of the City that might most benefit from the policy. Finally, he noted a correction that although it may have been planned, staff did not make a presentation to the Old Town Civic Association.

Sarah Haut, 228 East Nelson Avenue, expressed concerns about additional density to the City, the policy's proposed setbacks and their impact on neighbors' light and air, and the potential for more flooding in her neighborhood caused by additional impervious surfaces. Ms. Haut also questioned whether ADUs would create more affordable housing and recommended the ADU policy be permitted only in single-family neighborhoods with large yards, to start.

Skyler Yost, 401 Hume Avenue, spoke in favor of the proposed policy, highlighting the need for more market-affordable housing and mixed-income neighborhoods. Mr. Yost felt that the proposed setbacks were reasonable and would allow more homeowners, especially those with small lots, to construct ADUs.

Gale Rothrock, representing the Historic Alexandria Foundation, expressed concerns about the proposed policy's impact on the Old and Historic District, the Parker-Grey District, and buildings on the designated 100-year old buildings list. Ms. Rothrock requested that protections for historic districts and buildings be made clear throughout the proposal.

Annetta Catchings expressed concerns about the proposed policy's impact on school capacity, short-term rentals and crime. Ms. Catchings expressed her opposition to the removal of the owner occupancy requirement and requested that Planning Commission defer its consideration of the policy.

Frank Fannon expressed concerns about the proposed policy's setbacks, height, architectural design and use as short-term rentals. Mr. Fannon was supportive of ADUs for the purpose of housing family members but opposed the removal of the owner occupancy requirement.

Mimi Goff expressed concerns with the proposed policy's setbacks, the removal of the owner occupancy requirement, and staff's outreach.

Discussion:

Commissioner McMahon asked how the Civic Associations were engaged in the process. Staff explained that notifications were sent out via eNews and directly to Civic Associations to notify them of the process. Staff relied on Civic Associations to invite staff to present at their meetings due to limited staff capacity. Commissioner McMahon asked how schools could be impacted by ADU policy. Staff explained that ACPS was consulted throughout the process and that staff would monitor the implementation of the policy to review the impact on school enrollment. Staff updates the student generation rate regularly and will track new student enrollment from ADUs. Commissioner McMahon asked if ADUs will have a significant impact on stormwater runoff. Staff explained that this policy would not allow any new floor area that is not already allowed by the Zoning Ordinance. In addition, the City does not have the authority to regulate any land disturbance less than 2,500 square feet under current the stormwater management code. Commissioner McMahon asked if the proposed policy includes provisions or is covered under the provisions added to the Zoning Ordinance as a result of the "spite garage." Staff confirmed that the "spite garage" provision would apply to newly constructed ADUs under the proposed policy. Commissioner McMahon asked staff to explain why Arlington has had slow uptake of ADUs since their ADU regulations became effective. Staff confirmed that the ADU policy originally passed in Arlington in 2009 did not produce a lot of units, primarily due to its restrictive regulations. Staff also explained that one of the goals of this policy is to introduce ADUs incrementally and gradually into neighborhoods across the City. Commissioner McMahon asked how ADUs would impact affordable housing. Staff explained that the size limits imposed on ADUs, as well as the lack of amenities found in typically multifamily buildings, leads ADUs to be rented at more affordable rates. ADUs also add to the overall stock of housing, which can help close the gap between housing supply and demand and slow the growth of rental price increases across the board. ADUs also tend to be rented below market-rate or free of charge to family members.

Chairman Macek asked why staff recommended a one-foot setback for ADUs. Staff explained that the purpose was to respect and resemble the historical development pattern of lots with garages or sheds by encouraging homeowners to maintain as much open space as possible. He also asked staff to clarify how the rules would apply to properties within the Parker-Gray and Old and Historic Alexandria Districts as well as buildings on listed 100-year-old buildings outside of such districts. Staff replied that the regulations that apply to these properties would remain unchanged by the proposed policy. Commissioner Macek felt that the staff report should provide a clearer explanation on such properties.

Chair Macek stated he understood the proposal to include only detached ADUs on permanent foundations. He also asked staff if mobile “tiny houses” and other houses on wheels were considered in staff analysis. Staff acknowledged that while these types of detached ADUs tend to be less expensive and provide more flexibility, desirable features, but that they are considered trailers. The Zoning Ordinance requires trailers to receive Special Use Permit approval to place them on property in the City. Staff did not propose amendments to these Zoning Ordinance sections and stated that there could be build code-related concerns about persons residing in such structures. Staff felt that amending the Zoning Ordinance to allow trailers as ADUs was not an appropriate or feasible effort for the first iteration, if approved, of ADU policy. Staff also committed to providing a review period after ADU policy became effective, if approved, to monitor its implementation. Staff could then evaluate whether policy amendments could be considered to include permitting mobile detached ADUs.

Commissioner Koenig asked staff to provide an explanation as to why the owner occupancy requirement was not included in the policy recommendations. He also asked staff to respond to the potential impacts that members of the public cited if the policy were not to include an owner occupancy requirement. Staff explained that this requirement was originally part of staff’s policy recommendations. Staff found that such requirements exist in many jurisdictions with ADU policy. However, staff analysis found that the issues of property maintenance and nuisances were better resolved by enforcement of existing regulations and requirements of the Virginia Maintenance Code, City Code and other sections of the Zoning Ordinance. Staff determined these regulations more appropriately addressed potential land use impacts related to ADUs. Staff also identified enforcement challenges related to owner occupancy. Commissioner Koenig also asked if other jurisdictions that had removed owner occupancy requirements experienced negative impacts. Staff replied that other jurisdictions had removed the owner occupancy requirement finding it to be an unnecessary regulatory barrier to ADU construction. These jurisdictions also acknowledged that property ownership is not a land use issue.

Commission Koenig expressed support for the setbacks proposed by staff for detached ADUs. He felt that, especially in denser neighborhoods with smaller lots, requiring larger setbacks would occupy available and usable open space and would also create an undesirable “no mans land” between the detached ADU and the nearest lot line. He stated

Commissioner Koenig expressed support for the setbacks proposed by staff. He felt that in neighborhoods with smaller lots, requiring larger setbacks for detached ADUs would occupy too much usable open space on a lot, creating what is often an unusable, undesirable, difficult to

maintain space between the detached ADU and the nearest property lines. Commissioner Koenig felt that the existing height limits established for detached garages allows for structures that are less impactful to adjacent neighbors. He suggested that the 20-foot height limit proposed may allow for taller structures too close to adjacent properties. He proposed requiring a larger setback for detached ADUs taller than one story.

Commissioner Lyle observed that, in several meetings she attended where affordable units were discussed, comments were often made by the public that affordable units attract a criminal element. These commenters also stated that the residents of affordable housing would not be desirable neighbors in their communities. These commenters stated that having residents in affordable housing nearby would be detrimental to their children. Commissioner Lyle found this disturbing and that she did not understand the genesis of these comments. She stated that there are no requirements for background checks of any kind for people moving into the City's existing neighborhoods. She found the assumption made by commenters, that those who need affordable housing would make undesirable or criminal neighbors, troubling. She asked staff to explore ways in which to dissuade these assumptions from public discussion about affordable housing in the City. Staff replied that research conducted by Housing repeatedly shows that the mixed income neighborhoods made possible by affordable housing provides community benefits and not negative impacts.

Vice Chair McMahon found that the policy would not result in environmental impacts because the existing controls within the Zoning Ordinance that limit impervious surfaces would not be changed by the proposal. She stated that the setbacks proposed would allow for detached ADUs to be located as to have the least impact on available open space. Vice Chair McMahon found that because ADU policy tends to allow for ADU construction at a gradual rate, that there would be a low probability of impacts to City school capacity. She also felt confident that the City's current methods for tracking school capacity would clearly identify if an issue arose related to ADU construction. She distinguished between ADU policy and the construction of discrete multifamily buildings, where an immediate increase to an area's density is made over a much shorter period.

Vice Chair McMahon found that the potential economic benefits of ADU policy would provide benefits to the City and would serve a large and diverse number of people. She stated that the financial benefit of an ADU could allow for property owners to maintain a more sustainable ownership of their properties over time. Neighborhood stability would be gained by its residents being more financially secure, she said.

Vice Chair McMahon stated satisfaction with the proposal's impact on the City's historic district and historical properties. She found the Zoning Ordinance's existing regulations would sufficiently cover review of ADU construction.

Vice Chair McMahon stated that the policy would not create structures that would be out of character with the City's neighborhoods and that it would provide contextually appropriate height, size and setback limits.

Commissioner Brown stated that it would be helpful to have illustrations that showed the proposed bulk and setback requirements. He asked staff to walk through how the proposed regulations would

apply for a hypothetical scenario in which a detached ADU would be constructed on a specific property. Commissioner Brown asked if a detached ADU's second floor could be limited to address the concerns of overly bulky two-story detached ADUs. Staff replied that it would be feasible, but that additional analysis would be needed. He found that graphics could help to lessen concerns raised about the detached ADUs that could be constructed if the policy were approved.

The City is experiencing a crisis caused by a housing shortage and housing affordability, Commissioner Koenig said. He found the policy to be a necessary piece of the City's efforts to address the housing crisis. Commissioner Koenig expressed broad support for the policy, finding that it would incrementally increase housing supply and affordability without detrimental impacts to the City's established neighborhoods. He also concluded that the lack of an owner occupancy requirement would not pose a risk to the City, stating that he did not consider ownership to be a land use issue. Finding it somewhat analogous to Commission Lyle's statements, Commissioner Koenig further found that the owner occupancy requirement relied on a tenuous assumption that a property owner, who, simply because they resided on site, would therefore be an inherently and predictably more responsible steward than one who did not. Commissioner Koenig was also persuaded by staff research which showed that the concerns that led to the creation of owner occupancy requirements in other jurisdictions with ADU policy were not meaningfully realized.

Commissioner Brown expressed general agreement with the staff memo dated December 31, 2020 but clarified with staff that a notification to adjacent property owners could be included in the proposal. Staff confirmed that a notification could be required as part of the administrative ADU permit. Commissioner Brown was not advocating for a formal public comment period but felt that it was important for neighbors to be aware of ADU construction.

Commissioner Brown acknowledged that the conversation at the hearing provided a more complete analysis of all the issues raised and hoped it would help City Council better understand ADU policy. Commissioner Brown expressed disagreement with public comments made that the engagement process conducted by staff was dishonest or was a "bait-and-switch exercise." He felt that staff learned from outreach and adjusted the final policy recommendations based on feedback. Commissioner Brown stated that he was prepared to support the policy as proposed.

Chair Macek expressed general support for the policy, finding that it would partially address the housing crisis faced by the City. He also stated that he had closely followed the community engagement process conducted by staff and felt that an earnest outreach effort had been conducted. He found that the final policy recommendations reflected a balanced responsiveness by staff to feedback received. He acknowledged that staff attended many virtual meetings on the subject and concluded that additional time for outreach was not needed. Chair Macek stated that the policy would provide a way for those in the City who already have "informal" ADUs to help these residents to create legal dwelling units. Chair Macek appreciated that the proposed regulations for detached ADUs were modeled after the existing rules related to detached garages. He also found that the City as a whole would benefit from the policy and supported its implementation City-wide rather than limiting it to specific areas. Chair Macek also supported staff's position on short-term rentals, finding that such restrictions do not belong in the Zoning Ordinance. He also stated that the Zoning Ordinance should only regulate land use, not specify who can live in the City. Chair Macek also

found that the owner occupancy requirement was beyond what should be regulated by the Zoning Ordinance.

I. SUMMARY

The Department of Planning & Zoning and Office of Housing propose to amend the Zoning Ordinance to allow accessory dwelling units (ADUs) City-wide. Staff commenced the ADU study in January 2020. Research and outreach support were provided by The Urban Institute, a non-profit research organization focused on economic and social policy and practice to strengthen communities nationally. Urban Institute's findings, including its proposed recommendations for an Alexandria ADU policy are included with this report. The recommendations proposed by staff are based on a review of local and national ADU models and experiences, public feedback received during the study period as well staff analysis and recommendations made by the Urban Institute. With this proposal, staff intends to allow for a low-impact, secondary dwelling unit to be located on a lot developed with a single-family, two-family or townhouse dwelling. Staff's proposal would allow for an incremental increase in housing supply while maintaining the established character of the City's neighborhoods.

II. ISSUE

An accessory dwelling unit (ADU) is a regulatory term that typically refers to a small apartment-style residence that shares a lot with a larger house. An ADU provides a separate kitchen, bathroom and bedroom(s) from those in the main house. ADUs are generally small and can typically only provide studio/efficiency or one-bedroom floorplans. ADU size limitations inherently limit the number of occupants, so they are typically occupied by fewer than four persons.

ADUs may be located within or as addition to an existing dwelling (internal ADUs). They may also be located within a separate building on a lot, often above a detached garage (detached ADUs). Figures one and two show sample ADU configurations.



Figure s - ADU above detached garage



Figure 1 - Internal ADU

Since 2000, the City of Alexandria has tracked an 87 percent decline (approximately 16,000 units) in market-affordable rental housing options, or non-subsidized units made affordable due to their age, size, condition, location and limited amenities. Market-affordable rentals, which now make up about three percent of the City's total housing stock, are one crucial piece of the City's affordable housing stock, along with committed affordable units and market affordable condos.

At present, seniors requiring care and persons with disabilities also have limited housing options in Alexandria. Assisted living facilities in the City are often not affordable to low-and moderate-income households and are typically age-restricted. City regulations also do not provide the necessary flexibility for homeowners to build the separate, independent living spaces needed to accommodate intergenerational families and families that may need live-in childcare assistance. The ability to create rentable independent living spaces may also provide homeowners with a revenue stream that allows them to more affordably maintain ownership and/or remain in their homes. These gaps in the City's housing supply highlight an opportunity to amend the Zoning Ordinance to permit the construction of Accessory Dwelling Units as a secondary living space internal or external to a primary residence on residential lots, based on certain criteria.

A windshield scan of neighborhoods throughout the City would indicate that ADUs have been occurring organically and informally since the City's inception. The policy being considered now would provide a guide for how such living spaces might be regulated for life/safety purposes and to ensure that new development within an increasingly urban environment can occur to respect and consider existing infrastructure resources and complement the fabric of neighborhoods while creating new, more affordable and equitable access to housing options in areas of opportunity throughout the City.

III. CONTEXT

Although the Zoning Ordinance has effectively prohibited accessory dwellings since at least 1951, they have more recently been identified as a potential tool to increase housing supply and expand housing affordability options in several City Council-adopted plans. These plans include the 2013 Housing Master Plan and the 2018 Age Friendly Plan for Livable Communities, as well as the 2019 Metropolitan Washington Council of Governments Regional Housing Initiative endorsed by City Council in March 2020. They are also anticipated in some small area plans as well as in some Coordinated Development Districts (CDD), including CDD #10 and CDD #21. Many of the City's neighboring jurisdictions have already adopted policies allowing for the development of ADUs, including Washington, D.C. and Arlington and Montgomery Counties.

IV. BACKGROUND

At the request of City Council, following a period of internal study with the Urban Institute (UI), staff launched a community process in January 2020 to introduce and present recommendations on a potential accessory dwelling unit policy appropriate to Alexandria. The policy, if adopted, would allow for the addition of low-impact, secondary dwelling units on single-family lots that are compatible with established neighborhood character. Approximately 15,000 renter households in Alexandria have annual incomes below \$75,000 and are spending more than 30% of their income on housing (often referred to as housing cost-burdened). These households, which include young professionals, graduate students, and recent graduates, as well as persons with disabilities and retirees, among others, could all benefit from the additional workforce rental options created by allowing ADUs. Adoption of this policy would make it possible to provide more rental units in neighborhoods of opportunity throughout the City that currently have few rental units.

These units provide the opportunity to expand housing equity in the City by creating greater access to potentially high performing schools, parks, and other amenities not previously available to low- and moderate-income renters.

By adding to the stock of available housing units, ADUs are one mechanism which could help narrow the gap between supply and demand in the City, in turn, slowing the rate of rental price increases. While staff's recommendations do not include affordability incentives or requirements for ADUs, staff's research has shown that these units are often rented below market rate due to their relatively small size compared to larger apartments, lack of amenities, and propensity to house family members or caregivers (sometimes, rent-free). Affordability incentives are expected to be examined in a later phase of this policy, in coordination with budgetary considerations, if City financial support is required to induce their creation.

Like many metropolitan areas across the country, Alexandria is experiencing an aging population. Between 2010 and 2019, the senior population (65+) grew by 30%. Approximately 3,300 senior households in Alexandria are considered low-income (60% of the Area Median Income (AMI) or less) and about 6,000 seniors live alone. As aging seniors begin to require more assistance with daily activities, ADUs would enable them to either live with relatives who can provide care or hire on-site caretakers. These options would allow the senior to age safely, comfortably and more affordably than many alternatives, including moving to assisted-living facilities, where rents can cost upwards of \$5,000 per month in the City of Alexandria. In addition to the cost savings, remaining at home, or "aging-in-place," is often a preferred care alternative to board and care homes, continuing-care retirement communities, or nursing homes. In addition, offering options for ADUs can allow senior homeowners to benefit from a rental revenue to supplement other income, potentially allowing them to better afford remaining in the community and/or meeting costs to maintain their home.

ADUs also foster opportunities for intergenerational households by providing on-site housing options for aging relatives, as well as adult children. Young adults entering the workforce today are more likely to carry student loan debt than their parents and grandparents. They are also waiting longer to get married and purchase homes. ADUs allow young adults the option to save money by living with their parents or other relatives, while maintaining independence and privacy. In addition, intergenerational co-residence can be a solution to the rising cost of childcare. Our consultant, The Urban Institute has noted that grandparents in the home can share childcare and schooling responsibilities, ease tensions between parents and their children, decrease involvement in delinquent activities, reduce depressive episodes and improve children's academic performance.

ADUs present the opportunity for current and future homeowners to build wealth. As described above, ADUs can help offset a homeowner's monthly mortgage payment by bringing in supplemental rental income. The cost associated with the construction of an ADU depends on "hard costs," such as labor and construction materials, and "soft costs," such as permitting fees, architecture services, and, possibly, land use attorney fees. In most cases, an internal ADU will be less expensive to construct than a detached structure. While the initial expense may require a loan, ADUs can be a lucrative long-term investment. Homeowners may choose to live in the ADU or the primary dwelling, depending on their needs, and a new ADU could be designed to provide a fully accessible housing option. Typically, the income stream from renting either dwelling is

sufficient to offset monthly loan and tax payments or the increase in monthly mortgage costs due to an existing ADUs.

V. ADU POLICY: NATIONALLY AND REGIONALLY

Nationally, many jurisdictions, including those within Virginia and the Washington, DC region, have adopted ADU policies. Staff reviewed these policies to provide background and context for this study. In this review, staff focused primarily on ADU policy in neighboring jurisdictions and those where large numbers of ADUs were developed. Staff was also in contact with planners in Charlottesville, Arlington and Montgomery County to discuss their experiences with ADU policy. Table one, below, shows these jurisdictions and the number of ADU permits issued. The table also shows the percentage of ADUs in relation to the total number of dwelling units in each jurisdiction.

Table 1 – ADU permits in select jurisdictions

	ADU permits issued, time period	ADUs as total share of housing stock
Arlington County, VA	45 (2009-2020)	0.04%
Washington, DC	75 (2016-2020)	0.02%
Montgomery County, MD	133 (2013-2020)	0.12%
Portland, OR	4,047 (1995-2019)	1.43%
Seattle, WA	2,597 (1996-2020)	0.75%

VI. COMMON ELEMENTS OF ADU POLICY

Staff reviewed ADU policy in these five jurisdictions to determine what common regulatory components each included. These jurisdictions establish distinct requirements for ADUs that limit their size and impact beyond the requirements that apply to principal dwellings. Subject to their local policies, all five jurisdictions consider an ADU as a “by-right” use, allowing them without approval by a board at a public hearing. Staff-identified common elements of ADU policy include:

- Occupancy and size limitations
- Bulk regulations for detached ADUs (maximum height and minimum setbacks)
- Off-street parking requirements
- Permitting/licensing requirements
- Owner occupancy requirements
- Short term rental limitations

These elements ensure that ADUs remain as accessory uses. An accessory use is generally defined as a use or activity which is a subordinate part of or is clearly incidental to a primary use. In other words, accessory uses should “blend in” with the primary uses to which they are incidental. Ensuring that ADUs remain as accessory uses, by limiting their impact on the physical and infrastructure needs of the neighborhoods in which they are created, is the most important aspect of ADU policy. Otherwise, ADU policy could be the equivalent of permitting two primary dwellings on a property.

Urban Institute included a summary of how other jurisdictions regulate the aforementioned elements of ADU policy in Table 1 of its report. Further explanation of these elements follows.

Occupancy and size limitations

The primary means for ensuring that an ADU remains accessory are occupancy and size limitations. Occupancy limitations set the maximum number of persons who can reside in an ADU. These limits typically differ from building code requirements or occupancy limits established for principal dwellings. Size limitations generally set a maximum square footage of the ADU, often in relation to the size of the principal dwelling or the lot size of the property. In all five jurisdictions, the ADU must be smaller than the principal dwelling.

Bulk regulations for detached ADUs

Bulk regulations establish both maximum height and minimum setbacks for a detached ADU. Bulk regulations also include a maximum square footage limit. These regulations exist to ensure that detached ADUs are not inappropriately large or placed inordinately close to a property's lot lines. Bulk regulations for detached ADUs should reflect the scale of a City's built environment, promoting a reasonable physical relationship between buildings that allows for privacy of neighboring properties. Again, in all five jurisdictions, the detached ADU must be shorter and smaller than the principal dwelling. In all jurisdictions except for Montgomery County, smaller setbacks are required for detached ADUs than are required for principal dwellings.

Off-street parking regulations

Of the five jurisdictions, none strictly require off-street parking for ADUs in all cases. In Montgomery County, one off-street parking space is required in addition to the required parking for the principal dwelling. In Montgomery County, if a new driveway must be constructed to provide access to the parking space, a property with an ADU only needs to provide two off-street parking spaces. For properties within one mile of a Metro, MARC or the planned Purple Line station, no off-street parking is required for ADUs. Arlington County requires properties with an ADU that have no off-street parking spaces to create at least one off-street parking space if the County determines that on-street parking on the block surrounding the property is limited. The other three jurisdictions do not require any off-street parking for ADUs.

Permitting and licensing requirements

All five jurisdictions require a separate, administrative permit or license for an ADU in addition to any other required building or trade permits. Most importantly, a separate permit adds an extra layer of review to ensure that life safety requirements are thoroughly met. These permits also enable a jurisdiction to have greater control over the implementation of its ADU policy, allowing an additional, formal opportunity to clearly communicate regulations to an applicant so that they are well understood before and after construction. In the event of a violation, it also eases any enforcement actions that the jurisdiction must take.

Owner occupancy requirements

Arlington County and Washington, DC both require that the owner of a property developed with an ADU maintain either the ADU or principal dwelling as their primary residence.

This regulation is also relatively common in other Virginia jurisdictions with ADU policies, including Charlottesville and Norfolk. Owner occupancy requirements are generally promoted to prevent speculation and limit potential effects of an absentee landlord. The other three jurisdictions do not have an owner occupancy requirement.

Short-term rental limitations

Only Montgomery County prohibits short-term rentals of properties developed with ADUs. The Code of Virginia defines short-term rentals “...as the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.” Short-term rentals include listings found on services such as AirBnB and VRBO. Short-term rentals are often banned or highly regulated in ADU policy because they are not viewed as adding to housing supply or affordability, however, they are permitted in the other four jurisdictions that staff reviewed.

VII. PUBLIC OUTREACH

The community engagement process for the ADU study began on March 11, 2020 with a briefing to Commission on Aging. Because of the COVID-19 pandemic, a robust virtual engagement plan was developed with other presentations and community meetings held online. Following the posting on an ADU webpage with informational videos, a resource library and two online surveys, as well as a comment board, staff attended numerous meetings with the public as well as various stakeholder groups. In addition to community members at large, meetings on ADU policy included participants from the Commission on Aging, the Alexandria Housing Affordability Advisory Committee, the North Ridge Citizens’ Association and the Del Ray Citizens’ Association. The public was notified of all milestones in the community engagement process via the City’s eNews service and through the Office of Housing’s Facebook page, as well as through direct outreach to a large number of groups and commissions who could be interested in the topic. Staff also provided four opportunities for formal feedback as follows:

On April 17, 2020, staff recorded a presentation with representatives from the Urban Institute to kick-off the project. The presentation replaced a planned community meeting that was canceled due to COVID-19. Urban Institute administered a survey that contained open-ended requests for feedback on the development of ADU policy. This survey was open April 17 through May 10. 240 responses were received.

On July 15, 2020, staff recorded a second presentation with representatives from the Urban Institute to answer questions submitted in response to the first presentation. The second presentation also went further in-depth about specific ADU policy and how the City currently regulates ADU policy. Urban Institute again administered a survey to collect feedback. This survey was open from July 15 through August 19. 186 responses were received.

Staff released draft policy recommendations on October 9, 2020 and a final survey. The feedback period was open until November 6. 252 responses were received. The survey was meant to gauge feedback on staff’s specific draft recommendations.

Staff held a virtual community meeting on October 22 to present the draft ADU policy, answer questions and receive comments in real-time. 61 residents attended the meeting and 107 questions were answered by staff.

Urban Institute provided a summary of feedback received within their findings, which staff has included as an attachment to this report. From the numbers of persons visiting the ADU webpage, viewing the two videos, submitting comments and questions and attending virtual meetings, robust community robust engagement was achieved, including participants not previously involved in City processes. Final recommendations were released to the public on December 3, 2020. Formal letters received to date indicated general support for an ADU policy, with some concerns on specific recommendations. To date, North Ridge Citizens Association has submitted a statement in general support of ADU policy but none of the specific draft recommendations staff released in October. Del Ray Citizens Association also submitted a letter that reflected a mixed position on ADU policy and staff's final recommendations. A letter from AHAAC indicates broad support for ADUs, but the Commission did not come to a consensus regarding the owner-occupancy or short-term rental issues. To ensure that the proposed ADU policy is working effectively, AHAAC proposed a future review be planned after either 50 ADU permits are issued or three years, whichever comes first. In its discussion, AHAAC also suggested that future reviews consider whether some financial incentives (partial tax abatement, construction financing) to achieve committed affordability and enhance equity within the production of ADUs be offered by the City. Staff believe that scheduling a future review at some interval to measure the City's progress in producing ADUs and to consider refinements, has merit. These letters have been included with this report.

VIII. ACCESSORY DWELLING UNIT POLICY RECOMMENDATIONS

With these recommendations, staff intends to allow for accessory dwelling units that integrate harmoniously into the City's neighborhoods. Their use and design should respect the established look, scale and feel of the City as a whole. While a successful ADU policy should not be overly burdensome, it is imperative that the policy minimizes potential land use impacts. Staff research shows that ADU uptake is typically incremental in jurisdictions with ADU policy. Even in jurisdictions with very permissive policies, ADUs only account for around one percent of the total housing stock, as shown in Table 1, above.

The biggest deterrent to ADU construction is cost. Initial costs of ADU construction are often quite high. Staff research shows that ADU construction costs can range from \$20,000 to \$400,000 with a typical, new detached ADU costing around between \$100,000 to \$200,000. Because construction costs are high in Alexandria, staff believes that the slow uptake of ADU construction nationwide would similarly constrain ADU development in the City. More on ADU costs and financing can be found at the end of this report. While the construction of ADUs would support the City's housing goals, this natural restraint would likely mean that ADUs would be created incrementally in the City, minimizing their potential impacts on neighborhoods and giving the city time to evaluate and study their impacts.

The creation of ADUs should be considered a long-term goal of the proposed policy. Based on experience in Portland, Oregon, where ADU policy is quite permissive, and Arlington County,

Virginia, where ADU policy is more restrictive, staff anticipates that a low number of ADUs would be created annually in the City. While it is nearly impossible to predict, assuming the City would experience ADU uptake somewhere between Portland and Arlington's experience, staff estimates that fewer than 15 ADUs would be created annually in Alexandria. Regardless of how many units are created annually, staff's proposed ADU policy would minimize potential land use impacts and ensure compatibility with existing neighborhoods.

The City's recommendations adopt many of the policy recommendations concurrently developed and proposed by the Urban Institute but were specifically tailored to consider local context and feedback as well as to respect state and City legal limitations on regulating land use and zoning.

1. Creation of Accessory Dwelling Unit definition.

The City's current Zoning Ordinance does not specifically address accessory dwelling units. Staff proposes the following definition:

A dwelling unit with its own cooking, heating and sanitary facilities that is accessory to a principal dwelling unit. An accessory dwelling shall be considered an accessory use to a principal residential use.

This definition would require an ADU to provide a separate kitchen and bathroom from the principal dwelling. Staff found that it was necessary to include these requirements to clearly distinguish an ADU from other accessory structures and buildings. It would also define an ADU as an accessory use, which is currently defined as:

A use or structure which is clearly subordinate to and serves a permitted principal use and is subordinate in area, extent and purpose to the principal structure or use served. An accessory use or structure generally occupies less than 33 percent of the principal use or structure's gross floor area and does not change the character of the principal structure or use.

Staff also proposes amendments to the Zoning Ordinance dwelling unit definition to clarify that ADUs should not be considered when classifying the principal dwelling as a single-family, two-family or townhouse dwelling or whether the existing dwelling complies with the maximum density, minimum open space or lot requirements for the zone in which the property is located.

2. Allow ADUs City-wide

The current Zoning Ordinance does not specifically address accessory dwelling units, but it has indirectly prohibited them since at least 1951. Taken all together, the Zoning Ordinance's dwelling and dwelling unit definitions, lot, bulk and open space requirements essentially prohibit the use of an existing dwelling to be occupied by more than one family.

Staff proposes that one ADU would be permitted on any lot within the City that is developed with a single-family, two-family or townhouse dwelling. ADUs would not be permitted on multifamily, mixed-use or commercial properties. To accomplish this, staff proposes adding ADUs to the list

of permitted accessory uses under Zoning Ordinance section 7-101 and by creating new section 7-203. In new section 7-203, staff recommends that one accessory dwelling on a lot be permitted as an accessory use to a single-family, two-family or townhouse dwelling.

3. Allow ADU's both within existing dwellings and detached buildings

Under staff's proposal, ADUs would be permitted within existing dwellings or within an addition to an existing dwelling. ADUs located within a principal dwelling would be subject to the standard zone requirements. ADUs would also be permitted within a detached accessory building. Staff proposes new bulk and setback requirements for detached buildings developed with ADUs.

It is noted that some Alexandria residential developments structured as common interest communities, e.g., governed by a homeowner association and subject to documents regulating the use of property within the community, may expressly prohibit ADUs, whether separate from, or within, a primary residence.

4. Occupancy and size limitations

To ensure that an ADU remains accessory to the principal dwelling, staff proposes occupancy and size limitations. Size limits would require the ADU to be proportionately smaller than the principal dwelling and to be occupied by fewer persons than would be permitted in a principal dwelling. Size limits would also be helpful for increasing the supply of smaller, and therefore inherently more affordable, housing.

In draft recommendations, staff proposed that ADUs be subject to the same requirements of principal dwellings, that no more than one family, as defined by the Zoning Ordinance, would be permitted to occupy an ADU. Public feedback and further analysis led staff to amend this recommendation.

Staff's final occupancy recommendation would limit an ADU's occupancy to three persons or fewer. Because the existing family definition in the Zoning Ordinance is quite complex, staff found that setting a maximum number of persons, regardless of relation, would be simpler to enforce. More importantly, staff felt that limiting ADU occupancy to three persons is a necessary and stronger rule to ensure that the use of the ADU is not more intense than principal residential use. This occupancy limit would be listed in new section 7-203.

Staff originally proposed an ADU size cap that limited its floor area to the greater of the following:

- One-third of the principal dwelling's floor area or
- 750 square feet

Staff has now amended this proposal to limit the floor area of an ADU as follows:

For a detached building containing an ADU the first floor area shall not exceed the greater of the following:

- One third of the floor area of the principal dwelling's first floor or
- 350 square feet for lots 2,500 square feet or less and 500 square feet for lots larger than 2,500 square feet.

ADUs within a dwelling would be limited in size to one-third of the existing dwelling's gross floor area.

With the final proposal, staff intends to regulate the footprint of detached ADUs. In doing so, the proposed regulations would limit impervious surfaces and lot coverage occupied by an ADU, both of which can contribute to stormwater issues. Further, detached ADUs with smaller footprints would appear less bulky and would have lower visual impact to neighboring properties.

5. *ADUs and Floor Area Ratio (FAR)*

The Zoning Ordinance currently exempts detached garages and sheds from floor area ratio calculations. Under current regulations, the following can be excluded from floor area:

For residentially zoned properties outside of the City's Old & Historic Alexandria (OHAD)/Parker-Gray (PG) districts developed with a single-family or two-family dwelling:

- For lots 2,500 square feet or larger, the floor area of a 250 square foot garage
- For lots 8,000 square feet or larger, the floor area of a 500 square foot garage
- Additionally, the floor area of a 100 square foot shed may be excluded

For townhouse dwellings and all dwellings within the City's OHAD/PG districts, the floor area of a 65 square foot shed may be excluded.

As an example, a single-family property (outside the City's OHAD/PG districts) with at least 8,000 square feet could exclude a 500 square foot garage and a 100 square foot shed.

Staff recommends that these floor area exclusions apply to detached ADUs. Under this recommendation, the floor area exclusions currently permitted for garages and sheds would also be permitted for detached ADUs. The floor area exclusions that would be applicable to detached ADUs would be added to Zoning Ordinance section 2-145.

This section would allow for the following to be excluded from floor area: floor area within detached ADUs that are compliant with staff's proposed bulk and use standards (new section 7-203) devoted to the ADU use, would be eligible for exclusion as follows:

For residentially zoned properties outside of the City's OHAD/PG districts developed with a single-family or two-family dwelling:

- 100 square feet for lots less than 2,500 square feet
- 350 square feet for lots 2,500 square feet or greater
- 600 square feet for lots 8,000 square feet or greater

For townhouses and all dwellings within the City's OHAD/PG districts:

- 65 square feet for all lot sizes

The floor area eligible for exclusion within a detached ADU on a property already developed with a garage and/or shed would be reduced by the floor area exclusion for the existing garage and/or shed. For example, an 8,000 square foot, single-family property with an existing 500 square foot garage could only exclude 100 square feet of a new detached ADU. If that same property contained neither a detached garage nor a shed, 600 square feet of a new detached ADU could be excluded.

The floor area eligible for exclusion would not affect the ADU size measurement or maximum listed in recommendation #4, above.

Staff recommends expanding floor area exclusions as outlined above because detached ADUs would be placed in generally the same location as an existing detached garage or shed. Further, the detached ADU would be similarly restricted in terms of height and size. Basically, because of the similarity between detached ADUs and detached garages and sheds in terms of their potential impacts, staff found it appropriate to exclude both from floor area as recommended.

6. Setback requirements for detached ADUs

The Zoning Ordinance currently permits several types of detached buildings within otherwise required side and rear yards. For example, detached garages and sheds meeting certain standards are permitted within one foot of side and rear lot lines.

Following similar requirements for existing detached buildings, staff proposes that detached ADUs comply with the following setback requirements:

- Detached ADUs must provide at least one-foot side and rear setbacks, including overhangs or other architectural features otherwise permitted within required yards.
- If the ADU has windows that face the nearest side or rear lot line, that setback shall be increased to three feet.
- Dormers must provide setbacks that comply with the zone requirements for which the property is located.

Staff also proposes carrying forward the rules related to existing detached structures that requires an additional setback when a building on an adjacent property has windows that face the shared lot line.

With the proposed setback regulations, staff intends to allow for detached ADUs to be placed in similar locations to existing detached structures. This would respect the historical lot development pattern of the City, where detached structures are typically “tucked” into a back corner as to minimize visibility and presence from the street. On smaller lots, having a detached ADU close to side and rear lot lines would allow for more of a property owner’s rear yard to be usable and preserved.

Staff has proposed additional setback requirements when windows face the shared lot line. Requiring dormers to meet regular zone setbacks would keep bulk above the first floor appropriately distanced from shared lot lines, protecting privacy and light and air supply.

7. Height limits for detached ADUs

Staff proposes that detached ADUs shall not exceed the lesser of the following:

- The height of the principal dwelling or
- 20 feet

Detached ADU height shall be measured the same way that the Zoning Ordinance currently requires building height to be measured. For a detached ADU to appear subordinate to a principal dwelling, it must be shorter than the principal dwelling. The 20-foot height limit would apply on most lots developed with two-story dwellings. In any case, the ADU would not be permitted to be taller than the principal dwelling. With the proposed height limit, staff ultimately intends to allow for one-and-a-half story ADUs on lots that contain principal dwellings taller than 20 feet. Unfortunately, writing the one-and-a-half story limit directly into the Zoning Ordinance would be nearly impossible to enforce. A half-story is generally used to describe a partial second story but is not a technical term that can be easily quantified. To accomplish this goal, staff has proposed the 20-foot height limit as that should accommodate most one-and-a-half story detached ADUs.

8. Special Exception for detached ADUs

Staff proposes a special exception process for ADUs. This process would allow the Board of Zoning Appeals (BZA) to grant permission for a property owner to use an existing detached accessory building that does not comply with the proposed bulk and setback requirements to be used as an ADU. For example, an existing detached accessory building that exceeds staff's proposed height or size requirements could, with BZA approval, be converted to an ADU.

9. Off-street parking

Staff recommends that no additional off-street parking spaces be required for ADUs and that no required parking shall be removed to accommodate construction of an ADU. Staff found that requiring the construction of additional driveways to accommodate off-street parking could result in the appearance of very large driveways. Particularly on small lots, large driveways can be incompatible with surrounding neighborhoods because so much of the lot's open space is occupied by the driveway. Further, driveways tend to be made of impervious surfaces. Increased impervious area can exacerbate stormwater issues.

The Zoning Ordinance requires single-family, two-family and townhouse dwellings to provide two off-street parking spaces. In many cases, these types of dwellings already provide additional parking spaces beyond the minimum required in existing driveways and garages.

10. Owner Occupancy requirement and short-term rental limitations

Staff originally proposed an owner occupancy requirement and a short-term rental limitation in the draft recommendations. Upon further consideration, staff found that the land use impacts that the City seeks to mitigate are better addressed through a limitation on the number of occupants of an

ADU. Moreover, regulating who lives in or visits a property should not be the function of a Zoning Ordinance.

Thousands of properties in the City are currently rented without a requirement for the property owner to reside on the premises. In these cases, noise complaints and property maintenance issues are handled by existing City Code regulations and Code Administration officials when complaints are made. Staff finds these existing regulations appropriate and enforcement staff sufficient should similar issues arise in ADUs. Moreover, staff's proposed occupancy limit of three persons ensures that the use of ADUs remains accessory and compatible with existing neighborhoods.

Staff also concluded that the regulation of short-term rentals would be better to consider for all property types Citywide and not just accessory dwelling units. As such, these requirements are not included as part of staff's final recommendations to consistently align with City code, zoning and land use regulation.

Short-term rentals are currently permitted City-wide. Short-term rental operators are required to register with the City's Business Tax division of the Office of Finance. The City's Transient Lodging Tax is collected for short-term rentals. The Zoning Ordinance does not specifically address short-term rentals as they have become to be known in recent years. As such, the only zoning enforcement action that can be taken in response to a complaint is to ensure that the property is being used in accordance with the Zoning Ordinance definition of family. Similar zoning enforcement action could be taken if an ADU were occupied by more than three short-term renters. Staff ultimately recommends that if regulation of short-term rentals is desired, a City-wide regulation that applies to all properties should be placed on the City's Long-Range Interdepartmental Workplan for further study.

11. Administrative Permit

As with many other jurisdictions, staff recommends that Planning and Zoning staff require a no-fee permit for all ADUs. The permit would be issued to the property owner. An ADU permit would allow for easier implementation and tracking of ADU policy, and potentially creates an informal opportunity for staff to provide technical assistance as the policy is implemented. If approved, staff would rely on information collected in these permits to report back to Planning Commission and/or City Council with an assessment on any issues experienced with implementing ADU policy.

12. Other Considerations

ADUs would also be subject to other requirements both imposed by the Zoning Ordinance, development approvals and private covenants as outlined below:

- Any new construction to accommodate an ADU that would be visible from a public right-of-way within the City's Old and Historic Alexandria and Parker-Gray Districts would require approval from the Board of Architectural Review.
- Any new construction to accommodate an ADU would have to comply with any applicable open space requirements for the zone in which the property is located.

- For townhouse developments approved by City Council, most new construction would require a site plan amendment approved either administratively by City staff or by City Council.
- ADUs would have to comply with existing homeowners' associations (HOAs) and other private property covenants. The proposed ADU policy would not allow for a property owner to construct an ADU that would otherwise be prohibited by private agreements within HOA documents or other restrictive covenants.
- Building, trade and/or occupancy permits would be required for new construction to accommodate an ADU.
- New construction to accommodate an ADU would be required to comply with all City stormwater requirements.

13. Financing

Acquiring the necessary financing for ADU construction is generally considered the biggest challenge for first-time and low-and moderate-income homeowners. The current tools available to homeowners who need capital for ADU construction are home equity lines of credit and cash-out refinances. Both may be infeasible for homeowners who have little to no equity in their homes.

Home equity lines of credit, or HELOCs, leverage homeowners' existing equity. A homeowner must have at least 10 percent equity in their home, after which they can request a loan up to the amount of equity available above that 10 percent threshold. However, HELOCs consider only the current value of a home, rather than the future value after the addition of an ADU, including its income-producing potential, which amount may be too small to cover construction costs. HELOCs are also often variable-rate mortgages and require high credit scores to access.

Cash-out refinances may also allow borrowers to tap into the equity of their home based on the current value, not the post-construction value. Cash-out refinances require the homeowner to have at least 15 percent equity in the property. While this is a higher threshold than HELOCs, cash-out refinances have fixed, amortized interest rates, as compared to the HELOC's variable-rate mortgages.

Renovation financing that accounts for the value of the home including the ADU (after construction) would be a great option for homeowners, but it is rarely offered by banks in areas where ADUs are not already common. Homeowners may also rely on savings, loans from their 401(k) accounts, loans from family and friends, or credit cards and other unsecured loans. Construction loans may also be used, but they have higher interest rates and often are only a sound financial option if the property is going to be sold or refinanced upon completion.

Community Development Financial Institutions (CDFIs) are an emerging financing option for ADUs. CDFIs are private institutions that share a common goal of expanding economic opportunity in low-income communities by providing access to financial products and services for local residents and businesses. They can be banks, credit unions, loan funds, microloan funds, or venture capital providers. CDFIs in jurisdictions that allow the construction of ADUs have established new loan products to help residents finance and build ADUs. One example of this is the pilot program launched by The Housing Trust of Silicon Valley, a nonprofit CDFI, called Small

Homes, Big Impact. This program offers educational workshops on how to build an ADU and financial assistance (in the form of a construction bridge loan up to \$250,000 at 5% interest) to interested homeowners.

It is possible that in the future, the City may want to consider offering financial assistance to help homeowners construct ADUs in exchange for committed affordability. Another option would be to design a housing product that comes with a built-in ADU, with both dwellings covered by one mortgage.

IX. STAFF RESPONSE TO COMMUNITY FEEDBACK

This section provides additional staff response to community feedback received. The following policy recommendations were made by the community. Staff responses follow.

1. Require Neighbor Notification for Detached ADU Construction and Provide Public Comment Period.

Staff feels that the proposed height, size and use limitations would adequately protect neighborhoods from ADU construction impacts. Staff is not opposed to a notification requirement but feels that a public comment period would not be appropriate. Public comment is appropriate in cases where a board, such as Planning Commission or City Council, has discretion in their approvals. For ADUs, staff could not legally compel a homeowner constructing an ADU to address comments provided by neighbors that are beyond what the proposed regulations would require. Furthermore, a period of public notification is not required for a home addition, garage, shed, guesthouse or other accessory structure that could have the same or substantially larger impact than an ADU.

2. Eliminate ADU Size Limit Relative to Size of Principal Dwelling.

For a detached ADU to appear subordinate and be compatible with the City's neighborhoods, it must be smaller than the principal dwelling. The Zoning Ordinance generally quantifies a use or structure as accessory when it occupies less than one-third of the area or size of the principal use or structure. Under the proposal, the principal dwelling's first floor must be at least 1,500 square feet to construct an ADU larger than 500 square feet. In staff's experience, dwellings of this size are generally located on lots that are large enough that an ADU greater than 500 square feet would still be compatible with its surroundings.

3. Require ADUs within the National Register Historic Districts to Receive Board of Architectural Review (BAR) Approval.

The Zoning Ordinance does not currently authorize the BAR to hear cases within the City's National Register Historic Districts (Rosemont and Town of Potomac). Structures within these districts are classified on the National Register as either "contributing" or "non-contributing" based on historical significance. The construction of a detached ADU would not affect the contributing status and historical significance of the principal dwelling. ADUs constructed within locally designated historic districts or on a 100 year old property, and visible from a public right-

of-way, including the Old and Historic District and Parker-Gray will be required to obtain BAR approval prior to construction.

4. Prohibit Detached ADUs on Substandard Lots.

Staff feels that prohibiting detached ADUs would not be fair to residents with smaller lots. Under current regulations, detached structures, including garages, sheds, guest houses, etc. can be constructed on substandard lots if the proposal meets required setbacks and floor area. Staff feels that the protections provided by Zoning Ordinance Section 12-900 in addition to the proposed ADU regulations would sufficiently address concerns related to ADU construction on substandard lots.

5. Prohibit Subdivisions for Properties Developed with ADUs.

For a subdivision to be approved, the proposed lots must meet all lot requirements for the zone in which the property is located including lot size, width, street frontage, etc. An existing lot must be at least twice as large and twice as wide as the minimum lot size and width requirements, in addition to other considerations, to qualify for a subdivision. Most lots that would be developed with an ADU could not be legally subdivided because they would not meet the subdivision and lot requirements.

6. ADU Occupants Must be Related or Providing Care to Occupants of Principal Dwelling.

The Zoning Ordinance currently allows family members or caregivers to live in a detached structure as long it does not contain a kitchen. Staff feels that limiting ADU occupants in this manner would not serve to accomplish the goal of creating additional, flexible dwelling units within the City. Additionally, enforcement of such a provision would be challenging given the difficulty in documenting family relations or caretaker status.

7. Require Special Use Permit (SUP) for ADU Development.

Staff originally considered a public hearing process for ADUs. Our research found that the additional expense, time and uncertainty associated with public hearings would likely significantly discourage ADU construction. In many jurisdictions, public hearings are not required for ADU development. Staff feels that the proposed policy would allow for compatible ADU development without the need for a public hearing process.

X. STAFF RECOMMENDATION

Staff recommends that the Planning Commission initiate and support the text amendments to establish an ADU policy for the City.

Staff:

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Attachments:

1. Urban Institute report
2. Statements received from City committees and commissions
3. Statements received from civic associations
4. Proposed draft text Amendments



Designing Accessory Dwelling Unit Regulations

Recommendations for the City of Alexandria, Virginia

Christina Stacy, Eleanor Noble, Jorge Morales-Burnett, and Lydia Lo

November 2020

Accessory dwelling units (ADUs), or secondary housing units on residential lots, may be one way to increase housing supply without changing the physical character of neighborhoods. They represent a potential wealth-building opportunity for cost-burdened homeowners, a way for elderly residents to age in place while maintaining privacy, and an alternative for young people who want to live at home to save money. ADUs may also increase the supply of rental housing for low- and moderate-income renters in high-cost neighborhoods.

However, designing ADU regulations that minimize the barriers for their development while being sensitive to the desires of existing residents can be challenging. Although many cities have enacted laws allowing for ADU construction, some regulations make adding an ADU too burdensome for homeowners interested in development (Chapple et al. 2018). For example, in Arlington, Virginia, tight regulations on ADUs meant only 20 units were built between 2009 and 2017 (Anacker 2018). Portland, Oregon, on the other hand, has a flexible ADU regulation with a clear and streamlined permitting process, and the city issued 4,047 ADU permits between 1995 and 2019 (Lo et al. 2020).

This brief summarizes recommendations for the design of an ADU regulation for the City of Alexandria, Virginia, based on an evaluation of prior research, community engagement and feedback, discussions with leaders in cities who have instituted ADU regulations, and civic engagement. We make 10 recommendations:

- **Adopt a “by-right” process** for ADU development that reduces uncertainty for homeowners, reduces cost, and streamlines the process for development, and **make the initial review**

process for determining whether an ADU is allowed on a property as quick and easy as possible.

- **Do not impose an owner occupancy requirement** on either the main dwelling or the ADU.
- **Do not require off-street parking.**
- **Adopt a tiered approach to setbacks**, whereby single-story detached ADUs have smaller, less restrictive setbacks than larger, two story units, and **implement regulations for ADU window placements** to maintain the privacy of nearby homes.
- **Impose size limits on ADUs** that ensure the units are not too large (and therefore less like to be affordable) but also do not overly restrict the size of the ADU for homeowners with smaller homes.
- **Do not place any minimum lot size restrictions** on the development of ADUs.
- **Adopt the same restrictions around short-term rentals** for ADUs as for other homes in Alexandria.
- **Consider developing innovative financing mechanisms** and partnerships with banks and CDFIs to ensure that homeowners of all wealth and income levels are able to build their own ADUs.
- **Support programs that incentivize rather than require affordability** to increase the supply of affordable rental units in the city. Also consider partnering with a local developer or nonprofit to front the cost of building an ADU in exchange for rent sharing or affordability.
- **Consider both resident input and equity implications** in the design and implementation of an ADU regulation.

We hope that these recommendations allow the city to minimize barriers to ADU construction while maintaining the unique character and charm of the City of Alexandria. These recommendations should also be helpful for other cities looking to implement or revise their ADU regulations.

What Are ADUs?

“Accessory dwelling unit” is a legal and regulatory term for a secondary house or apartment that shares the building lot of a larger, primary house. ADUs generally come in three forms: interior, attached, and detached. An interior ADU could be an attic, a basement, or an internal carve-out on a main floor. An attached ADU, sometimes called a “bump-out,” is an addition to the primary home. A detached ADU is a separate building in the side or back yard. Some detached ADUs are apartments above garages. Figures 1 through 4 show some examples of ADUs.

FIGURE 1
A Detached ADU



Source: buildinganadu.com.

FIGURE 2
An Interior ADU (basement)



Source: rightarmconstruction.com.

FIGURE 3
A Detached, Above-Garage ADU



Source: buildinganadu.com

FIGURE 4
A Bump-Out ADU



Source: buildinganadu.com

Building an ADU can take from a few months to a few years depending on a city's zoning and permitting process, and it can cost anywhere from \$20,000¹ to \$400,000 to build; a typical detached ADU costs somewhere around \$200,000.² The total building cost depends on various "hard costs"—like local labor and construction materials, and "soft costs"—like permitting fees, architecture services, and land use attorney fees, which could make up 20 to 30 percent of the total development costs (Emrath and Walter 2018).³

History of ADUs

Detached ADUs, what many people think of when they think of ADUs, were relatively common in single-family homes built in the early twentieth century. Following World War II, increasingly restrictive zoning policies, private disinvestment from urban centers, white flight, federal subsidies, and an increasing dependence on the automobile for transportation encouraged suburbanization and low-

density residential development. Although local governments effectively banned new ADUs through the 1960s, residents in cities experiencing population booms met the demand for workforce housing partly through illegal ADU construction. During World War II, for example, San Francisco built around 25,000 illegal secondary units (HUD 2008). From a legal perspective, the tide turned slowly. As urban planning movements like smart growth (focused on building cities, towns, and neighborhoods that are economically prosperous, socially equitable, and environmentally sustainable) and new urbanism (focused on walkable blocks and streets, housing and shopping in close proximity, and accessible public spaces) emerged in the late 20th century, many cities began embracing urban infill projects and allowing ADUs (HUD 2008).

Since the early 2000s, ADUs have become increasingly popular as a policy solution for housing needs caused by changing demographics in metropolitan regions (Been, Gross, and Infranca 2014). The combination of shrinking household sizes, additional single-person households, and the growing elderly population has raised concerns about housing availability—especially given limited new housing construction in many metro regions. These demographic shifts not only create a housing mismatch, but exacerbate a housing shortage that is already at crisis levels in many metro regions (Been, Gross, and Infranca 2014). The problem of housing affordability—already significant in the national capital region—is likely to only worsen without further action. For example, Amazon’s HQ2 is expected to increase Alexandria’s housing shortage; recent estimates predict that 13,600 additional housing units are needed to accommodate household growth from 2015 to 2030 (Turner et al. 2019).⁴

Current State of Development

Many cities across the country have successfully enacted ADU laws, but the mere presence of a policy does not guarantee the construction of units. The number of ADUs that get built varies, partly based on regulatory restrictiveness. Nevertheless, even in the cities with the most flexible regulations and the highest rates of ADU development, ADUs only account for about 1 percent of the total housing stock. Table 1 documents several examples of regions with ADU regulations, selected based on their proximity to Alexandria, their comparability to Alexandria, or their high rates of ADU development.

TABLE 1

Number of Accessory Dwelling Units (ADUs) and Regulation Components in Selected Cities and Counties

	Arlington County, VA	Bloomington, MN	Boulder, CO	Fairfax County, VA ^a	Los Angeles, CA	Montgomery County, MD	Portland, OR	San Francisco, CA	Seattle, WA	Washington, DC
# of ADUs built/ permits issued	45 permits, 2009–20	2 permits, 2009–20	230 built, 1983–2018	177 permits, 1986–2020	7,052 permits, 2013–18	133 built, 2013–18	4,047 permits, 1995–2019	210 permits, 2015–18	2,597 permits, 1996–2020	75 permits, 2016–20 ^b
ADUs as a share of total housing units	0.04%	0.00%	0.51%	0.04%	0.48%	0.12%	1.43%	0.05%	0.75%	0.02%
Regulation components										
By-right development	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Minimum lot size	No	No	Yes	Yes, for detached	No	No	No	No	Yes	No
Owner occupancy requirement	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes
Parking requirements	No ^c	No	Yes	Yes ^d	Yes	Yes	No	No	No	No
Short-term rentals allowance	Yes	Yes	No	No	Under interpreta tion	No	Yes	No	Yes	Yes

Sources: For Arlington County, VA: David Whitehead, “Why Has Arlington Only Legalized 20 Accessory Dwellings in 8 Years?” Greater Greater Washington, October 5, 2017, <https://ggwash.org/view/65059/only-20-accessory-dwelling-units-legalized-in-8-years-in-arlington-virginia-new-rules-could-mean-more>; “Zoning Ordinance,” January 25, 2020. For Bloomington, MN: “Code of Ordinances,” accessed November 23, 2020. For Boulder, CO: “Municipal Code.” For Fairfax County, VA: “Zoning Ordinance, Article 8: Special Permits,” 2019; “zMOD Follow-Up Discussion Handout for Land Use Policy Committee Meeting,” February 4, 2020. For Los Angeles, CA: Dan Bertolet and Nisma Gabobe, “LA ADU Story: How a State Law Sent Granny Flats Off the Chart,” Sightline Institute, April 5, 2019, <https://www.sightline.org/2019/04/05/la-adu-story-how-a-state-law-sent-granny-flats-off-the-charts/>; “Ordinance No. 186481,” December 19, 2019. For Montgomery County, MD: Rebecca Tan, “Officials Call It a Common-Sense Zoning Change. These Homeowners Say It’s a ‘Betrayal,’” *Washington Post*, July 22, 2019, https://www.washingtonpost.com/local/md-politics/officials-say-its-a-common-sense-zoning-change-these-homeowners-say-its-a-betrayal/2019/07/22/5eb48724-a295-11e9-b732-41a79c2551bf_story.html; “Ordinance No.: 19-06,” December 31, 2019; Jane P. Lyons, “Stimulating Accessory Apartment Development,” Montgomery County Council, 2018. For Portland, OR: Kol Peterson, “ADU Permit Trends in Portland in 2017 and 2018,” Accessory Dwellings, January 14, 2019, <https://accessorydwellings.org/2019/01/14/adu-permit-trends-in-portland-in-2017-and-2018/>; Rebecca Esau, “Program Guide: Accessory Dwelling Units,” Bureau of Development Services, March 15, 2019. For San Francisco, CA: Budget and Legislative Analyst’s Office, “Policy Analysis Report,” January 31, 2019; “Accessory Dwelling Units (ADU) Program for Multi-Unit Buildings,” Planning Department, accessed November 23, 2020; For Seattle, WA: “Permit Information,” January 10, 2020; “Accessory Dwelling Unit,” Department of Construction & Inspections, accessed November 23, 2020. For Washington, DC: Accessory Dwelling Units,” Zoning Handbook, accessed November 23, 2020.

Notes: ^a Accessory dwelling units are currently allowed only in single-family detached homes in Fairfax County with special permit approval by the Board of Zoning Appeals and require an occupant of either the main house or the accessory unit to be over the age of 55 or a person with a disability. ^b Washington, DC, issued 151 permits during this period, roughly half of which were canceled or expired. ^c Parking for ADUs is required if the site has no off-street parking and on-street parking is in high demand. ^d Based on the determination of the Fairfax County Board of Zoning Appeals.

Community Engagement and Feedback

To understand community preferences around the design of an ADU regulation, the Urban research team and the City of Alexandria engaged with community members. Because of the COVID-19 pandemic, all community meetings and presentations for this study were held remotely. To collect feedback from residents, we posted two online presentations and administered two short surveys after each presentation that contained open-ended requests for feedback about the development of a potential ADU regulation. The City also administered one survey after a virtual community meeting that included more direct, multiple-choice questions. The feedback from these surveys is summarized here, and then interwoven in more detail in the sections below on recommendations.

The first presentation gave an overview of ADUs, and the post-presentation survey requested high-level feedback from residents on the topic. We received 240 responses. Residents raised eight key issues:

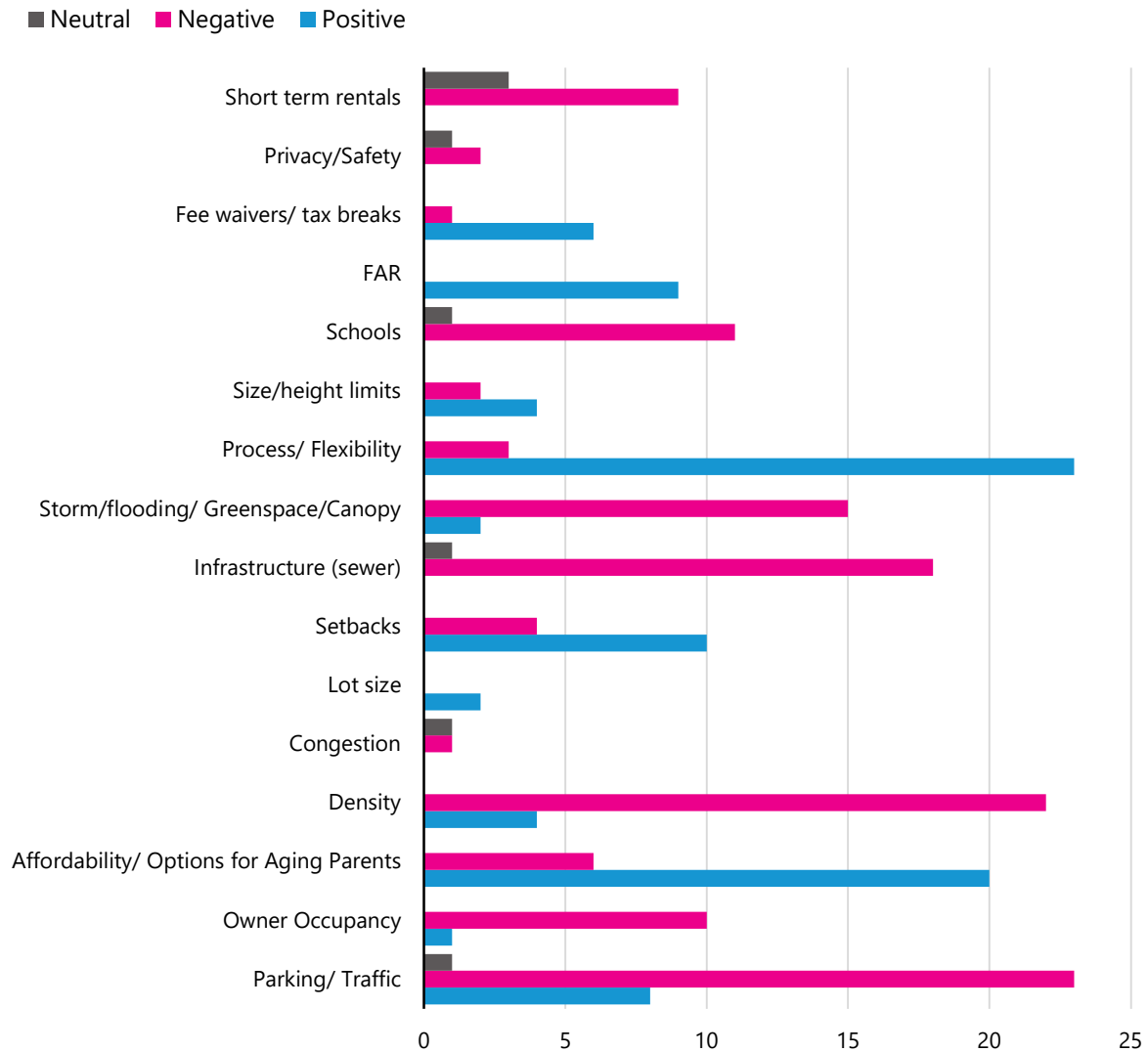
- ADU policies in other jurisdictions
- density
- environmental impacts
- expanded housing options
- neighborhood impact
- setbacks
- size limits and floor-area ratio requirements
- traffic and parking

Based on this feedback, we prepared a second presentation that helped answer some questions residents raised in the first feedback form. The second presentation also went into more depth about the specific components of a potential ADU regulation and summarized the feedback heard after the first presentation. Feedback after this second presentation is summarized in figure 5, which shows the sentiment of responses by topic. In the figure, “positive” means the respondent felt positively about ADUs in relation to the topic listed, and “negative” means that the respondent felt negatively about the topic or the ways in which ADUs will affect that item. For instance, someone who would like the ADU regulation to be flexible is considered positive on the process/flexibility topic; someone who would like a full review before an ADU is developed is considered negative. Similarly, someone who feels positively about density and the ability of ADUs to increase density is considered positive on the density issue, while someone who feels negatively about density and about ADUs increasing density is considered negative.

Finally, the City and the Urban research team conducted a virtual community meeting, where they presented a draft ADU regulation and answered questions and comments about the proposal. Sixty-one residents attended this virtual meeting, and 107 questions were asked. After releasing the draft recommendations, the City administered a final questionnaire that included more specific, multiple-choice questions about the regulation. Generally, residents were positive about allowing ADUs in Alexandria and supported the proposal as written (figure 6).

FIGURE 5

Survey Comments by Topic and Sentiment

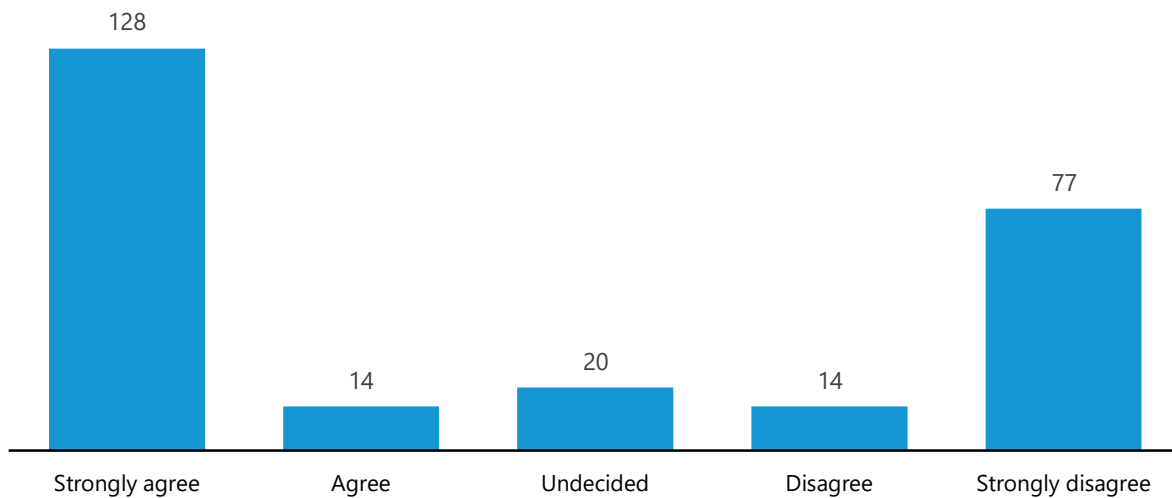


Source: Authors' analysis of survey feedback.

Note: FAR = floor-to-area ratio.

FIGURE 6

Responses to Survey 3, Question 1: "I Support Allowing ADUs in Alexandria"



Source: Urban Institute analysis of survey data.

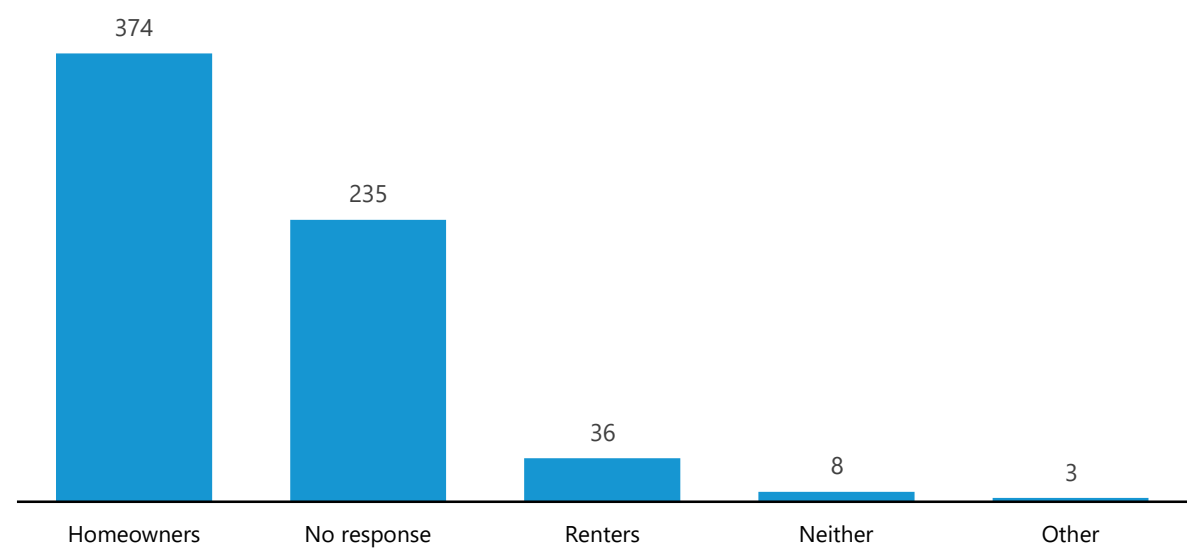
The results of the remaining third survey questions can be found in appendix B. Residents generally supported an occupancy requirement (59 percent for and 18 percent against); were split on whether to allow short-term rentals, with slightly more residents opposing them (35 percent for allowing them and 44 percent for prohibiting them); were split on whether to require off-street parking, with more residents opposing off-street parking requirements (49 percent, compared with 36 percent for requiring them), were split on the proposed setback requirements of one foot unless a window faces a neighbor's property, in which case the setback would be three feet (54 percent felt this was appropriate while 47 percent felt it was inappropriate); generally supported the proposed height limits of 20 feet or the height of the main house, whichever is less (61 percent felt this was appropriate and 39 percent felt it was inappropriate), and generally supported excluding portions of detached ADUs similar to the way the City currently excludes detached garages and sheds (61 percent felt this was necessary and 39 percent felt it was unnecessary).

Most residents said they would be most comfortable having ADUs within a house in their neighborhood (48 percent), but many also felt comfortable with a detached structure (31 percent) or one above a garage (21 percent). Resident who said they were interested in constructing an ADU (51 percent) said they would be most likely to build a new detached structure (21 percent), followed by one within the existing home (16 percent) and one above a current garage or other structure (14 percent).

While this feedback is useful for designing a regulation with resident preferences in mind, it should be noted that most of the respondents to all the surveys were homeowners, thus skewing the results toward higher-income residents (figure 11). Additionally, only 3 percent of responses came from 22311, the lowest-income zip code, while 18 percent of responses came from 22301, the highest-income zip code (figure 12). A fully representative survey of residents was beyond the scope of this study but would be needed to accurately represent the full set of opinions and preferences for ADUs. We recommend

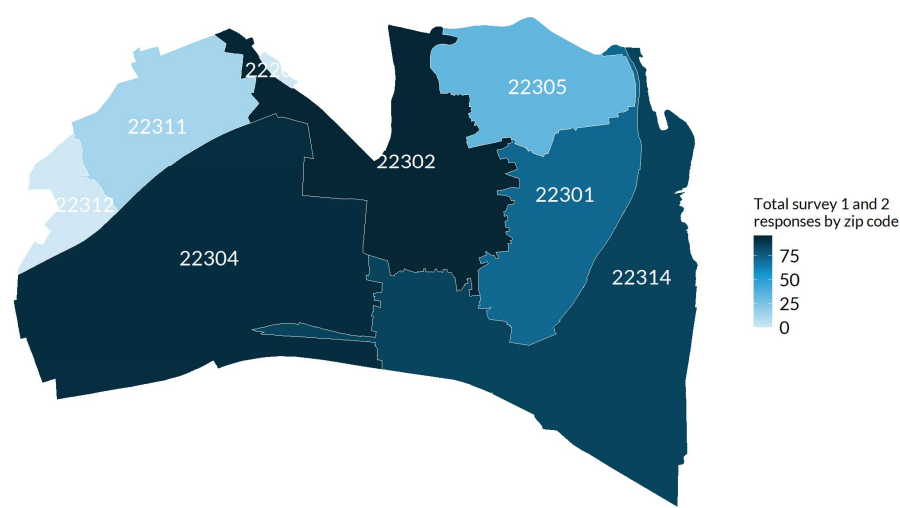
this approach for larger policy changes. We also recommend that the city take into account equity implications for both current residents and future residents when designing this and other regulations; since such regulations are partly about addressing the needs of future residents, asking only residents their views is inherently limited.

FIGURE 11
Survey Responses by Tenure



Source: Urban Institute analysis of survey data.

FIGURE 12
Responses by Zip Code



Source: Urban Institute analysis of survey data.

Evidence and Recommendations

Even though many cities allow for ADUs, specific regulations and other barriers often make it difficult for ADUs to be built. Cities can design ADU laws and incentives so that development is feasible while also considering the preferences of current residents. Below are evidence and recommendations for various components of an ADU regulation for the City of Alexandria.

CONDITIONAL OR DISCRETIONARY REVIEW PROCESSES

Conditional or discretionary review processes are reviews that require a homeowner interested in building an ADU on their property to apply for permission to build; they do not guarantee their right to do so. Depending on local regulations, this process can involve neighborhood hearings, written justifications, and public weigh-in, and it can drastically impede ADU development. These can be intimidating and expensive, particularly for first-time developers who are usually homeowners; they can be forced to spend anywhere from \$1,000 to \$30,000 for site plans, land-use attorneys, and fees without guaranteed approval. These logistics also add time and uncertainty to the process (Peterson 2018).

If attaining a permit is too burdensome, such as by requiring reviews with a zoning board, potential ADU homeowners can become discouraged. All the cities listed in table 1 that have had 200 or more ADUs developed within their boundaries have by-right development rules for ADUs, which creates a faster, more predictable process for approvals. By-right development makes it easier for housing supply to be aligned with the demand in a city, and that can in turn reduce rents overall (National Multifamily Housing Council 2019).

Even before permitting can begin, homeowners need to know whether an ADU is allowed on their property and familiarize themselves with the rules, such as setbacks or minimum lot sizes. In Los Angeles, a [tool called Cover](#) was developed so that homeowners could determine in a matter of minutes whether their property was eligible for constructing ADUs. Seattle recently developed a similar tool called [ADUniverse](#). Having city workers available to help citizens easily determine the eligibility of their property, or tools like Cover, can make the process more efficient and ensure that the intended outcomes from the ADU policy are met.

Alexandria residents who mentioned the permitting process during our community engagement were mostly supportive of a flexible process (23 compared with 3 who requested more extensive reviews). Supporters of by-right development wanted the zoning process to be as flexible as possible and to be paired with resources on financing options, tax incentives, and waived infrastructure fees. Questions arose about whether the process should differ for interior ADUs versus external ADUs. Opponents noted they wanted ADUs to require zoning approval for each application “to ensure the unit does not destroy the look and feel of a neighborhood,” according to one commenter, though this was not the majority point of view.

We recommend that the city adopt a “by-right” process for ADU development that reduces uncertainty for the homeowners, reduces cost, and streamlines the process for development. We also

recommend that the City **make the initial review process for determining whether an ADU is allowed on a property as quick and easy as possible.**

OWNER OCCUPANCY REQUIREMENTS

Some cities require the owner of a property with an ADU to either live in the ADU or the main dwelling. This provision is usually promoted as a way to prevent speculation, limit absentee landlordism, and maintain the lot's appearance. It also often includes bylaws about family composition allowed on the lot.

Among the feedback forms we examined, 10 Alexandria residents requested that the city implement owner occupancy requirements, while 1 requested that the city not impose such restrictions. In the final survey, 59 percent of residents supported an owner occupancy requirement. Many of those who wanted an occupancy requirement referenced fears of homes and their associated ADUs becoming investment properties only owned by trusts or LLCs. They feared that not requiring occupancy would encourage speculative investment rather than long-term housing provision and defeat the regulatory goal of expanding housing options. Again, survey responses were skewed toward homeowners in higher-income zip codes. Very few responses came from renters in lower-income zip codes.

While encouraging ADU development by present and involved local homeowners is a policy priority, owner occupancy restrictions have not achieved this goal in other cities, and fears of speculative investment in ADUs did not materialize. One neighborhood in Portland that required owner occupancy had fewer owners who lived on the property (35 percent) than the rest of the city (90 percent). The policy was difficult to enforce and later overturned as it counterintuitively made the permitting process difficult and discouraged development by first-time homeowner-developers (Peterson 2018).

Owner occupancy requirements also restrict ADU development because lenders are less prone to loan against properties with deed restrictions of this sort and because owners are not allowed to move off the property without selling (Peterson 2018).

Given the likelihood that such a requirement would place undue burden on ADU development and drastically stifle overall production, **we recommend that the city not impose an owner occupancy requirement** on ADUs, particularly since owner occupancy requirements are hard to enforce and often ineffective at getting owners to live on the property. If the City must enact a residency requirement because of resident concerns, we recommend that these restrictions be as flexible as possible.

OFF-STREET PARKING REQUIREMENTS

While parking is a highly contentious issue in most cities, prior research has shown that most ADUs do not create parking challenges in the affected neighborhoods, and requiring them for ADUs can make development overly burdensome and expensive. Parking requirements impede ADU development for several reasons. On many lots, building an additional parking spot is either impossible or highly undesirable; building parking spaces can cost the homeowner \$3,000–\$5,000 per spot, excluding curb cuts. Even if it is possible to get parking requirements waived, the extensive review and permitting

process to ease restrictions is burdensome to new developers, who are typically just homeowners (Peterson 2018).

A survey of Bay Area residents showed that of the people who had at least one secondary unit on their block, almost two-thirds reported that there was no negative impact from the presence of that unit. While the most prevalent complaint from the remaining one-third of respondents was increased parking congestion in the block, the authors also found that ADU tenants were disproportionately likely to own no car at all (Chapple et al. 2012). Moreover, studies have found that in Portland and Vancouver, ADUs did not increase traffic congestion (Peterson 2018).

In the first two feedback forms, we heard from 23 Alexandria residents who were concerned about parking and congestion issues, 8 who felt positive about parking in the context of ADUs, and 1 who was neutral. On the final survey, residents slightly preferred no parking requirement: 49 percent of respondents were against requiring off-street parking and 36 percent in support of it. Residents concerned about parking issues tended to say that the city already struggled with parking shortages (especially in West End) and that narrow streets were not designed for street parking. Those who felt that the city should not require off-street parking for ADUs noted that such requirements are regressive and that a better solution might be to limit the number of parking permits per property to the amount of curb space in front of the property.

Based on the prior research showing that ADUs are unlikely to create increased parking congestion, and because of the high burden that parking requirements place on ADU developers, **we recommend that the city not impose an off-street parking requirement.** Such a requirement would be overly burdensome and likely lead to inequities, since the added cost plus larger lot size needed to fulfill this requirement would likely only be possible for higher-income homeowners. If the city must require parking, it should do so only for lots that are far from transit and in areas that already have a lack of street parking.

SETBACKS

Setback standards for ADUs generally range from 1 foot to 20 feet, depending on the city. Setback standards from 10 to 20 feet often limit ADU development in neighborhoods that are most in need of infill construction: areas with walkable, smaller lots near transit. Portland has developed a tiered approach where setbacks vary based on ADU height; the maximum height for a detached ADU is 20 feet when located outside the required setbacks for the zone, and 15 feet when it is within the required setbacks for the zone. To protect the privacy of neighbors, windows and doors are only allowed on sides of the ADU that are further than five feet from the property line (Peterson 2018). It is also important to compare setback requirements for all current and historic detached structures (such as garages) for easy ADU conversion.

In the final survey, 54 percent felt that the proposed setback requirements were appropriate (one foot if there is no window facing the neighbor's property and three feet if there is). In the first two community feedback forms, 10 responses were supportive of small setbacks for ADUs, and 4 wanted stricter setback requirements. Two residents recommended the same setbacks as current garage

requirements while requesting that the City ensure that foundations can support two-story structures if an ADU goes above a garage. Two noted that a minimum five-foot setback is not sufficient (for rear and side yards). Another thought the setback should be determined by whether there were windows facing the outside lots or less than five feet if they faced a vacant lot or if they had a fence.

We recommend that the city adopt a tiered approach to setbacks, whereby single-story detached ADUs are allowed to have smaller, less restrictive setbacks (for example, around 2 feet) than larger, two-story units (of, say, 5 to 10 feet). We also recommend that the City implement regulations around window placements on ADUs to maintain the privacy of nearby homes, and that the City allow for the conversion of existing structures, like garages, into ADUs at their current setbacks.

SIZE AND HEIGHT LIMITS

Many ADU laws require that they cannot be larger than a certain size and/or a certain height, either proportional to the size of the home or a definitive size for all ADUs in the city. Size limits can ensure that the ADU is accessory to the main home. Size limit regulations can also be helpful for increasing the supply of small, affordable housing.

However, restrictions based on the size of the main dwelling can unintentionally lock less-wealthy homeowners out of the market or force developers with smaller homes to build 300–400-square foot ADUs, which are too small for most renters. While 600 square feet is a common size cap, 800–1,000 square feet for detached ADUs is seen as the area needed to fill the two-bedroom rental gaps in many cities (Peterson 2018).

In the feedback forms, some residents requested size limits that ensure that ADUs are smaller than the main dwelling. Four residents recommended not having tight restrictions on lot size requirements and/or tying permitting to a size limit set by square feet rather than a percentage of home size, since the latter makes the policy regressive. They also generally supported excluding portions of detached ADUs similar to the way the City excludes detached garages and sheds (61 percent felt this was necessary and 39 percent felt it was unnecessary).

We recommend that the city impose size limits on ADUs that ensure the ADUs are not too large (and therefore less likely to be affordable) but also do not overly restrict the size of the ADU for homeowners with smaller homes. For instance, the city could place a maximum limit on ADUs of 600 or 750 square feet for smaller homes (owners could still build a smaller one if they wish), and a size maximum for larger homes based on the proportion of the home size to ensure that the ADUs are accessory to the main home without locking lower-income homeowners out of the market. For height, the city could allow ADUs up to two stories or the height of the main home, whichever is less.

MINIMUM LOT SIZES

Many cities only allow ADUs on lots of a certain minimum size. These rules invariably lock out lower-income homeowners from the ADU market and may only allow for ADUs in areas with less demand. Survey respondents who mentioned lot sizes were all in favor of no minimum lot size requirement.

Some cities have created laws that allow for smaller minimum lot sizes in denser neighborhoods, such as Hillsborough, North Carolina, where the lot size must be twice that of the zoning district's minimum requirement. However, rules like this make deciding whether an ADU is allowed on a lot even more complicated, and therefore decrease the likelihood that it will be built. Therefore, **we recommend that the city not place any minimum lot size restrictions** on the development of ADUs.

HOOKUP AND DEVELOPMENT FEES

For first-time developers, impact fees, sewer and water hookup fees, and development fees can add unforeseen costs to a project—anywhere from \$10,000 to \$60,000 (Peterson 2018). Cities like Los Angeles, Portland, and San Francisco have spurred development by waiving impact and hookup fees altogether. Removing prohibitive fees proves that a city is committed to addressing its housing crisis. In some cases, fee waivers can also be easier and quicker to pass than additional zoning regulations. Another way to reduce utility fees is to allow ADUs to share sewer and water lines with the primary home, if the system can handle it.

Survey respondents expressed strong concerns about extra water runoff from additional impermeable surfaces, creating additional flooding problems. One commenter recommended placing additional impermeable surface restrictions by neighborhood, depending on flooding history. However, some noted that homeowners already pay for stormwater infrastructure and should not have to pay twice. Another commenter recommended the city incentivize or provide credits if ADUs use solar power.

Given Alexandria's infrastructure challenges and concerns from residents about flooding and sewage capacity, **we recommend that the city further research the possibility of waiving impact fees.**

SHORT-TERM RENTALS

One of the most contentious ADU policy debates is whether to allow them to house short-term rentals (STRs). Because ADUs are frequently tied to city and municipal goals for housing supply and affordability, STRs are often banned or highly regulated since they are seen to not help address these issues. This restricts one of the unique and most appealing characteristics of an ADU for homeowners: its flexibility. Additionally, most ADUs are used as long-term rentals (LTRs) even if STRs are allowed; a 2018 point-in-time study in Portland found that around 74 percent of ADUs were being used as LTRs or residences for a family member or friend and only 32 percent were being used as STRs (Gebhardt, Gilden, and Kidron 2018). The flexibility of temporarily using an ADU as a short-term rental is a huge draw for developers who may need additional income after housing a family member or friend for free or in between long-term rentals (Palmeri 2014). Peterson (2018) argues that banning STRs would not substantially increase the number of LTRs provided by ADUs anyway because it would likely decrease the overall development of ADUs and because most ADUs are used as STRs only briefly before being converted into LTRs. Additionally, many full single-family homes allow STRs, so disallowing them in ADUs will not drastically affect the overall short-term rental numbers in a city.

If a city decides to restrict short-term rentals, there are alternatives to outright bans and ways to incentivize long-term rentals. While Los Angeles and Santa Cruz banned STRs, Portland decided to

waive fees for all ADUs except those registered to short-term rental landlords. Los Angeles and San Francisco put caps on the number of days a year that a unit can be used as an STR (120 and 90, respectively). Cities can also monitor the use of ADUs and enforce an STR regulation later on if such rentals are deemed a problem. Finally, it is important to compare the ADU regulations to regulations for other residential housing forms to ensure that ADUs are not unfairly targeted.

Survey respondents were concerned that allowing short-term rentals encourages speculative investment from non-resident businesses and poor accountability for property maintenance, and it does not support the city's goal of improving housing affordability because STRs "drive up rents and deplete the housing stock." These comments came both from general ADU opponents and from supporters who wanted ADUs to help boost long-term housing supply. In total, nine respondents requested bans on short-term rentals in ADUs and three were neutral about them. In the final feedback form, respondents were split on whether to allow short-term rentals: slightly more residents opposed them (44 percent, compared with 35 percent for allowing them). Of the cities and counties in our sample in table 1, Arlington, Bloomington, Portland, Seattle, and Washington, DC, all allow STRs in ADUs.

Since STRs are already allowed on other properties in the city without restriction, and since they can be a tool needed to help finance ADUs, **we recommend that the city not add any additional restrictions on STRs beyond what is restricted in other homes.** While some proponents of the use of ADUs for increased housing options were concerned that allowing STRs would not increase the stock of long-term rental housing, banning STRs may have that impact anyway since it would drastically limit the options for recouping early costs of development. The research shows, moreover, that even if STRs are allowed, most ADUs are rented as LTRs anyway. If the City decides that it must regulate STRs in ADUs, we recommend that it finds a compromise, such as limiting them to a certain number of days per year or using incentive programs to limit their use.

FINANCING

While good zoning regulation can lay the groundwork for ADU development, financing is by far the biggest hurdle for first-time and low- and moderate-income homeowners. Depending on the style of ADU built, financing the construction of such units can pose an insurmountable barrier to homeowners who have no experience or capital for development investments. Costing anywhere from \$20,000 to \$400,000, ADU construction usually requires homeowners find a special line of credit or financing. But most banks do not have products that suit such needs. The current tools available to homeowners who need capital for ADU construction are home equity lines of credit and cash-out refinances. Both may be infeasible for many middle- and lower-income homeowners who have little equity in their homes.

- **Home equity lines of credit, or HELOCs,** leverage homeowners' existing equity. A homeowner must have at least 10 percent equity in their home, after which they can get a loan for an amount above that 10 percent threshold. However, HELOCs consider only the current value of a home, not the future value including the ADU, and thus may be too small to cover construction costs. Another downside of HELOCs is they are often variable-rate mortgages, and they require high credit scores to access.

- **Cash-out refinances** also allow borrowers to tap into the equity of their home—again, based on the current value, not the future value of the home with the ADU. Cash-out refinances require the homeowner to have at least 15 percent equity in the property. This is a higher threshold than HELOCs, but cash-out refinances have fixed, amortized interest rates, which is a benefit.

Renovation financing that accounts for the value of the home including the ADU (after construction) would be a great option for homeowners, but it is rarely offered by banks in areas where ADUs are not already common. Some people also rely on savings, loans from their 401(k) accounts, loans from family and friends, or credit cards and other unsecured loans. Another option is construction loans, but they have higher interest rate and often only make sense if the property is going to be sold or refinanced upon completion. While such products may work for some households, the need for more standard and innovative financing options from banks and government lenders still stands.⁵

Some cities have tried to fill this gap by creating unique ADU construction financing programs and partnerships. Los Angeles began an [ADU Accelerator Program](#) that provides \$10,000 to homeowners who rent their accessory unit for three years. Incentives for ADU production can also be tied to affordability and equity concerns; Los Angeles partnered with developers and CDFIs to help finance and build ADUs for those who agree to rent to people using housing choice vouchers.⁶ The City of Napa provides a forgivable loan if the unit is rented to someone with low income.⁷ In Washington, DC, the United Planning Organization and the Coalition for Smarter Growth stepped in to help low-income homeowners develop ADUs with a pilot that offers funding, a homeowner's ADU manual, how-to guides, and policy reports for local governments.⁸ Researchers at New York University (NYU) also recommended considering a revolving loan fund that targets homeowners to fill the gap that is left due to the difficulty of accessing capital through banks (Been, Gross, and Infranca 2014).

The researchers at NYU also suggest considering an amnesty program that waives fees temporarily for illegal units to encourage upgrades so the units meet certain health and safety requirements (Been, Gross, and Infranca, 2014). While this may impose greater costs on the owners of these units, upgrading could raise the resale value based on the appraisal process.

As mentioned above, cities can also consider waiving impact fees, which make development of particularly more modest ADUs more difficult to complete, as the fees can mean a larger percentage of the cost relative to more expensive ADUs. In fact, ADUs increase density in neighborhoods and therefore cost the city less to service than infrastructure expansion for suburban construction,⁹ so the higher density can help recoup some costs of waiving the fees. Among survey respondents, six were supportive of fee waivers and tax incentives for ADU development, while one was opposed to such programs.

Finally, cities can partner with developers or nonprofits to share costs and revenues with homeowners. A startup in Portland called Dweller purchases and installs premade ADUs in backyards and splits the rent revenue with the homeowner.¹⁰

Therefore, **we recommend that the City look into innovative financing mechanisms and partnerships** to ensure that homeowners of all income levels are able to benefit from developing their own ADU.

AFFORDABILITY INCENTIVES AND REQUIREMENTS

The extent to which ADUs affect the overall supply and affordability of housing in a city depends on the degree of demand for such units and the ease of creation—both elements determined in part by the zoning code and planning departments’ partnership with local social and financing organizations. However, prior research suggests that ADUs offer promise for improving affordability and supply at a critical segment of the market (Been, Gross, and Infranca 2014; Gebhardt, Gilden, and Kidron 2018; Maaoui 2018; Wegmann and Chapple 2012).

ADUs have frequently been viewed as a more affordable alternative to traditional multifamily rental units. Given their high cost to construct for homeowners, most ADUs rent at a high rate per square foot, but their smaller size means total monthly rent levels are lower than larger apartments (Been, Gross, and Infranca 2014). Additionally, homeowners often rent them to family or friends at a below-market rate (Maaoui 2018). However, even when rented to strangers, one study found that ADUs rented for 6 percent less than non-secondary units (Wegmann and Chapple 2012). According to a study in Oregon, 13 percent of ADUs were rented for no money, and 7 percent were rented for \$500 or less (DEQ 2014). Another study in Alberta, Canada, found that 25 percent of ADUs were rented for less than \$500 (Gebhardt, Gilden, and Kidron 2018). This is comparable, and often exceeds, common inclusionary zoning affordability goals of 10–30 percent of units rented at affordable rates. Consequently, ADUs are considered a form of naturally occurring affordable housing.

Some cities have taken extra measures to provide housing to the lowest-income renters. For example, a nonprofit in LA, the Backyard Homes Project, offers financing, building design, and construction support in exchange for a pledge to house Section 8 voucher holders.¹¹ The nonprofit received 130 applications for the 10 units it helped build.

While incentivizing ADU development for very low-income renters may seem intuitively beneficial, income restrictions can be counterproductive. Housing advocates in DC’s ADU zoning design process recognized that an affordability requirement would have “killed the market” for building ADUs, given the level of effort involved in meeting affordability standards.¹² Kol Peterson, a prominent ADU advocate, stated that because there are already so many financial and regulatory barriers for first-time ADU developers, affordability standards should be incentivized or subsidized rather than mandated.¹³ Therefore, **we recommend that the city look into programs that incentivize rather than require affordability** to increase the supply of affordable rental units in the city.

COMMUNITY ENGAGEMENT

Finally, it is important for cities to meaningfully engage the community in the policymaking process, particularly people who may benefit from a greater supply of affordable housing options and those who are prone to oppose new development in their neighborhood.

Unfortunately, those likely to benefit from renting ADUs are unlikely to participate in these discussions because (1) they may not yet be residents of the city, and (2) an ADU regulation has no immediate impact unless they happen to rent an ADU somewhere down the line (as opposed to homeowners who could either benefit from building an ADU or those who fear immediate impacts on

their neighborhood from their development). Therefore, it is important to keep in mind that there are likely voices not heard in these discussions from people who would support ADUs, and we recommend that the city **consider both resident input and equity implications** in the design and implementation of an ADU regulation.

Conclusion

If implemented appropriately, a regulation allowing for ADUs in Alexandria could have community benefits while maintaining the character of the city. Alexandria is predicted to need an additional 13,600 housing units to accommodate household growth from 2015 to 2030, and most of those units need to be affordable to middle- and low-income households (Turner et al. 2019). ADUs could help Alexandria mitigate this housing shortage by increasing housing supply for renters, addressing a mismatch in the size and configuration of available units, and creating an additional revenue stream for homeowners without requiring families or developers to take on land assembly and new construction burdens.

Appendix A. Prior Research on ADUs

Prior research on ADUs suggests that the units can offer benefits to homeowners, aging residents, college-age residents, and people with disabilities.

IMPACTS ON HOMEOWNERS

ADUs offer benefits to homeowners by helping them build wealth and subsidize their mortgages (Been, Gross, and Infranca 2014). While ADUs are not an effective way to turn a profit quickly, they can be a lucrative longer-term investment. In *Backdoor Revolution*, Kol Peterson says that “In talking to more than two hundred ADU owners, I’ve never met anyone who had financial regrets about building their ADU.” Studies of ADUs in Canada have actually found that they increase the value of surrounding homes (Davidoff, Pavlov, and Somerville 2019).

AGING RESIDENTS

ADUs offer benefits to cities seeking to improve housing options for aging residents. American land use policies since World War II have promoted single-family detached homes in the suburbs, which has resulted in poor access to services and limited the ability of families to alter or expand single family homes to support caregiving of elders (Liebig, Koenig, and Pynoos 2006). ADUs can help solve this problem by allowing for multigenerational housing in single-family homes, which is often a preferred care alternative to board-and-care homes, continuing-care retirement communities, or nursing homes (Liebig, Koenig, and Pynoos 2006). In addition, intergenerational co-residence can be a solution to the growing lack of affordable housing for both younger and older households (Liebig, Koenig, and Pynoos 2006). Grandparents in the home can share parenting responsibilities and ease tensions between parents and their children, decrease involvement in delinquent activities, reduce depressive episodes, and improve children’s academic performance (Uhlenberg 2000).

Additionally, sprawl and auto-centric development have negative impacts on older adults, which ADUs could help mitigate. AARP lists expensive commutes, increased social isolation, higher infrastructure costs, greater dependency on automobiles for mobility and independence, and more financial vulnerability as a few of sprawl's negative social and physical consequences (Arigoni 2018). The Census predicts that by 2030 one in five of all US residents will be at least 65 years old, and ADUs give older adults with excess space in their homes the ability to age in place and remain connected to their neighborhood (Census 2018). It also provides an additional income stream for cost-burdened older homeowners. More than 30 percent of all older households are cost burdened, and that number increases to 45 percent for those still paying off a mortgage.¹⁴ This has led many ADU policies, like those in Portland, Seattle, Minneapolis, and DC, to be championed by AARP and other elderly advocate groups. And a recent study in Portland found that over 15 percent of ADUs were occupied by adults ages 55 and older (Gebhardt, Gilden, and Kidron 2018).

MILLENNIALS

ADUs may help mitigate demographic trends emerging among millennials. Alexandria faces a growing population of single-person households. More young adults are waiting longer to transition into home ownership and adulthood than before, many continuing to live with their parents (Blazheski 2016; Fry 2016). Compared with other jurisdictions in the DC metro region, Alexandria has one of the lowest average household sizes and one of the largest shares of single-person households).¹⁵ Such households require less space than a two-person household, increasing the need for denser housing stock. ADUs provide a private, rentable living space for these individuals (elders, adult children, single renters, etc.).

PEOPLE WITH DISABILITIES

The ability to customize ADUs has also made them an attractive housing options for people with disabilities. Assisted living facilities can range from \$5,000 to \$7,000 a month (Petrovski 2010). ADUs allow people with disabilities to live autonomously yet close to family, friends, or caretakers in the main unit. In Bethesda, Maryland, all licensing and operation fees are waived if the ADU is being used by someone with a disability (Masters 2019).

ENVIRONMENTAL IMPACTS

From an environmental perspective, ADUs can offer carbon savings due to their small size, overall home energy efficiency improvements, and role in neighborhood densification. According to the US Department of Housing and Urban Development, ADU construction has an inherently smaller carbon footprint than single-family or even multifamily units because their smaller size requires less lumber and other carbon-producing materials.¹⁶ America's housing size has increased dramatically over the past 30 years while household sizes have dropped, leading to less efficient per-person benefits from heating and cooling emissions (HUD 2015). Reducing a home's footprint by 50 percent can lead to a 36 percent reduction in lifecycle greenhouse gas emissions (Carlin 2014; DEQ 2010), and increasing the number of residents who use an existing home's heating and cooling reduces energy waste (Geffner 2018; Palmeri 2014).

ADUs further reduce emissions by gently densifying neighborhoods, thereby increasing the customer base for nearby small businesses and public transit. These two effects reduce the total miles driven per household (Kim and Brownstone 2010). Portland also reported that ADU residents owned fewer cars than other residents.¹⁷

In terms of stormwater runoff, three of the five types of ADUs (basement, internal carve-out, and above-garage ADUs) do not increase existing building footprints and thus do not affect a lot's overall impervious surface area. However, areas concerned with stormwater management can apply total lot coverage limits to reduce the possibility of ADUs contributing to flooding.

IMPACTS ON HISTORICAL DISTRICTS

Some residents may be concerned about the impacts of ADUs on historical districts. However, before the application of widespread zoning restrictions in the 1960s and 1970s, it was common for large houses to have smaller units on their lot or attached for intergenerational uses or servants' quarters (Evans 2018). Consequently, many historic districts already feature foundations or facilities for ADUs.

APPRAISING ADUS

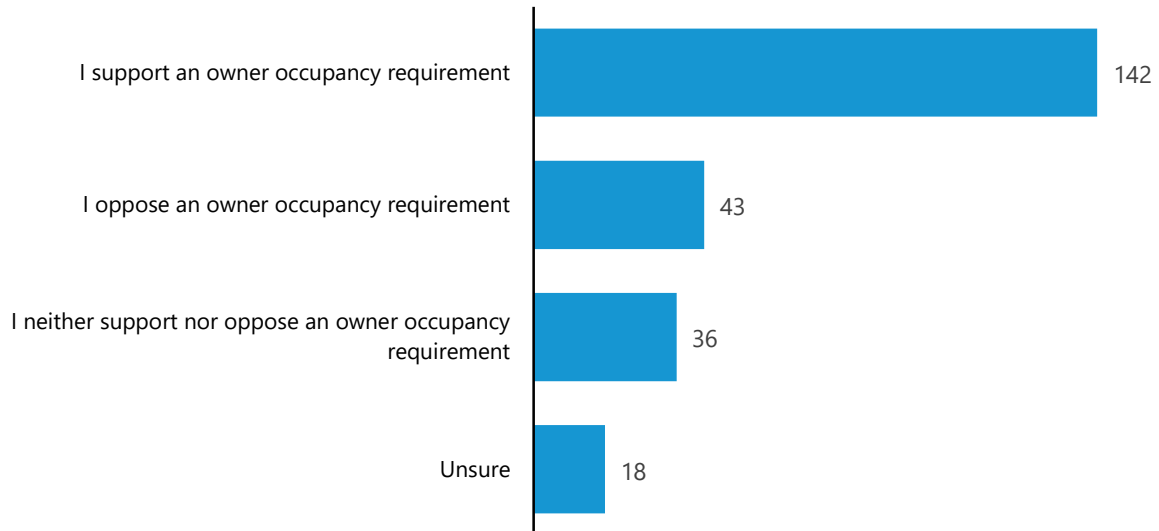
One challenge with ADUs is that they can be hard to appraise because they often do not consider the income that ADUs can generate. Brown and Watkins (2012) test an income-based approach to valuation and find that for 14 properties with ADUs in Portland, Oregon, an income capitalization approach yielded valuations significantly higher than actual sale prices, by 7.2 percent or 9.8 percent on average, depending on the formula used. ADUs also contributed on average 25 percent or 34 percent of each property's appraised value, depending on the formula used. The authors argue that valuation by income can increase appraiser insight as ADUs become common.

Appendix B. Additional Survey Results

Below are the results of questions 4 through 13 of the final survey. Questions 2 and 3 were demographic questions about zip code and homeownership status.

FIGURE B.1

Responses to Survey 3, Question 4: For properties with an ADU, staff proposes requiring the property owner to reside in either the main house or ADU. The following best describes my preferences for an owner occupancy requirement.

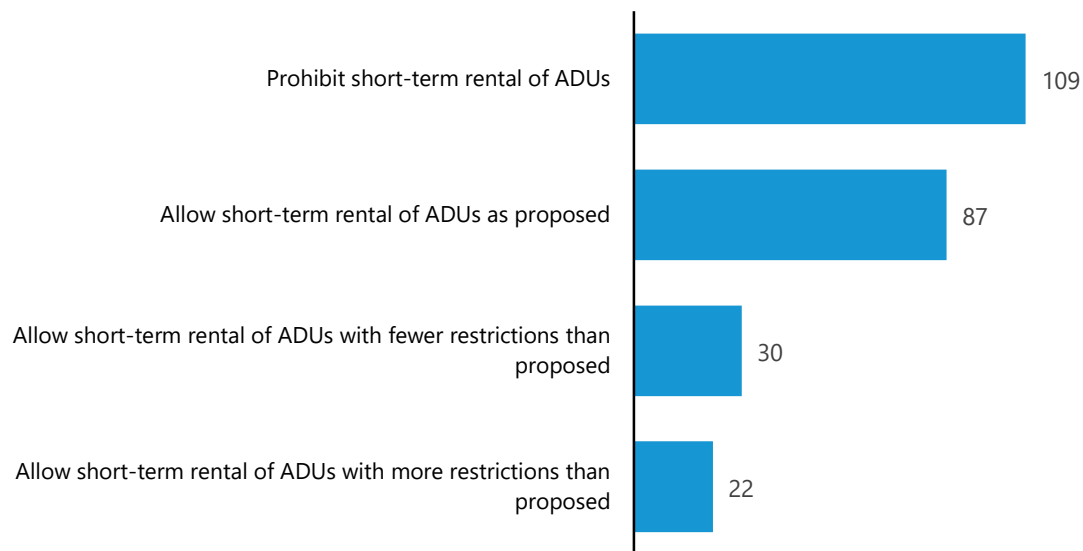


Source: Urban Institute analysis of survey data.

Notes: 239 people responded to this question, and 16 skipped it.

FIGURE B.2

Responses to Survey 3, Question 5: Staff proposes allowing short-term rental (AirBnBs, etc.) of ADUs. Under this proposal, only one short-term rental would be permitted in either the ADU or main house. I think the City should:

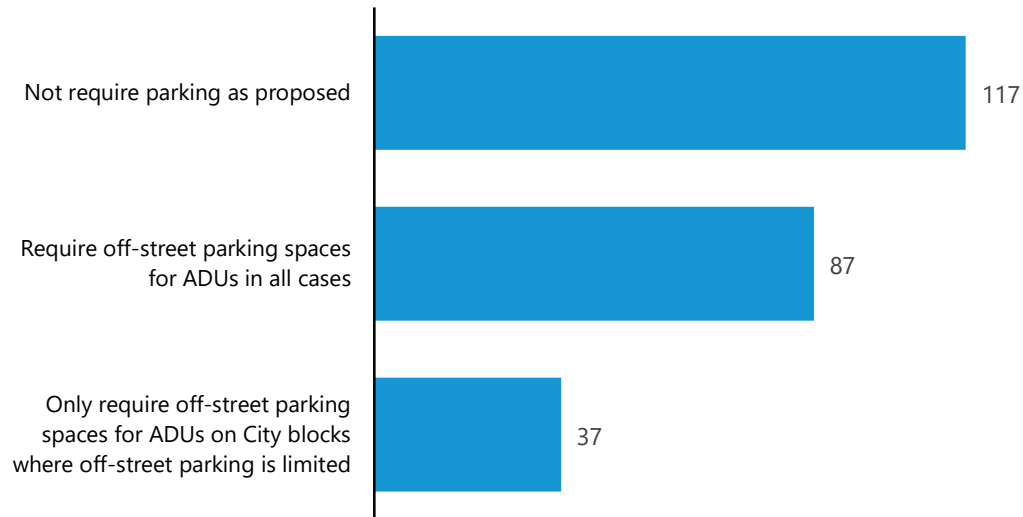


Source: Urban Institute analysis of survey data.

Notes: 248 people responded to this question, and 7 skipped it.

FIGURE B.3

Responses to Survey 3, Question 6: Staff proposes no off-street parking requirements for ADUs. I think the City should:



Source: Urban Institute analysis of survey data.

Notes: 241 people responded to this question and 14 skipped.

FIGURE B.4

Responses to Survey 3, Question 7: Staff proposes one-foot setbacks for ADUs unless there are windows that face a neighbor's property. In those cases, the required setback would be three feet. I think this setback is:



Source: Urban Institute analysis of survey data.

Notes: 241 people responded to this question and 14 skipped.

FIGURE B.5

Response to Survey 3, Question 8: Staff proposes limiting the height of an ADU to 20 feet, or the height of the main house, whichever is less. In terms of neighborhood compatibility, I think this height limit would be:



Source: Urban Institute analysis of survey data.

Notes: 240 people responded to this question, and 15 skipped it.

FIGURE B.6

Responses to Survey 3, Question 9: Staff proposes a maximum size limit based on one-third of the existing house or 750 square feet, whichever is larger. I find this size limit to be:



Source: Urban Institute analysis of survey data.

Notes: 241 people responded to this question, and 14 skipped it.

FIGURE B.7

Responses to Survey 3, Question 10: Staff proposes excluding portions of detached ADUs similar to the way the City currently excludes detached garages and sheds. I find this proposal to be:

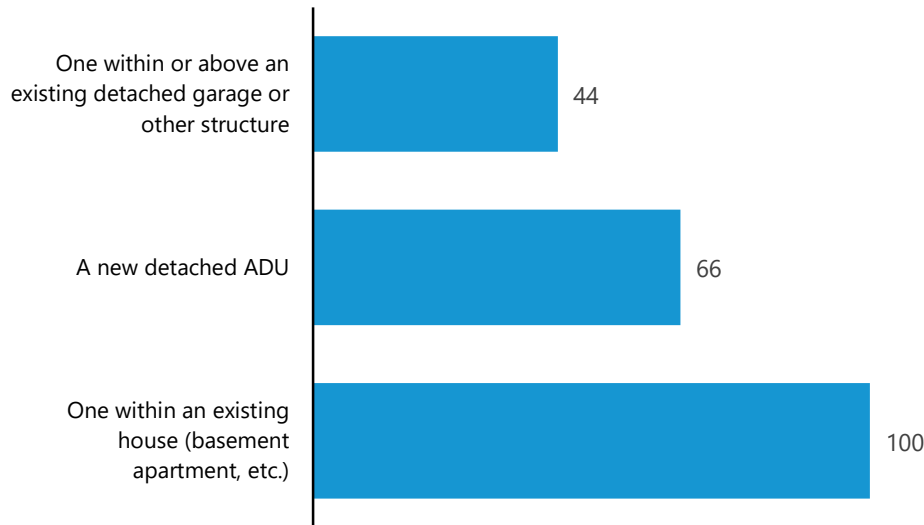


Source: Urban Institute analysis of survey data.

Notes: 202 people responded to this question, and 53 skipped it.

FIGURE B.8

Responses to Survey 3, Question 11: What type of ADU would you be most comfortable having in your neighborhood?

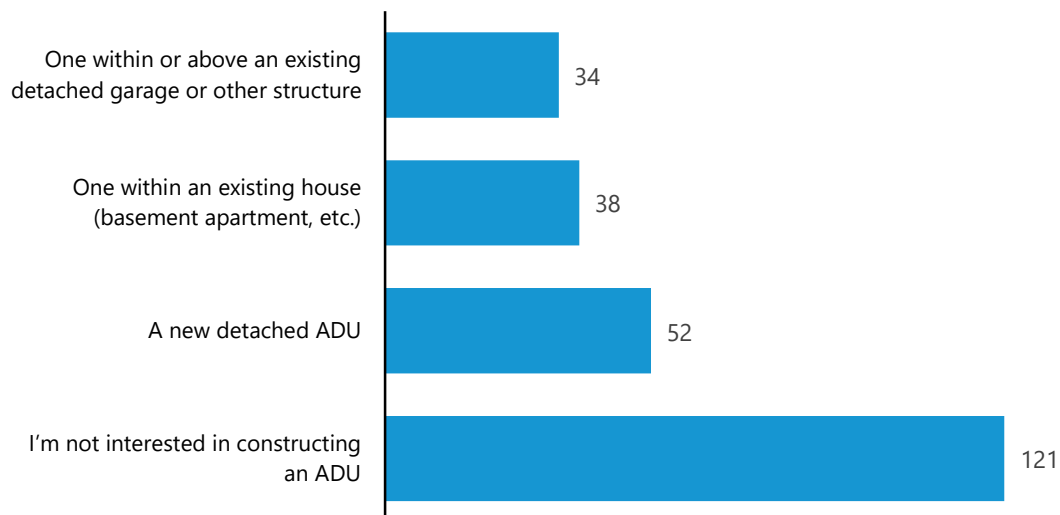


Source: Urban Institute analysis of survey data.

Notes: 210 people responded to this question, and 45 skipped it.

FIGURE B.9

Responses to Survey 3, Question 12: If you were to construct an ADU, which type would you construct?



Source: Urban Institute analysis of survey data.

Notes: 245 people responded to this question, and 10 skipped it.

Notes

- ¹ Jennifer Baum Lagdameo, “7 Smart ADU and Additions that Cost as Little as \$18k,” Dwell, April 2, 2020, <https://www.dwell.com/article/cost-of-building-backyard-adu-addition-f85c50f7>
- ² Kol Peterson, “Calculating the Costs of Building an ADU,” BuildinganADU, accessed October 16, 2020, <https://www.buildinganadu.com/cost-of-building-an-adu>.
- ³ For a more complete overview of prior research on ADUs, see appendix A.
- ⁴ See also Leah Hendey, Margery Austin Turner, Peter Tatian, Bhargavi Ganesh, Sarah Storchak, and Yipeng Su, “What HQ2 Could Mean for the Washington Region’s Housing Market, in 7 Charts,” Urban Institute, October 23, 2018, <https://apps.urban.org/features/amazon-hq2-washington-housing-charts/>.
- ⁵ Laurie Goodman and Solomon Greene, “To Unleash Housing Supply, Allow and Finance Accessory Dwelling Units,” *Urban Wire* (blog), February 3, 2020, <https://www.urban.org/urban-wire/unleash-housing-supply-allow-and-finance-accessory-dwelling-units>.
- ⁶ Jared Brey, “New Project Aims to Finance Backyard Homes for Section 8 Tenants in Los Angeles,” Next City, May 7, 2019, <https://nextcity.org/daily/entry/new-project-aims-to-finance-backyard-homes-for-section-8-tenants-in-los-ang>.
- ⁷ “Junior Unit Initiative Program,” City of Napa, accessed November 20, 2020, <https://www.cityofnapa.org/747/Junior-Unit-Initiative-Program>.
- ⁸ Jared Brey, “Program Helps DC Homeowners Provide Low-Cost Housing—and Build Wealth.” Next City, February 18, 2020, <https://nextcity.org/daily/entry/program-helps-dc-homeowners-provide-low-cost-housing-and-build-wealth>.
- ⁹ Dan Bertolet, “Impact Fees Are ADU Busters: When Cities Waive Charges, Homeowners Jump to Build In-Law Suites and Backyard Cottages,” Sightline Institute, February 15, 2019, <https://www.sightline.org/2019/02/15/impact-fees-are-adu-busters/>.
- ¹⁰ Laura Bliss, “Portland’s ‘Granny Flats’ Get an Affordable Boost,” CityLab, March 12, 2018, <https://www.bloomberg.com/news/articles/2018-03-12/in-portland-granny-flats-and-adus-get-affordable-boost>.
- ¹¹ “The Backyard Homes Project: An Affordable Housing Initiative,” LA Más, accessed November 20, 2020, <https://www.mas.la/affordable-adus>.
- ¹² Author interview with DC housing advocate, January 9, 2019.
- ¹³ Author interview with Kol Peterson, January 16, 2019.
- ¹⁴ Jennifer Molinsky and Whitney Airgood-Obrycki, “Older Adults Increasingly Face Housing Affordability Challenges,” *Housing Perspectives* (blog), Joint Center for Housing Studies of Harvard University, September 21, 2018, <https://www.jchs.harvard.edu/blog/older-adults-increasingly-face-housing-affordability-challenges>.
- ¹⁵ “Demographics—Households,” City of Alexandria, accessed November 18, 2020, <https://www.alexandriava.gov/planning/statistics/default.aspx?id=106273>.
- ¹⁶ “The Case for Small Home Design as a Component of Sustainability Efforts.” PD&R Edge, US Department of Housing and Urban Development, August 8, 2016, <https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-080816.html>.
- ¹⁷ Martin John Brown, “Are ADUs Green Housing?” Accessory Dwellings, July 9, 2014, <https://accessorydwellings.org/2014/07/09/are-adus-green-housing/>.

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Acknowledgments

This brief was funded by the City of Alexandria. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission. Thank you to Sam Shelby, Tamara Jovovic, Julia Santure, and Alexa Powell at the City of Alexandria for their partnership on this work. Thank you also to Yonah Freemark for his review and advice.

The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders. Funders do not determine research findings or the insights and recommendations of Urban experts. Further information on the Urban Institute’s funding principles is available at urban.org/fundingprinciples.



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MEMORANDUM

TO: Mayor Justin Wilson and Members of City Council

FROM: Alexandria Housing Affordability Advisory Committee (AHAAC)

RE: Accessory Dwelling Unit Proposed Legislation

DATE: December 16, 2020

Dear Mayor Wilson and City Council,

The Alexandria Housing Affordability Advisory Committee wholeheartedly endorses the creation of new housing options through the city's proposed accessory dwelling unit (ADU) legislation. We appreciate the hard work city staff put into the first major initiative since the Housing Summit, especially during COVID-19. Some of staff recommendations reflect the Council's charge to be bold, such as a no fee application process, an appeals process to the Board of Zoning Appeals, no off-street parking requirement for the ADU, and allowing ADUs citywide. The committee supports these recommendations.

However, the committee was unable to reach consensus in two areas: the owner occupancy requirement and restrictions on short-term rental use. Regarding the owner occupancy, some committee members felt that the city's proposed legislation would exacerbate income and racial inequities by limiting the number of accessory dwelling units built in the city to homeowners who have sufficient equity in their homes, given the disparity among home ownership and home equity amounts between whites and all other racial groups. Other committee members felt using the owner occupancy requirement to limit the number of ADUs would increase community acceptance of the policy. There was also substantial discussion of the legality of an owner occupancy requirement and how to enforce such a requirement in an equitable manner.

Regarding short term rentals, a few members felt that limiting short terms rentals would also increase community acceptance. Other committee members felt the restrictions were unfair, as no other property type faced those restrictions and short-term rentals in other property types had not caused problems with neighbors.

Cognizant that the proposed policy may require adjustments, we ask that Council require staff to report back after a period of up to three years or 50 permits, whichever occurs first, with new recommendations such as creating an affordability program for low-income renters or buyers, assessing size limitations and setbacks and their impact, whether or not the program has exacerbated or improved racial and income inequalities, the impact of requiring off-street parking for the main residence, and address any other barriers towards creating new housing through ADUs.

Sincerely,

Alexandria Housing Affordability Advisory Committee





NRCA, P.O. Box 3242, Alexandria, VA 22302

November 6, 2020

Attn: Mr. Sam Shelby, Project Manager
 Department of Planning & Zoning
 P.O. Box 178
 Alexandria, VA 22314

Delivered Via Email: Sam.Shelby@alexandriava.gov

Re: Accessory Dwelling Units (ADUs)—Draft Policy

The North Ridge Citizens' Association (NRCA) appreciates the opportunity to comment on the City's draft policy to allow for accessory dwelling units (ADUs). We have polled our board on this complex topic and offer these comments.

- We support elements of the draft proposal that would:
 - Prohibit more than one ADU on a property;
 - Require the property owner to live in either the main house or the ADU;
 - Require common ownership of the main house and ADU;
 - Impose minimum setbacks for all accessory buildings (including detached ADUs), but, as discussed below, we oppose a setback of less than 3 feet;
 - Limit occupancy of the ADU to a single family;
 - Prohibit concurrent short-term rental of both the main house and the ADU (as stated below, we object to any short-term rental of an ADU);
 - Restrict ADU height to the lesser of 20 feet or the height of the main house and ADU size to no more than the greater of one-third of the main house's square footage or 750 square feet; and
 - Prohibit removal of required parking spaces to accommodate ADU construction.
- We oppose elements of the proposal that would:
 - Allow for short-term rentals of ADUs (e.g., Airbnb) due to concerns with noise, congestion, traffic, parking, etc.
 - Not require off-street parking space(s) for an ADU.
 - Allow a setback of less than 3 feet.
 - Exclude an ADU that is an accessory building from Floor to Area Ratio (FAR) calculations, unless such accessory building pre-existed the date of enactment of the ADU-related zoning ordinance amendments and complies with a setback requirement of not less than 3 feet. FAR limits were established for good reason, and excluding new buildings could increase crowding and significantly degrade the character and appeal of neighborhoods. They may also, through the allowance of reduction of permeable surface, exacerbate water runoff and flooding issues in residential neighborhoods.

- We believe the policy should be strengthened by:
 - Prohibiting detached ADUs on substandard lots.
 - Prohibiting subdivision of a property, in order to prevent the presence of a total of more than one ADU on the original property.
 - If the City were to allow for short-term rentals, which we oppose, the total amount of time that an ADU may be rented on a short-term basis should be limited to no more than 30 calendar days per year.
 - Limiting ADU use to the following:
 - a single (multi-generational) family inhabiting the ADU and main residence;
 - a caregiver(s) for a senior(s) and/or person(s) with disabilities living in the main residence; and
 - a live-in childcare provider(s) and other caretaker(s) for the owner/occupant of the main residence on the property.
 - Including provisions that would enable enforcement of the foregoing.
 - Requiring prior notice to the adjoining property owners, the local citizens association, and the public and an opportunity for comment.
 - Requiring a special use permit (SUP) to account for property issues specific to site or deed. If the City nonetheless does not require a SUP in all instances, then at a bare minimum a SUP should be required if there is any objection to the ADU by an adjoining property owner, the local citizens association, or the public.

Overall, we believe ADUs could benefit some Alexandria residents, but we question whether ADUs are appropriate City-wide and for every neighborhood, particularly those without proximity to regular, frequent, and high-capacity public transit, job centers, or dense, tourist-focused destinations.

We urge the City to adhere to established law and best practices when contemplating changes to existing zoning policies. As stated in our March 3, 2020 letter to the Planning Commission regarding its March 3, 2020 Docket Item No. 8 (Update on Initiatives to Support Production of Market and Affordable Housing and Zoning for Housing), the City should adhere to best practices, as follows:

- Zoning changes must take into account all applicable comprehensive area plans for those areas under consideration
- There must be demonstrated need for zoning changes
- Any zoning changes must be consistent with local and surrounding uses
- Zoning changes must be consistent with the orderly development of public services, such as transit.

Thanks again for the opportunity to offer our collective views as input to the policy-making process.

Sincerely,

Chuck Kent
President
NRCA

cc: Mayor
City Council Members
City Manager

DEL RAY CITIZENS ASSOCIATION

WWW.delraycitizens.org

P.O. Box 2233, Alexandria, VA 22301

Dec. 14, 2020

Karl W. Moritz, Director
Department of Planning and Zoning
City of Alexandria
City Hall, Room 2100
Alexandria, VA 22314

RE: ADU Proposed Regulations

Dear Mr. Moritz,

Please find attached Del Ray Citizens Association's response to the proposed Accessory Dwelling Unit proposed regulations.

The Del Ray Citizens Association (DRCA) voted at the Dec. 10, 2020 membership meeting to support most but not all the revised recommendations the city issued on Dec. 4, 2020. Changes to the text to Recommendations #2, 3, 6, 7 & 8 have been indicated in blue text. Comments to all recommendations are indicated in green text. There are also three recommendations the membership has added to be considered by the city (in blue text at the end).

Of most concern is increased density and impervious surface and the effects on an already overtaxed storm and sewer system. While no one can predict how many ADUs may be constructed, our neighborhood is at a vulnerable stage until the infrastructure can be addressed.

Please feel free to reach out to us if you have any questions or would like to discuss the comments we have made.

Sincerely,

Kristine Hesse
Lisa Lettieri
DRCA LUC Co-Chairs

Virginia Bush, DRCA President

Cc: Sam Shelby, Urban Planner, P & Z
Attachment: 12.10.20 DRCA Membership Approved ADU Regs & Responses

DRCA Response to ADU Proposed Regulations 12/10/2020

Recommendation #1: Permit ADUs City-wide

- Allow one ADU on any property developed with a house (single, two-family or townhouse)
- ADU may be either within an existing home, e.g., an “English basement” style apartment, or
- Within a detached structure, e.g., a “tiny house” or above a detached garage

The DRCA supports this recommendation

Recommendation #2: General ADU Regulations

- Only one ADU shall be permitted on any lot
- Owner occupancy: the property owner shall *must* reside in either the ADU or the main house
- No more than three persons or *one family unit of more than 3 people* shall occupy the ADU
- Ownership: the ADU and main house shall *must* be in common ownership

The DRCA supports owner residency must be required. We also support a family unit of more than 3 people be allowed to occupy an ADU.

Recommendation #3: Require Administrative Permit for ADUs

- An applicant wishing to construct an ADU must submit an administrative permit to the Department of Planning & Zoning.
- *Adjacent property owners in proposed detached ADUs shall be notified by the applicant via certified mail and have an opportunity to provide comment on the proposed structure.*

The DRCA supports the recommendation with the addition of the notification requirement

Recommendation #4: Follow Current City Policies Related to Short-term Rentals

- Short-term rentals of ADUs would be permitted, however
- Concurrent short-term rental of both the main house and ADU shall be prohibited

The DRCA supports this recommendation

Recommendation #5: Off-street Parking

- Off-street parking shall not be required for ADU, but
- No required parking spaces shall be removed to accommodate ADU construction

The DRCA supports this recommendation

Recommendation #6: ADU Height and Size Limits

- ADU height shall not exceed the height of the main house or 20 feet, whichever is less
- ADU size shall be limited by its first floor “footprint.” The ADU footprint shall not exceed the greater of:

- ~~One-third of the floor area of the main house or~~

- 350 square feet on lots <2,500 square feet; 500 square feet on lots >2,500 square feet.

DRCA supports revising the recommendation so that the main house size does not determine the size of the ADU.

Recommendation #7: ADUs and Floor Area Ratio (FAR)

Floor area devoted to a detached ADU can be excluded as follows:

- _100 square feet for lots less than 2,500 square feet;
- _350 square feet for lots 2,500 square feet or greater or
- _600 square feet for lots 8,000 square feet or greater.
- _Also, 65 square feet for all lots developed with townhouse dwellings or within the Alexandria Old and Historic and Parker-Gray Historic Districts.

The total amount eligible for exclusion shall be subject to these limits and existing detached garages or sheds on a property. For example, a property that is 2,500 square feet which is already developed with a 100 square-foot shed could not exclude any portions of a new, detached ADU. If that same property had a 50 square foot shed, 50 square feet of a new, detached ADU would be eligible for floor area exclusion.

DRCA supports the first three bullets but cannot support the language concerning the 65 sf exclusion in bullet four because it is unclear.

Recommendation #8: ADU Setbacks

- Consistent with building code and existing Zoning Ordinance regulations related to detached garages, ADUs shall be setback at least one foot from side and rear lot lines. If the ADU has windows that face the nearest lot lines, the ADU shall be setback at least three feet from these lot lines. Dormers shall be required to meet standard zone setbacks.

The LUC supports revising the setback so distance is proportional to the height of the ADU.

Recommendation #9: Special Exception process for the conversion of an existing detached accessory structure. Staff change 12.04.20

- A property with an existing detached accessory structure (garage, shed, other) that exceeds the height, size or setback limits may be used as an accessory dwelling with special exception approval by the Board of Zoning Appeals (BZA).

DRCA supports this recommendation.

DRCA Recommendations

- *City should explore methods of providing incentives for owners who rent out their ADUs at below-market rate. Of concern is housing being converted by investors that does nothing to provide affordable housing, a tenet of the changes being proposed by the city. Single family housing is already being converted to apartments in Del Ray whether it is legal or not.*
- *Effect on stormwater and flooding common in Del Ray must be addressed by applicant when constructing a detached ADU. Applicant must meet with adjacent property owners to mitigate any concerns of runoff.*
- *Any existing contributing property within an historic district should be required to go in front of the board of architectural review prior to approval.*

ARTICLE II. - DEFINITIONS

2-100 – Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

2-136.1 – Dwelling, accessory.

A dwelling unit with separate cooking, heating and sanitary facilities that is subordinate to a principal residential use. An accessory dwelling shall be considered an accessory use.

2-141 - Dwelling unit.

A group of one or more rooms designed for or intended for occupancy by a single family. In determining whether a dwelling is a single-family dwelling, a two-family dwelling, a townhouse dwelling or a multifamily dwelling, consideration will be given to the separate use of or the provision made for cooking, heating and sanitary facilities whether installed or not; both the actual use to which the dwelling is being put and the potential use to which the dwelling might be put; and whether kitchen and bathroom facilities and bedrooms are so located as to provide privacy if occupied by an additional family. It is the intent of this provision to prohibit the installation of facilities in a dwelling unit which would extend the use of the premises for occupancy by more than one family. **An accessory dwelling shall not be considered in determining whether the principal dwelling is a single-family, two-family or townhouse dwelling, or whether a single-family, two-family or townhouse dwelling complies with the maximum density and minimum open space or lot requirements for the zone for which it is located.**

2-145 – Floor area.

- (A) For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. It shall include all space seven feet or more in height. These areas shall be measured from exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. Floor area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a ceiling height 25 feet or greater shall be counted three times. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

(6) Free-standing garages to the rear of the main building in accordance with section 7-2501. The floor area excluded pursuant to this subsection shall not exceed the total floor area exclusions listed in section 2-145(A)(12).

(11) Sheds and other small accessory buildings in accordance with section 7-202(C)(2). The floor area excluded pursuant to this subsection shall not exceed the total floor area exclusions listed in section 2-145(A)(12).

(12) Floor area devoted to an accessory dwelling within an accessory building in accordance with section 7-203. The total floor area excluded pursuant to sections 2-145(A)(6), (11) and this subsection shall not exceed:

(a) 100 square feet for lots less than 2,500 square feet,

(b) 350 square feet for lots 2,500 square feet or greater or

(c) 600 square feet for lots 8,000 square feet or greater.

- (B) For properties except for those specified in subsection (A) above, the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from the exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. It shall include all space seven feet or more in height. It shall include all space within an above grade parking garage. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

(12) Sheds and other small accessory buildings in accordance with section 8-202(C)(2). The floor area excluded pursuant to this subsection shall not exceed the total floor area exclusion listed in section 2-145(B)(14).

(14) Floor area devoted to an accessory dwelling within an accessory building in accordance with section 7-203. The total floor area excluded pursuant to section 2-145(B)(12) and this subsection shall not exceed 65 square feet.

ARTICLE VII. – SUPPLEMENTAL ZONE REGULATIONS

7-100 – Accessory uses and structures.

Accessory uses and structures are permitted, but only in connection with and incidental to a permitted principal use or structure and in compliance with the restrictions of this section 7-100.

7-101 – Permitted accessory uses.

Permitted accessory uses and structures shall be limited to the following and any additional use or structure which the director finds is similar to those listed in scope, size and impact, is customarily associated with residential dwellings, and is otherwise in compliance with this ordinance:

- (A) Private garage;
- (B) Private greenhouse;
- (C) Private tennis or outdoor recreational court;
- (D) Above ground deck;
- (E) Private swimming pool;
- (F) Storage structure;
- (G) Freestanding air conditioning machinery;
- (H) Fence or wall;
- (I) Guest house, accessory to a single-family dwelling, provided it is used by temporary guests or occupants of the main residence, contains no kitchen facilities and is not rented or otherwise used as a separate dwelling;
- (J) Gazebo or treehouse;
- (K) Home occupation, subject to Section 7-300;
- (L) Child or elder care home, subject to Section 7-500;
- (M) Solar energy system;
- (N) **Accessory dwelling, subject to Section 7-203.**

7-103 - Use limitations.

The following limitations apply to accessory uses and structures:

- (A) No accessory use or structure shall be located forward of a front building wall facing a primary front yard **except as provided in section 7-202(A).**
- (B) No accessory use or structure shall be located in a required front, rear or side yard, except as provided in section 7-202.
- (C) Accessory structures shall be included in the calculations required by this ordinance for the purpose of complying with height and bulk regulations.
- (D) An accessory use or structure shall be located on the same lot as the principal structure or use served, except where it is located on an adjoining lot which contains no principal

structure and which is adjacent to and in common ownership with the lot on which the principal structure which it does serve is located or as otherwise expressly authorized by the provisions of this ordinance.

(Ord. No. 5208, § 5, 3-16-19; Ord. No. 5234, § 10, 7-9-19; Ord. No. 5247, § 6, 10-19-19)

7-202 – Permitted obstructions.

The following obstructions shall be permitted when located in a required yard and placed so as not to obstruct light and ventilation and when otherwise permitted by law:

(C) In any yard except a front yard:

(4) Freestanding private garages to the rear of the main building in accordance with section 7-2501~~7-2505~~.

(5) Accessory buildings occupied by accessory dwellings in accordance with section 7-203.

7-203 – Accessory dwellings.

(A) Use Limitations.

(1) An accessory dwelling shall be permitted as an accessory use to a single-family, two-family or townhouse dwelling only.

(2) Only one accessory dwelling shall be permitted on any recorded lot including properties subject to section 7-103(D).

(3) The gross floor area of an accessory dwelling within a principal dwelling shall not exceed one-third of the principal dwelling's gross floor area.

(4) No more than three persons shall reside in the accessory dwelling.

(5) The accessory and principal dwelling shall remain under common ownership.

(B) Bulk and setback requirements for a detached accessory building.

(1) Size. The maximum floor area of the accessory building's first floor shall not exceed the greater of:

- (a) One-third of the floor area of the principal dwelling's first floor or
- (b) 350 square feet for lots 2,500 square feet or less and 500 square feet for lots larger than 2,500 square feet.

For the purposes of this section, floor area shall include space otherwise excluded pursuant to sections 2-145(A)(12) and 2-145(B)(14).

- (2) Height. The maximum height of the accessory building shall not exceed the lesser of the following:
 - (a) The height of the principal dwelling or
 - (b) 20 feet.

For purposes of this section, the maximum height shall include all rooftop appurtenances listed in section 6-403(B).

- (3) Side and rear yards. The accessory building shall be permitted in required side and rear yards subject to the following requirements:
 - (a) Unless a lesser setback is required by the zone in which the property is located, the accessory building shall provide at least a one-foot setback, including architectural features, from side and rear lot lines,
 - (b) If the accessory building has walls with windows or doorways that face the nearest side or rear lot line, the setback shall be three feet,
 - (c) Dormers and rooftop appurtenances listed in section 6-403(B) shall comply with the minimum side and rear yard requirements for the zone in which the property is located and
 - (d) Outside of the Old and Historic Alexandria and Parker-Gray Districts, if a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than 20 feet, measured from grade, facing the shared lot line and located within three feet of that shared lot line, the setback shall be five feet, including any roof overhang, from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s)

**and shall extend for a minimum of five feet in each direction from
that window or doorway.**

(C) Off-street parking. An accessory dwelling shall be exempt from providing off-street parking.

11-1302 - Special exception established.

A lot developed with a single family, two family, or townhouse dwelling may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300:

(F) Bulk and setback requirements of section 7-203(B) for the expansion or reconstruction of a detached accessory building subject to the following requirements:

- (1) The accessory building shall be developed with an accessory dwelling.**
- (2) No expansion or reconstruction shall increase the degree of the accessory building's existing noncompliance with regard to section 7-203(B).**
- (3) The noncomplying accessory building existed prior to [ADOPTION DATE].**
- (4) Nothing in this subsection shall be deemed to authorize the expansion or redevelopment of an accessory building beyond the height or floor area ratio permitted by the zone in which such accessory building is located, nor to authorize the approval of more than one special exception per lot under the provisions of this subsection.**

[EXTERNAL]Support for Accessory Dwelling Units

Christy Schwengel <cschwengel@yahoo.com>

Wed 11/4/2020 11:52 PM

To: PlanComm <PlanComm@alexandriava.gov>

Dear Planning Commission,

My name is Christy Schwengel at 504 Upland Place.

My husband Robert and I just wanted to offer some thoughts in regards to a topic coming before the Planning Commission and City Council.

We strongly endorse the City moving forward on Accessory Dwelling Units. We have an old garage with some finished space above it in our backyard. It isn't well built or well insulated or very functional, but we'd be very interested in tearing it down to build an ADU in 2021.

We think that it would be very beneficial to us. It could offer many options over the years -- for example: income for us, or lodging for grandparents, or lodging for caregivers of elderly family members.

More importantly, we think an ADU would be beneficial to the community. We are walking distance to the King Street metro and multiple schools. We would be very interested in providing housing for some key members of the workforce who aren't paid enough (ex: new teachers or para professionals) and frequently have trouble finding affordable housing.

Also, I work for Green America and care about the environmental implications of our decisions. I think creating housing out of underutilized spaces is a low-impact solution to our area's housing challenges.

I've talked to three of our closest neighbors. They were all very supportive and several even said that they might be interested in turning some of their underutilized spaces (ex: basements) into ADUs.

We are hoping the City approves the ADU recommendations and moves forward with speed. We are ready and excited to create an ADU!

Thanks for your service!

Warmly,
Christy Schwengel and Robert Knotts
504 Upland Pl.
Alexandria, VA 22301

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Fw: Support for Accessory Dwelling Units

Christy Schwengel <cschwengel@yahoo.com>

Sat 12/19/2020 9:23 PM

To: PlanComm <PlanComm@alexandriava.gov>

Dear Planning Commission,

Thank you for your consideration of Accessory Dwelling Units in the City of Alexandria. We strongly support the ADU proposal and hope it can be approved by the City Council in January.

We think the City has done a very thorough process (over quite a period of time) and hope the proposal can move forward without delay.

We postponed our long-planned home renovation in anticipation of an ADU policy being adopted, and we hope to get going soon. We believe an ADU will make better use of an underutilized space and provide great flexibility for our family and our community.

If I can be helpful, please let me know.

Thank you again for your service to Alexandria!

Warmly,
Christy Schwengel
504 Upland Place

----- Forwarded Message -----

From: Christy Schwengel <cschwengel@yahoo.com>

To: PlanComm@alexandriava.gov <PlanComm@alexandriava.gov>

Sent: Wednesday, November 4, 2020, 11:52:20 PM EST

Subject: Support for Accessory Dwelling Units

Dear Planning Commission,

My name is Christy Schwengel at 504 Upland Place.

My husband Robert and I just wanted to offer some thoughts in regards to a topic coming before the Planning Commission and City Council.

We strongly endorse the City moving forward on Accessory Dwelling Units. We have an old garage with some finished space above it in our backyard. It isn't well built or well insulated or very functional, but we'd be very interested in tearing it down to build an ADU in 2021.

We think that it would be very beneficial to us. It could offer many options over the years -- for example: income for us, or lodging for grandparents, or lodging for caregivers of elderly family members.

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Also, I work for Green America and care about the environmental implications of our decisions. I think creating housing out of underutilized spaces is a low-impact solution to our area's

housing challenges.

I've talked to three of our closest neighbors. They were all very supportive and several even said that they might be interested in turning some of their underutilized spaces (ex: basements) into ADUs.

We are hoping the City approves the ADU recommendations and moves forward with speed. We are ready and excited to create an ADU!

Thanks for your service!

Warmly,
Christy Schwengel and Robert Knotts
504 Upland Pl.
Alexandria, VA 22301

[EXTERNAL]Support for Item 6 - Zoning Text Amendment #2020-00007

Jessica Cummings <jessicaccummings@gmail.com>

Tue 12/29/2020 3:21 PM

To: PlanComm <PlanComm@alexandriava.gov>

Dear Planning Commission,

As new owners in the Del Ray neighborhood, we write to express support of the proposed text amendment regarding accessory dwelling units, as written and submitted for the January 5 meeting. The current policy recommendations will allow us to finish our English basement into a nice studio apartment for a long term tenant.

We believe the recommendations allow necessary flexibility for homeowners while also protecting community interests in affordable housing and neighborhood character. We support non-regulation on certain items like additional parking and owner occupancy, as well as the reasonable restrictions on size and height of newly purpose built accessory structures.

We thank the staff for their hard work on this policy and look forward to its implementation.

Regards,
Jessica and Peter Davies

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Re: [EXTERNAL]20-00035004 - Open - COU-Contact Mayor, Vice Mayor and/or City Council -

J. GLENN EUGSTER <glenn_eugster@comcast.net>

Mon 1/4/2021 7:09 AM

To: PlanComm <PlanComm@alexandriava.gov>

City of Alexandria, VA. Planning Commission Members,

I didn't see many comments in the staff report on Accessory Dwelling Units. Here are our comments to the Vice Mayor about the proposal to eliminate single family zoning in Alexandria, VA. Please know that we are concerned about what city leaders are proposing. We hope that you and the other city leaders will have more discussions with communities about this proposal before you act on it. Thank you.

Sincerely,

J. Glenn Eugster & Deborah Weatherly

----- Original Message -----

From: "glenn_eugster@comcast.net" <glenn_eugster@comcast.net>

To: Elizabeth Bennett-Parker <elizabeth.bennettparker@alexandriava.gov>

Date: 12/15/2020 7:56 AM

Subject: Re: [EXTERNAL]20-00035004 - Open - COU-Contact Mayor, Vice Mayor and/or City Council -

Dear Vice Mayor Bennett-Parker,

Thank you for replying to my email. I started following the ADU initiative when I saw an advertisement for a housing summit earlier this year. I researched the topic, the speakers and various public statements made by City of Alexandria leaders including yourself. As the proposal moved forward I did more research to try to learn more about the city's motivation.

Although I'm not a life-long resident of Alexandria I have been engaged in several aspects of racism within the city including Fort Ward Park, and the American Legion Post/ Carver School Building. I also assisted many of my neighbors to form the Fort Ward & Seminary African American Descendants Society, Inc. and briefly served on the Seminary Hill Association, Inc. board. Since arriving in Alexandria in 1989 I've observed, listened and learned about our history, race-relations, and the differences and similarities we share. Although I'm not an expert in these matters I'm not a rookie either.

My comments reflect what I know about the City's proposal to eliminate single family zoning in Alexandria. Comments that you, the Mayor, and many of those involved in crafting the ADU proposal, indicate that city leaders are changing single family zoning because you believe it is racist, evidence of systemic racism in our city, and part of white supremacy. Since my wife and I are white and live within a single family subdivision with the City of Alexandria the comments of city leaders and the ADU initiative are aimed at white families and single family homes like ours.

Many residents of the city are concerned about the proposal moving forward but are uneasy about weighing into this discussion. This year has been tough and I believe our community

does not want to see more division. The comments that you and the Mayor made after George Floyd was murdered were filled with anger which I can understand. However, both of you are leaders of our city and in making changes you need to realize that if you paint in a broad-brush, blaming people for the sins of our past it further divides us. Your challenge frankly is getting to yes on very complicated matters.

My hope is that city leaders reach out to those impacted by these proposed changes letting them know that this is not about a "granny cottage" but about anti-racism. I also hope that you slow this process down because Alexandria is different than the others places that have abolished single family zoning. As a resident you know that this is about who we were, are, and will be.

Should you wish to meet with residents of our community, which include Councilwoman Amy Jackson, please let me know. When we have dialogued with city leaders in the past, on Fort Ward, crime, and other issues, we have always come away with better solutions.

Enjoy and be safe.

Sincerely,

Glenn

J. Glenn Eugster
4022 Ellicott Street
Alexandria, VA. 22304

On 12/10/2020 10:20 PM Elizabeth Bennett-Parker
<elizabeth.bennettparker@alexandriava.gov> wrote:

Dear Mr. Eugster,

Thank you for your email regarding ADUs. I read the article link you provided and I did not see anything that suggested you or your neighborhood were racist – will you share with me where you read that?

Warmly,

Elizabeth

Elizabeth Bennett-Parker

Vice Mayor

City of Alexandria

Aide: Cassidy Ketchum

Cassidy.ketchem@alexandriava.gov

571.414.1627

From: noreply@salesforce.com <noreply@salesforce.com> on behalf of Alex311 <alex311@alexandriava.gov>
Sent: Wednesday, December 2, 2020 12:26 PM
To: Cassidy Ketchem <Cassidy.Ketchem@alexandriava.gov>; Elizabeth Bennett-Parker <elizabeth.bennettparker@alexandriava.gov>; CRM Administrator <CRM.Administrator@alexandriava.gov>
Subject: [EXTERNAL]20-00035004 - Open - COU-Contact Mayor, Vice Mayor and/or City Council -

COU-Contact Mayor, Vice Mayor and/or City Council (20-00035004) service request has been created, updated, and/or requires your attention.

Service Request Type:	COU-Contact Mayor, Vice Mayor and/or City Council	Status:	Open
Service Request Number:	20-00035004	Created By:	Customer Site Guest User
Priority:	Standard	SLA Detail:	5 Business Days
Method Received:	Web	Submitted On:	12/2/2020 12:24 PM
Location:		Overdue On:	12/9/2020 12:24 PM
Description:	<p>Date: 12/02/2020 11:45 AM Subject: Alexandria Refines Accessory Dwelling Units Policy and Cuts Parking Requirement Heads-Up! The Mayor and City Council are moving the proposal described below to increase housing and density in Alexandria. At least part of this is targeting single-family residential areas like those in and around Seminary Hill. Many believe that this will help with opportunities for affordable housing. However, speakers from afar who helped launch this idea in Alexandria believe that "single-family residential areas are racist". If this is approved it will adversely impact parking, road-congestion, stormwater runoff, schools and other public services. Increasing density at a time when we are trying to fight the virus doesn't seem to make sense. Setback requirements between building on adjoining properties is proposed to be five feet in the future. Additional parking areas may be required on properties and green space will be reduced. You may have already participated in the city's engagement process and shared your thoughts. Frankly ideas that may be working in other countries and, or California, may not be appropriate for Alexandria. My sense is that this proposal requires further</p>		

study before City leaders push it forward. It also might make good sense if several properties could be selected voluntarily to serve as a case study to better understand, on-the-ground, how this might work. When I read that my home and neighborhood was racist it caused me to pause. My wife and I have worked very hard all our lives so that we could live in Marlboro Estates. I found it offensive to learn that because we were able to select our home we are racist. My time in the City of Alexandria has shown many city leaders and neighbors that my wife and I are not racist and have tried to help others to reverse the collective sins of our past. I am a first-born American, on my father's side of the family, and when my relatives came here choices like the ones we have made were a part of our American dream. This is a time when you may want to share your thoughts with the Mayor and City Council. Sincerely, Glenn J. Glenn Eugster Ellicott Street, Alexandria, VA. Alexandria Refines Accessory Dwelling Units Policy and Cuts Parking Requirement https://www.alxnow.com/2020/12/02/alexandria-could-open-accessory-dwelling-units-to-short-term-rental/?fbclid=IwAR2gl2_b7GRzDqlG_AwPhF09XUg9k99MAC5VTAF28ECTN_SMQLdDCFbmbps

Contact Information:

Name:	Joseph Glenn Eugster	Primary Phone:	+1 (703) 489-1140
Email:	glenn_eugster@comcast.net	Social Persona:	

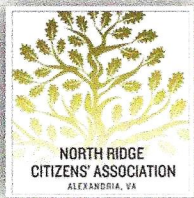
ref:_00D1UtpPp._5001UfhzcJ:ref

Service Questions:

Question	Answer
Which Council Member would you like to contact?	Vice Mayor - Elizabeth B. Bennett-Parker
What is the nature of your request?	Other
Is your request related to the upcoming public hearing or Council meeting?	Yes

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 [Six Steps to Stop the Spread image](#) ---



NRCA, P.O. Box 3242, Alexandria, VA 22302

January 4, 2021

Planning Commission
c/o Department of Planning & Zoning
P.O. Box 178
Alexandria, VA 22314

Delivered Via Email: PlanComm@alexandriava.gov


Re: Accessory Dwelling Units (ADUs)—Revised Proposed Policy

The North Ridge Citizens' Association (NRCA) appreciated the opportunity to comment on the City's October 2020 draft policy to allow for accessory dwelling units (ADUs). In its November 6, 2020 letter (Attachment #3 to the Staff Report), NRCA supported eight reasonable restrictions and prohibitions on ADUs that had been proposed in the October 2020 draft (see p. 1 of NRCA's November 6, 2020 letter) but opposed four other provisions that were too lax. Further, NRCA proposed that the policy be strengthened by including several additional reasonable limits on ADUs that had not been included in the October draft.

We are very disappointed that the vast majority of NRCA's comments and proposals were not included in the current version of the policy. In fact, the Staff Report on the policy fails to adequately consider or respond to most of NRCA's comments. Moreover, the Staff Report (p. 9) mischaracterizes NRCA's comments, by incorrectly stating that "North Ridge Citizens Association has submitted a statement in general support of ADU policy but none of the specific draft recommendations staff released in October."

NRCA states for the record that the cohesive set of comments in its November 6 letter were intended to identify the basic elements of a reasonable ADU policy and, specifically, the provisions that need to be included and those that should not be included. Because none of the provisions that NRCA opposed were removed, none of the provisions NRCA supported adding were added, and nearly all of the necessary and fundamental limits and prohibitions on ADUs—especially the owner-occupancy and common-ownership requirements and the prohibition against concurrent short-term rentals, which are of greatest concern to our Board members—were removed, NRCA cannot support the policy now before the Commission. We urge the City to defer any action on the proposed policy pending reconsideration of NRCA's and other public comments.

Sincerely,


Chuck Kent
President
NRCA

cc: Mayor
City Council Members
City Manager

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 31, 2020

TO: CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL W. MORITZ, DIRECTOR, DEPARTMENT OF PLANNING & ZONING

SUBJECT: ACCESSORY DWELLING UNIT (ADU) TEXT AMENDMENT

This memorandum provides additional staff response to community feedback received. The following policy recommendations were made by the community. Staff responses follow.

1. REQUIRE NEIGHBOR NOTIFICATION FOR DETACHED ADU CONSTRUCTION AND PROVIDE PUBLIC COMMENT PERIOD.

Staff feels that the proposed height, size and use limitations would adequately protect neighborhoods from ADU construction impacts. Staff is not opposed to a notification requirement but feels that a public comment period would not be appropriate. Public comment is appropriate in cases where a board, such as Planning Commission or City Council, has discretion in their approvals. For ADUs, staff could not legally compel a homeowner constructing an ADU to address comments provided by neighbors that are beyond what the proposed regulations would require. Furthermore, a period of public notification is not required for a home addition, garage, shed, guesthouse or other accessory structure that could have the same or substantially larger impact than an ADU.

2. ELIMINATE ADU SIZE LIMIT RELATIVE TO SIZE OF PRINCIPAL DWELLING.

For a detached ADU to appear subordinate and be compatible with the City's neighborhoods, it must be smaller than the principal dwelling. The Zoning Ordinance generally quantifies a use or structure as accessory when it occupies less than one-third of the area or size of the principal use or structure. Under the proposal, the principal dwelling's first floor must be at least 1,500 square feet to construct an ADU larger than 500 square feet. In staff's experience, dwellings of this size are generally located on lots that are large enough that an ADU greater than 500 square feet would still be compatible with its surroundings.

3. REQUIRE ADUS WITHIN THE NATIONAL REGISTER HISTORIC DISTRICTS TO RECEIVE BOARD OF ARCHITECTURAL REVIEW (BAR) APPROVAL.

The Zoning Ordinance does not currently authorize the BAR to hear cases within the City's

National Register Historic Districts (Rosemont and Town of Potomac). Structures within these districts are classified on the National Register as either “contributing” or “non-contributing” based on historical significance. The construction of a detached ADU would not affect the contributing status and historical significance of the principal dwelling. ADU’s constructed within locally designated historic districts, including the Old and Historic District and Parker-Gray will be required to obtain BAR approval prior to construction.

4. PROHIBIT DETACHED ADUS ON SUBSTANDARD LOTS.

Staff feels that prohibiting detached ADUs would not be fair to residents with smaller lots. Under current regulations, detached structures, including garages, sheds, guest houses, etc. can be constructed on substandard lots if the proposal meets required setbacks and floor area. Staff feels that the protections provided by Zoning Ordinance Section 12-900 in addition to the proposed ADU regulations would sufficiently address concerns related to ADU construction on substandard lots.

5. PROHIBIT SUBDIVISIONS FOR PROPERTIES DEVELOPED WITH ADUS.

For a subdivision to be approved, the proposed lots must meet all lot requirements for the zone in which the property is located including lot size, width, street frontage, etc. An existing lot must be at least twice as large and twice as wide as the minimum lot size and width requirements, in addition to other considerations, to qualify for a subdivision. Most lots that would be developed with an ADU could not be legally subdivided because they would not meet the subdivision and lot requirements.

6. ADU OCCUPANTS MUST BE RELATED OR PROVIDING CARE TO OCCUPANTS OF PRINCIPAL DWELLING.

The Zoning Ordinance currently allows family members or caregivers to live in a detached structure as long it does not contain a kitchen. Staff feels that limiting ADU occupants in this manner would not serve to accomplish the goal of creating additional, flexible dwelling units within the City. Additionally, enforcement of such a provision would be challenging given the difficulty in documenting family relations or caretaker status.

7. REQUIRE SPECIAL USE PERMIT (SUP) FOR ADU DEVELOPMENT.

Staff originally considered a public hearing process for ADUs. Our research found that the additional expense, time and uncertainty associated with public hearings would likely significantly discourage ADU construction. In many jurisdictions, public hearings are not required for ADU development. Staff feels that the proposed policy would allow for compatible ADU development without the need for a public hearing process.



Braddock Metro Citizens' Coalition

Working for a Greater Northwest Old Town.

www.braddockmetro.org | bmcc@braddockmetro.org

January 4, 2021

Chairman Nate Macek
Members of Planning Commission

RE: Zoning Text Amendment #2020-00007
Accessory Dwelling Units

Dear Chairman Macek and Members of Planning Commission:

I am writing on behalf of the Braddock Metro Citizens Coalition (BMCC) Board in support of the proposed text amendment to codify Accessory Dwelling Units in the City. I qualify this support by saying that the proposal has been primarily vetted with the BMCC Board, since we have had limited interaction this year due to the on-going COVID-19 restrictions. This is probably true for most civic associations in the City.

That said, we have followed the Planning staff work over most of this year as they developed and refined the various aspects of the proposal. This has not been an easy assignment, but we feel staff has been diligent in researching and benchmarking ADUs in Virginia elsewhere in the country. Staff has conducted many public outreach surveys and virtual meetings despite COVID-19 restrictions. We do not believe these "remote" efforts have meant less public input but may have resulted in more as it is easier for folks to participate from the comfort and safety of their homes.

We understand that there are some concerns about a few aspects of the proposed policy, but we would point out that staff has proposed a thorough review of ADUs at the two-year mark to address any recurring issues and allow for refinement of the policy. Though the proposed policy does a decent job of addressing most aspects of individual sites, this kind of effort cannot fully anticipate how the policy might be implemented under various existing ownership conditions.

We agree in general with most aspects of the proposal, understanding that some of them have presented difficult choices. However, we think the overall benefit to homeowners and the City is clear. This will not solve the problem Alexandria has with a housing supply that is affordable broadly but every small addition to that stock helps someone who would not otherwise have an option to live here. We believe that the policy should be instituted City-wide. There will be homeowners in every neighborhood who will need an independent living space for an elderly parent, a recent college graduate, a divorced daughter with a child, etc. Those just starting their careers, like teachers and first responders, might be able to live in an ADU near where they work rather than commute from outlying areas. Young couples who can rent out an ADU will be better able to qualify for a mortgage in a nice neighborhood. The positive outcomes of this policy will emerge in a few years, just as the challenges will. We should adjust the policy accordingly at that point, but we should move it forward now.



Braddock Metro Citizens' Coalition

Working for a Greater Northwest Old Town.

www.braddockmetro.org | bmcc@braddockmetro.org

Though challenging, and an undertaking better suited for City Council than the Planning Commission, we suggest that the City consider a real estate tax incentive for homeowners that rent (not short term) their ADUs at a below market-rate. This would broaden the folks that could afford an ADU and push back against investors converting housing stock for profit.

In addition, there have been concerns about some ADUs causing an increase in impervious surfaces in certain areas that are prone to flooding. As those areas are now better understood after this year's flooding, it would be useful if the City provided planning resources to help homeowners ameliorate storm water effects on individual ADU sites in those areas.

We encourage implementation of the proposed ADU policy early in 2021. The need for these kinds of units has only increased with the circumstances of 2020. Waiting any length of time will not resolve many issues which have been raised to date. We ask that you support ADUs in Alexandria and move the policy forward sooner rather than later.

Sincerely,

A handwritten signature in blue ink that reads "Judy Guse-Noritake".

Judy Guse-Noritake, President
Braddock Metro Citizens Coalition

Cc: Braddock Metro Citizens Coalition Board & Membership
Karl Moritz, Director, Planning & Zoning

[EXTERNAL]Support for adoption of City-wide ADU provision

Jacquelyn Piper <pipervalerie@gmail.com>

Mon 1/4/2021 3:39 PM

To: PlanComm <PlanComm@alexandriava.gov>

Happy New Year!

I am writing to express strong support for the adoption of a city-wide as-of-right allowance for auxiliary dwelling units (ADUs) as a low-impact and expedient way to expand housing supply in the City and promote more affordable options for people working in the area. The proposed provisions include both detached structures and additional units incorporated into the primary dwelling unit structure, which is also appropriate for the City's existing housing stock.

I commend Planning Commission staff and leadership for thoroughly researching how ADUs are being handled nationwide and advancing a workable local solution.

Thank you,

Valerie Piper
Resident of Old Town

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City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 5, 2021

TO: CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL W. MORITZ, DIRECTOR, DEPARTMENT OF PLANNING & ZONING

SUBJECT: ACCESSORY DWELLING UNIT (ADU) TEXT AMENDMENT
CORRECTION

This memorandum provides a correction to the proposed Zoning Ordinance text changes. Staff inadvertently omitted the restriction that an accessory dwelling unit must be held in common ownership with the owner of the principal dwelling. This provision would be located within new section 7-203(A) as follows:

7-203 – Accessory dwellings.

(A) Use Limitations.

- (1) An accessory dwelling shall be permitted as an accessory use to a single-family, two-family or townhouse dwelling only.
- (2) Only one accessory dwelling shall be permitted on any recorded lot including properties subject to section 7-103(D).
- (3) The gross floor area of an accessory dwelling within a principal dwelling shall not exceed one-third of the principal dwelling's gross floor area.
- (4) No more than three persons shall reside in the accessory dwelling.
- (5) **The accessory and principal dwelling shall remain under common ownership.**

Grassroots Alexandria supports the proposed ADU legislation. When considering how to ensure that Alexandria is an affordable and welcoming place for all, we must consider ADUs as a part of that equation. With the decrease in market affordable housing in Alexandria over the past years, a solution like ADUs is needed. ADUs are a necessary element to making housing affordable, increasing creative options for homeowners, adding to housing stock in an expedient way that doesn't require expensive builds or development, and adding options for housing that will enhance the diversity of our neighborhoods. These are all elements that contribute to a growing and thriving Alexandria.

We share concerns regarding the addition of an owner occupancy requirement, which restricts the flexibility and creativity that the ADU legislation could allow. This requirement may inhibit the benefits that the ADU legislation proposes, potentially limiting the possibility of adding-on ADUs to only the affluent and restricting ADUs as an option for those who often need to make flexible housing arrangements, such as military and diplomatic families. We agree with the statements in the staff report and the report from The Urban Institute, citing the owner occupancy requirement as an additional impediment and agree that the concerns that the owner occupancy seeks to address can be mitigated by other city codes.

If there is no option to change the owner occupancy requirement, we would also encourage a report addressing the observed impact of the requirement to see if it indeed adds burden and unnecessarily restricts less affluent homeowners and provides less flexibility to those who need it. At that time, we would encourage City Council to drop the requirement. If that isn't possible, we would urge Council to look into creative ways to ensure that the ADU legislation is actually meeting the goal of expanding housing options in Alexandria, such as waiving requirements for certain populations or providing financing options to increase the population of those who could take advantage of the ADU legislation.

-Rebecca Loesberg

[EXTERNAL]In support of ADUs

Josh Snider <josh@joshuasnider.com>

Tue 1/5/2021 9:51 AM

To: Sam Shelby <sam.shelby@alexandriava.gov>; PlanComm <PlanComm@alexandriava.gov>

Hi guys,

I noticed you were taking public comments on an ADU proposal today. I'll try to make the meeting, but in case I don't I just wanted to express my support of any proposal that makes it easier to build housing in the DC area.

Sincerely,
Josh Snider

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Liveable Alexandria (a new organization advocating for transit and housing in the City of Alexandria) supports the city's proposed accessory dwelling unit (ADU) legislation, which we believe will add to housing supply, help with affordability, provide new options to homeowners, and add to the socioeconomic diversity of our neighborhoods. We are enthusiastic about the features that will help ensure the program is a success and make it easier to build ADU's, such as not requiring off-street parking for the ADU and allowing ADUs citywide.

We are concerned about the owner occupancy requirement. We fear this will make it difficult for many homeowners to finance ADU's and could limit the supply of ADU's. It may be a special burden on less affluent homeowners who have fewer financial resources, and on people who must move on short notice, such as military and diplomatic families, who often choose to rent out their primary residence.

We suggest that if the owner occupancy requirement is retained, that staff report to Council after 3 years, addressing the observed impact of the requirement. At that point the Council should consider such option as providing a financing mechanism for less affluent homeowners, waiving the requirement for military and diplomatic families, or dropping the requirement altogether.

Sincerely,

Ken Notis

[EXTERNAL]Tonight's commission meeting: Comment on ADUs

Ed Kemp <edkemp101@gmail.com>

Tue 1/5/2021 10:48 AM

To: PlanComm <PlanComm@alexandriava.gov>

For the Commission:

I am an Alexandria resident (5 W Spring St) and member of Grassroots Alexandria. For the record of tonight's meeting, I am in favor of accessory dwelling units citywide and without owner occupancy. As one of the tools for opening up more opportunities for residents of varying income levels, I believe ADUs add diversity to the housing stock in the city. Please drop the requirement for owner occupancy of the units as this would limit supply to renters. Thank you for your consideration.

Edward Kemp
5 W Spring St
Alexandria, VA 22301

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re: Accessory Dwelling Units in Alexandria

davidhalwig@cs.com <davidhalwig@cs.com>

Tue 1/5/2021 12:16 PM

To: PlanComm <PlanComm@alexandriava.gov>

Cc: Sam Shelby <sam.shelby@alexandriava.gov>

To the City of Alexandria Planning Commission**From: David Halwig****212 East Alexandria Ave****Alexandria, VA 22301****Subject: Citizen Objection to the Proposed Zoning Text Amendment #2020-00007 Accessory Dwelling Units**

I am a resident homeowner of the New Addition section of Del Ray and am submitting this objection to the proposed zoning text amendment.

The ADU proposal can have a profound negative impact on an individual homeowner with only negligible benefit projected for the community as a whole. It lacks meaningful measures of success. The expectations for actual ADU construction are so modest as to be meaningless in a partial sense.

This is being presented as some sort of value-added feature for the homeowners who do this without acknowledging the impact to those who choose not to. The proximate neighbors can suffer harm from loss of privacy, freedom of use, sense of security, and aesthetic and actual property value and other considerations. Some of its provisions go so squarely against the concept of neighborhood

With its apparent genesis from outside advocacy groups and not through citizen demand, the proposal appears to be almost an act of vanity to for the City to feel compelled to have an ADU program – not a thoughtful act of responsible and accountable governance.

My objection is based principally on the following issues:

Neighborhood Density: Parts of Alexandria (particularly Del Ray) are already very high-density and it is not clear that facilitating an increase in that density by this proposal would not diminish the quality of life of the neighborhoods we live in.

Loss of privacy and quality of life: To a homeowner proximate to an ADU, the construction of a one or two story structure, setback only a few feet from the property line would intrude on privacy, looming over personal space. Many of us moved to Del Ray because of the ability to have relatively private yards and have invested heavily on establishing and maintaining outdoor spaces for their personal use. Proximate neighbors, particularly those with children, might have safety concerns about ADU residents, particular those of transient occupancy peering in their yards, watching their children and others.

Transient Housing: We are a neighborhood, not a motel district. Allowing ADU's as short-term rentals encourages transient populations which may not share the values of the neighborhood and may compromise the community spirit which we have worked so hard to achieve.

Parking is already very limited. There is no parking to spare in much of Del Ray. One of our neighbors temporarily housed several individuals in what appeared to be an impromptu ADU. Although it was eventually ceased, each of the people had their own car and with differing work schedules made parking in front of our residences problematic. If someone is adding a resident with one of more vehicles, they should have to accept their obligation to make this parking-neutral to their neighbors – and turning back yards into parking lots is not consistent with the architecture of our area.

Loss of Intrinsic and Monetary Value: An ADU building looming on a proximate neighbor's property line would likely diminish the intrinsic and resale value of that property. The adjacent or proximate homeowners would not have any meaningful say on this as they might in normal permitting. (I doubt this would likely be reflected in tax relief by the city).

Limited enforcement: There is little in the proposal about enforcement. We already have what we believe to be one or two ADU's in our neighborhood, neither one permitted. When asked, the City indicated that as a practical matter regarding access to private property to verify occupancy, they are very limited in their enforcement ability to and the city believes they cannot enforce the existing code except briefly when the property is advertised for re-rental. There does not appear to be any ongoing requirement for owners of ADU's to report on their

compliance with the provisions or report on how their actions have addressed the underlying initiatives of affordable housing on an on-going basis.

Proliferation: There seem to be no meaningful provisions to require covenants in deeds granted ADU permits or other measures to ensure that the conditions of owner-occupancy and the like are conveyed with property parcels. Absent realistic enforcement ability, it will only be a matter of time before ADU properties become dual-residences and our ever-creative corps of entrepreneurial developers begin to exploit the ability to effectively subdivide existing parcels of land.

No accountability for results: The proposal appears to be based on various subjective goals of affordable housing, many seeming to come from generic sources like the Urban Institute which may have prevailing interests in propagating ADU programs. In deference to lofty-sounding goals of social impact, the city's own staff estimates of the number of AADU's expected be built is so modest as to be immeasurable. Accordingly, this seems to be a program which has neither provision for objective measures of success nor expectations that, if successful, it would make any real difference to the conditions it seeks to address.

No Consideration for Disparate Individual Impacts: Clearly, someone electing to install an ADU stands to gain from its use and/or rental. The City stands to gain from increased tax revenue. Our contractors and various utility companies stand to gain from construction and usage fees. But, just as clearly, the proximate neighbors stand to lose, without recourse, quality of life, privacy, ease of use, and potentially sense of security as well as aesthetic and actual property value.

Individual Impacts: The report to the commission states, ""...staff estimates that fewer than 15 ADUs would be created annually in Alexandria. Regardless of how many units are created annually, staff's proposed ADU policy would minimize potential land use impacts and ensure compatibility with existing neighborhoods." It only takes 1 ADU if it is your yard it is looming over. I am not sure if the survey of public opinion would be as favorable if the question was asked about building an ADU overlooking their own yard or with a window 8 feet from your window. Who gets to take one for the team on this?

Process Bias in the Extreme: Clearly, the staff put a lot of effort into developing the ADU proposal. However, as I navigated the various information and feedback points in the process, I noted that by all indications, this was not something to be studied as much as justified. When I watched the consultant's video it became quickly apparent that she was an advocate for this and not a neutral advisor. Every reason not to do it was dismissed as being not important, unfair to non-residents, or not likely to happen. It was more indoctrination than information. This kind of bias is reflected in the staff's proposal which seems to be doing all it can to make this happen and without regard to the interests of proximate neighbors. When I attended the information session at the DRCA, several questions which I submitted in the chat room went unaddressed. My email asking for answers was acknowledged with a commitment to respond – and no response has forthcoming. I guess my opinion does not matter much on this. Next time perhaps the City could be more forthright in their intent.



218 North Lee Street, Suite 310
Alexandria, Virginia 22314
(703) 549-5811

www.HistoricAlexandriaFoundation.org
HistoricAlexandriaFoundation@gmail.com

January 5, 2021

Chairman Nate Macek
Members of the Planning Commission
City of Alexandria

RE: Accessory Dwelling Units (ADUs) Proposal, Planning Commission Docket Item #6, 1/5/21

Dear Chairman Macek and Planning Commission Members:

The Historic Alexandria Foundation has reviewed the staff memo and Zoning Text Amendment Proposal #2020-00007 for Accessory Dwelling Units. In furtherance of our mission “to preserve, protect and restore structures and sites of historic or architectural interest in and associated with the City of Alexandria” we are submitting comments relating to the Old and Historic Alexandria District, the Parker-Gray District and the listed 100-year-old buildings.

Our basic question, which, unfortunately, we were unable to get answered by an email to the staff, is **assurance that the Board of Architectural Review will still review any new construction in the two historic districts, as well as on listed 100-year-old buildings properties.**

The staff memo addresses properties in the Old and Historic Alexandria District (OHAD) and the Parker-Gray (PG) District on page 12 under topic #5 ADUs and Floor Area Ratio (FAR), stating:

*“The Zoning Ordinance currently exempts detached garages and sheds from Floor Area Ratio calculations. Under current regulations, the following can be excluded from floor area:
.... For townhouse dwellings and all dwellings within the City’s OHAD/PG districts, the floor area of a 65-foot square shed may be excluded.”*

Shouldn’t this exclusion also apply to listed 100-year-old buildings?

Further down on page 12, staff recommends that floor area exclusions apply to detached ADUs, as follows:

“For Townhouses and all dwellings within the City’s OHAD/PG districts:

- *65 square feet for all lot sizes”*

Again, shouldn’t this exclusion also apply to listed 100-year-old buildings?

On page 14, #8 Special Exception for Detached ADU's, the memo states:

"Staff proposes a special exception process for ADUs. This process would allow the Board of Zoning Appeals (BZA) to grant permission for a property owner to use an existing detached accessory building that does not comply with the proposed bulk and setback requirements to be used as an ADU. For example, an existing detached accessory building that exceeds staff's proposed height or size requirements, could, with BZA approval, be converted to an ADU."

This proposal should exclude properties in the OHAD and PG districts, as well as listed 100-year-old buildings from the special exception process. The BAR should have purview over height or size requirements.

On page 15 Other Considerations, the staff memo states:

"ADUs would also be subject to other requirements both imposed by the Zoning Ordinance, development approvals, and private covenants, as outlined below:

- *Any new construction to accommodate an ADU that would be visible from a public-right-of-way within the City's Old and Historic Alexandria and Parker-Gray Districts would require approval from the Board of Architectural Review."*

Shouldn't this also apply to listed 100-year-old buildings?

Turning to the zoning proposal, (Attachment #4) on page 53, Article II – Definitions, Section 2-145 defines Floor area.

Section 2-145(A) states:

For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), the floor area of the building or buildings on a lot or tract or tract of land (whether 'main' or 'accessory' is the sum of all gross horizontal areas under roof on a lot.....

We believe that most residential properties in the two historic districts do not fall within these zones, and that the R-M zone may be the most common in the two districts. So, to clarify, it appears that staff is trying to exclude all residential dwellings in the O&HA and PG Districts from this floor area requirement. We don't know if that is good or bad, but ask whether the R-M zone (at least) should be included in that list?

Next, the Old and Historic Alexandria and Parker-Gray Districts are referred to in Article VII.

Supplemental Zone Regulations.

Section 7-203, Accessory Dwellings:

(B) Bulk and Setback Requirements for a detached accessory building:

(3) Side and rear yards. The accessory building shall be permitted in required side and rear yards subject to the following requirement:

....

(d) Outside of the Old and Historic Alexandria and Parker-Gray Districts, if a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than 20 feet, measured from grade, facing the shared lot line and located within three feet of that shared lot line, the setback shall be five feet, including any roof overhang, from that shared lot line....

It is really unclear what this provision is meant to do, but if it is intended that the BAR has jurisdiction over this question in the two districts, should they also have jurisdiction over this question for listed 100-year-old buildings?

Turning to page 58 of the staff report, the proposal shifts into Article 11 - Development Approvals and Procedures (without showing that title). The text should read:

“Article 11 – Development Approvals and Procedures

11-1301 – Authority. The Board of Zoning Appeals is authorized to review applications for those Special Exceptions established by this Section – 11-1300.”

Should a provision be added to Section 11-1302 – Special exception established, to exempt properties in the two historic districts and 100-year-old buildings from this provision, or to clarify what the BAR will have jurisdiction over?

Suggested wording:

A lot developed with a single family, two family, or townhouse dwelling (except in the Old and Historic Alexandria and Parker-Gray Districts, and listed 100-year-old buildings) may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300....

Finally, the earlier staff draft (10/9/20) states that Recommendation #3 is to require an Administrative Permit for ADUs from the Department of Planning and Zoning. **Should the Permits section of the Ordinance be amended to clarify this, and more specifically, to state that ADUs in the Old and Historic Alexandria and Parker-Gray Districts, and listed 100-year-old buildings, will be reviewed by the Board of Architectural Review?**

Having concluded the questions that the Historic Alexandria Foundation has, I now turn to the excellent memos provided by civic associations. It is clear that much more work is needed before this proposal is ready for your approval, and I hope you will defer action on it, until these many concerns are addressed.

Sincerely,



Gail C. Rothrock
Board and Advocacy Committee Member
Historic Alexandria Foundation

[EXTERNAL]Support Accessory Dwelling Zoning Text Amendment #2020-00007

Joshua Veverka <jveverka@NVAR.com>

Tue 1/5/2021 1:43 PM

To: PlanComm <PlanComm@alexandriava.gov>

 1 attachments (148 KB)

NVAR Supports Alexandria Accessory Dwelling Ordinance.docx;

The Honorable Nathan Macek, Chair
City of Alexandria Planning Commission
301 King St., Room 2400
Alexandria, VA 22314

Dear Mr. Macek,

On behalf of the Northern Virginia Association of REALTORS® (NVAR) and its 13,000 members we are writing you to support Zoning Text Amendment #2020-00007 which expands opportunities for homeowners to build and utilize accessory dwelling units while effectively maintaining the established character of the City's neighborhoods.

Increasing the supply of affordable housing is a challenge for localities across Northern Virginia and throughout the region. Accessory dwellings have the potential to incrementally increase the supply of affordable housing by leveraging the existing housing stock on already developed land. They also disperse affordable housing across neighborhoods rather than concentrate it in a few areas.

According to the National Association of Realtors®, the market for the affordable housing provided by accessory dwellings is large and diverse. The American household is no longer defined solely by the model of two parents living with children. Today, the average American household consists of only 2.6 people. Many find that they no longer need or want the space of a traditional single-family home. Accessory dwellings are also useful for families who want to help other family members live nearby, but who want them to have a separate residence. A homeowner may want to furnish a living space for his or her parents or may want to make sure a child who has just started to work and be independent has a decent place to live while still not living "at home."

This ordinance is well crafted to accommodate both the rights of property owners who wish to add an accessory dwelling and provides adequate size and occupancy limits to address the concerns of their neighbors worried about increased population impacting the neighborhood.

Thank you for your consideration.

Sincerely,



Derrick Swaak
President

Josh Veverka | Government Affairs Director

Northern Virginia Association of Realtors®
8407 Pennell Street, Fairfax, VA 22031
703.207.3201

January 4, 2021

The Honorable Nathan Macek, Chair
City of Alexandria Planning Commission
301 King St., Room 2400
Alexandria, VA 22314

Dear Mr. Macek,

On behalf of the Northern Virginia Association of REALTORS® (NVAR) and its 13,000 members we are writing you to support Zoning Text Amendment #2020-00007 which expands opportunities for homeowners to build and utilize accessory dwelling units while effectively maintaining the established character of the City's neighborhoods.

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This ordinance is well crafted to accommodate both the rights of property owners who wish to add an accessory dwelling and provides adequate size and occupancy limits to address the concerns of their neighbors worried about increased population impacting the neighborhood.

Thank you for your consideration.

Sincerely,



Derrick Swaak
President



Affiliated with the
National Association
of REALTORS®

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8407 Pennell Street
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January 5, 2021

Planning Commission
City of Alexandria
301 King Street
Alexandria, VA 22314

RE: Support for Accessory Dwelling Units in Alexandria

Dear Planning Commissioners:

Please accept these comments on behalf of the Coalition for Smarter Growth (CSG), the leading organization in the DC region advocating for walkable, inclusive, transit-oriented communities. CSG appreciates the City of Alexandria's efforts to develop an accessory dwelling unit (ADU) policy and writes to convey our full support of the proposal. CSG has become a leading expert on ADUs through our work in DC and our just-released [DC ADU homeowners manual](#).

Accessory dwelling units can offer less expensive housing options than renting or buying a single-family home because of their smaller size. They are great for an aging parent you are caring for, offer a home for your recent college graduate, or a young professional just starting their career. ADUs can also offer a stream of income for homeowners, including lower-income homeowners and retirees on fixed incomes.

CSG is enthusiastic about the strong provisions being proposed that will help make the City's program a success, such as allowing ADUs citywide, not requiring off-street parking requirements for the ADU in our transit-rich city, and the no-fee application process.

We are concerned however about any owner-occupancy requirement. This requirement lacks flexibility for the homeowner and may limit one's ability to build an ADU. An owner-occupancy requirement could make it difficult for homeowners to finance accessory dwelling units. This may serve to exacerbate income and racial inequities by limiting the ability of homeowners to construct ADUs to those with sufficient equity in their homes.

An owner-occupancy requirement would also be limiting to people who must move on short notice, such as military and diplomatic families, who often choose to rent out their primary residence. We also note that single-family homes today are already frequently rented out by

owners who are not living on site. The owner-occupancy requirement would be a barrier to constructing ADUs and undermine the goal of increasing the supply of ADUs in the city.

We encourage the city to establish a timeframe of a few years and require that staff review the new policy and make recommendations to address impacts to the success of the program. This could include creating an affordability program for low-income renters or buyers, assessing size limitations and setbacks and their impact, whether or not the program has exacerbated or improved racial and income inequalities, and recommendations to address any other barriers towards creating new housing through ADUs.

While future tweaks to the program may be necessary, CSG believes the proposed ADU policy is a bold step forward in establishing a strong program that will help provide more housing options in Alexandria. Thank you for your time and consideration.

Sincerely,

Sonya Breehey
Northern Virginia Advocacy Manager
Coalition for Smarter Growth

To: Alexandria Planning Commission

From: Owen P. Curtis, 5465 Fillmore Ave., Alexandria, VA 22311

Date: January 5, 2021

I have a number of concerns about ADUs, and I urge the Planning Commission to set this idea aside for additional study, OR, reject it outright as ill-conceived and a threat to our quality of life.

- 1) There is not demonstrable evidence provided that they will provide an affordable housing option in the single family residential areas of the City. Arlington has permitted them for a number of years, few have been implemented, and Arlington has not seen any positive impact on affordable housing due to the ADUs. There is no reason to believe Alexandria would be any different.
- 2) They are an inherent addition of density of development, which comes with adverse environmental issues (impervious surface, loss of tree canopy) and more traffic and parking.
- 3) The proposed regulations are poorly conceived:
 - a. Off-street parking **MUST** be provided in order to preserve safety and capacity of local streets for ALL users.
 - b. The one-foot setback is a joke. The City requires a lot more than that for sheds! It steals light and air from the neighbors, and is invasive to privacy, and a likely source of unwanted noise.
 - c. The maximum size is far too large on properties where there is a large home. Some maximum square footage must be set to keep this under control.
- 4) Perhaps the most serious item is that they can be used as short-term rentals, aka, Air BnBs. Please say “no!” to this stupid idea. It adds **NOTHING** to the supply of affordable housing. It creates a for-profit “motel” in a residential neighborhood. We have some today in Seminary West, all with absentee landlords, which are used by construction workers, with all their trucks. The landlords do not care about our neighborhood; they are running a business. ADUs should be prohibited from being temporary lodging.
- 5) In the Seminary West neighborhood, we have what are effectively ADUs -- single family homes operated as multi-adult, non-related residences, essentially boarding houses. They have no landlord on premises. Virtually every neighborhood noise, traffic, crime, etc. issue over the past 42 years in our neighborhood has been related to such multi-adult rental properties. It eludes me how ADUs will be any different than these. They are attempts to lower rental costs, but they end up with poor maintenance, cars parked all over, and too many problems. Over the county line in Fairfax, where they are not as effective

as the City is on code enforcement, you will see single family homes with 9 - 12 cars parked in the drive and all over the lawn. I suspect the addition of ADUs in the City will send us towards that model, which is not one anyone concerned about property values wants to see.

- 6) ADUs, though, may have a place in the City. I can see them in newly developed areas where they are part of the neighborhood fabric from Day 1. I can also see ADUs working if they are restricted to multi-generational family use only, though I cannot see how that can work once the elders pass on. Adding ADUs, though, to a single-family neighborhood can radically change it, and its property values. If that idea advances, there should be a referendum in the neighborhood that approves the idea before ADUs can be implemented.
- 7) The wisest thing to do is to work with the citizens, identify one neighborhood as a test case, to permit ADUs under tight restrictions (owner must live on site, no AirBnBs, off-street parking required, etc.). Let that run 3 – 5 years, and see how much they have added to affordability of housing in the City. If they work, then go ahead. If not, we can keep it the same as it is today, which is you CAN get a permit for one, if you follow a lot of sound requirements.

Bottom line: Please reject the notion of ADUs as a by-right form of development in single-family zoned areas.

Owen P. Curtis

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Dear Planning Commission,

While I understand the need for affordable housing, and age-in-place options for Alexandria residents, I am opposed to the proposed Accessory Dwelling Unit text amendment for the following reasons:

1. ADUs will increase density in a City that already has the highest density in the area.

According to the Northern Virginia Regional Commission, Alexandria is the most densely populated city in Virginia with 7,281 persons per square mile. Adding additional accessory units will add to the density.

2. ADUs will have a negative impact to immediate neighbors in areas with small lots.

Throughout the Zoning Ordinance, there is language pertaining to the impact of buildings on “light and air”. The proposed ADU language does not seem to consider this. The staff report states “accessory uses should “blend in” with the primary uses to which they are incidental. Ensuring that ADUs remain as accessory uses, by limiting their impact on the physical and infrastructure needs of the neighborhoods in which they are created, is the most important aspect of ADU policy...These regulations exist to ensure that detached ADUs are not inappropriately large or placed inordinately close to a property’s lot lines.” However, the report recommends a 1-foot side yard setback or three feet if an ADU has windows, and a maximum height of 20 feet. How is one foot not inordinately close to a lot line? How does a property owner maintain the exterior of the structure without guaranteed access from the adjacent neighbor?

The setback requirements may have a minimal impact in neighborhoods with larger lots. However, for areas with smaller lots such as Old Town, Rosemont, and Del Ray, an ADU could have a significant negative impact to light, air, and value of adjacent properties. By right, I could construct a 500 square foot ADU behind my end unit townhouse. If the ADU was 23 feet long and 20 feet high, it would block a significant portion of my neighbor’s 18 foot wide yard and would impact the light and air. I could use the most inexpensive construction materials with no regard to the impact of my neighbor’s view of the structure above the 42 inch picket fence.

ADUs with no additional off street parking will have an impact to neighborhoods where there is a high demand for on-street parking. The report states, “Staff recommends that no additional off-street parking spaces be required for ADUs and that no required parking shall be removed to accommodate construction of an ADU. Staff found that requiring the construction of additional driveways to accommodate off-street parking could result in the appearance of very large driveways.” On properties that have alley access, one parking space could be added for the ADU with a limited impact on the appearance of a large driveway. Arlington County requires ADUs to have off street parking in areas where there is high parking demand. If Alexandria adopts the ADU language, it should also require off street parking where there is high demand for on-street parking.

3. ADUs will present additional strain on an already strained infrastructure.

In my neighborhood, we have severe flooding during significant rainfall. Creating more opportunities for impermeable surface will only exacerbate the problem. One of my neighbors has had to replace a hot water heater twice in less than a year due to basement flooding. Several of my neighbors and I have had sewage backups in our basements. I have attached photos of the issue. The photo of my neighbor on a Stand Up Paddleboard cruising down Wayne Avenue says it all. How will the City manage potential additional flooding if ADUs are introduced in flood-prone areas?



Has the city considered the impact of sewage runoff into the river? Will adding additional residences contribute to the problem? I read somewhere that Alexandria unintentionally dumps sewage into the Potomac approximately 70 times a year.

4. There is no language that encourages or guarantees that ADUs will be affordable.

The proposed ADU language is missing criteria to ensure that the additional units will be affordable. If the intent of permitting ADUs is to ensure housing affordability, then language should be added to ensure it.

The staff report indicates that “research has shown that these units are often rented below market rate due to their relatively small size compared to larger apartments, lack of amenities, and propensity to house family members or caregivers (sometimes, rent-free).” Why were the details of that research excluded from the staff report? Quantitative evidence of affordability would

help to support the argument that ADUs will be affordable. The absence of it makes me highly skeptical. There is currently an unofficial ADU in my neighborhood. The ADU occupies the second story of the garage. It is 635 square feet and rents for \$2100 per month. A few blocks away and closer to the metro, there are larger garden style 1 bedroom apartments that rent for \$1300 a month.

5. There is no evidence that ADUs will have a significant impact on housing availability and equitable access.

The staff report indicates that the language ensures “new development within an increasingly urban environment can occur to respect and consider existing infrastructure resources and complement the fabric of neighborhoods while creating new, more affordable and equitable access to housing options in areas of opportunity throughout the City.” However, there is nothing in the language that addresses how the city will ensure equitable access to housing options.

The staff report indicates the purpose of ADUs is to increase the stock of affordable housing, and increase housing availability in general. The report indicates that the city has lost 16,000 market affordable units over the past 20 years. The report states that “Even in jurisdictions with very permissive policies, ADUs only account for around one percent of the total housing stock, as shown in Table 1.” The report also says that Arlington County has 45 ADUs constructed over the past 11 years. If the construction of ADUs in Alexandria happens at the same rate, 45 ADUs won’t make a dent in the 16,000 lost market affordable units.

If the intent of allowing ADUs was for sole purpose of allowing people with the financial means to construct an ADU to age in place, or provide a place to live for a family member, then the ordinance will serve its purpose. I would be more in support of the ADU language if it included language to ensure ADUs were rented at affordable rates, considered the impact on adjacent neighbors and excluded areas that are already very densely populated such as Old Town, Rosemont and Del Ray.

At the 2020 Alexandria Housing Summit, Matt Pastore, an Urban planner provided a presentation on ADUs. He stated that ADUs work best in neighborhoods with single family houses. Perhaps the city should consider allowing ADUs in parts of the city with larger lots occupied by single family homes. Once the ADU text has been in the zoning ordinance for a few years, the city could assess the impact of the ADUs and determine if it should expand the by-right use to smaller properties.

Thank you,

Sarah Haut

Good evening. I am Carter Flemming, President of the Seminary Hill Association (SHA), and would like to speak for the Association for 5 minutes please.

Like many others, we believe that this policy has not been brought forward in a manner that is honest and transparent, and is being needlessly rushed without adequate community knowledge and input. It should NOT be approved by you tonight, based upon the serious last-minute changes that have been made.

Setting aside the merits of ADUs for a moment, we feel this policy is, in fact, a discouraging example of a “bait and switch” tactic. Let me explain. While staff is certainly correct that they have done outreach to the community, it is important to note that these presentations were done months before staff released their final recommendations. We waited for these recommendations and hoped they would reflect the concerns that residents had raised about the potential negative impacts ADUs could have on neighboring properties, especially when the City is equating an occupied residential property to a garden shed by permitting a one-foot setback. Did we learn nothing from the infamous “spite garage” incident a few years ago in Del Ray?

For Seminary Hill, in addition to the virtually non-existent setback which we hoped would be revised but was not, the most important safeguard for neighbors living next to an ADU is the requirement for owner occupancy in one of the properties. When the December 3rd “final” report was released, that requirement was still in place. What happened next was the very troubling way we learned this condition was eliminated over the Christmas holiday with absolutely no public notice.

At a meeting just last week, we were informed that our City Attorney had suddenly raised concerns with staff about the owner occupancy requirement and opined that it might be a violation of other zoning conditions. Meeting participants immediately questioned why other jurisdictions such as Arlington, Washington DC, Charlottesville, and Norfolk have this requirement and asked whether they have been subject to legal challenge. Staff’s answer was we don’t know. When asked whether there is a written legal opinion and court cases that would support the City Attorney’s assertion, the answer from staff was we don’t know. Now, just yesterday, we learned from staff that there is no VA case law on this, but somewhere in the United States this has been challenged.

That vague concern should not dictate what we do here in Alexandria, and we should not remove this important protection. Tonight, as you decide this, most residents have no idea the owner occupancy requirement has suddenly been removed. This is absolutely NOT the definition of honest community engagement, especially considering that 60% of the city survey respondents stated that owner occupancy was important.

Staff writes in their report that instead of the owner occupancy requirement “staff found that the land use impacts that the City seeks to mitigate are better addressed through a limitation on the number of occupants of an ADU.”

While some assert that most ADUs will be used by older family members, or will make a dent in our enormous loss of affordable housing, there is no proof of this. To the contrary, the more likely use is short-term rentals, as it is in Seattle and other cities. All of us should wonder how the limitation of 3 people in an ADU possibly equates to the fact that no responsible party with either a monetary or personal interest in the property will be on site when ADUs can be used night after night by Airbnb travelers living one foot from neighbors. Instead, we are left to rely upon Code Enforcement, whom, we all know, is not adequately staffed at night and weekends.

The assertion has been made that other rental properties do not require owner occupancy, so ADUs should not contain this restriction. We would assert that ADUs are entirely different entities from large apartment complexes with on-site management or a traditional rental home. An ADU will be a second residence on a much smaller lot with no limit on short-term rentals, and virtually no setback from adjoining properties. Eliminating owner occupancy removes the only major protection for adjoining properties.

There is simply no justification for rushing head-long into approving this amendment tonight. There is no widespread outcry from residents demanding that ADUs are needed immediately. This is not a time-sensitive issue, though staff has created an artificial deadline to make it seem urgent. This amendment is clearly still a work in progress that requires more scrutiny by staff and residents. SHA asks that you do **not** condone the process that brought us here tonight and asks that you deny approval of this amendment at this time.