

## Accessory Dwelling Installation Rates

For accessory dwellings (ADs), the installation rate is determined by dividing the number of ADs approved by the number of years of production and by the total number of single-family detached houses, then multiplying by 1,000. The following table based on County staff research, shows installation rates for different jurisdictions. The data is more recent than the survey conducted by Patrick Hare, a national expert on accessory dwellings, in the 1980s. His 1989 survey of 47 communities found that typically one accessory dwelling per 1,000 single-family homes is added per year, but that a higher installation rate (3 ADs/1,000 houses) could be achieved by active efforts by localities to promote accessory dwellings including financial incentives.

Staff research found installation rates of .2 to .5 ADs per thousand single-family detached homes, unless the locality offered financial incentives to create ADs. Montpelier, VT and Santa Cruz, CA achieved rates of over 3 ADs/1,000 houses using incentives shown below.

<b>Installation Rates</b>					
(Average number of ADs added annually/1,000 Single-Family Detached Houses )					
<b>Locality</b>	<b>No. ADs Approved</b>	<b>No. of Years (Years)</b>	<b># Single-Family Detached Houses</b>	<b>Installation Rate</b>	<b>Incentives</b>
Charlottesville, VA	41	17 (1991-2008)	8,000	0.3	None
Lexington, MA	72	25 (1983-2008)	8,400	0.34	Technical assistance
Marin County, CA	200	7 (2000-2007)	55,100	0.52	“Second Unit Amnesty Program” – fee reduction for period of time
Montgomery County, MD	880	21 (1986-2007)	191,600	0.22	None
Montpelier, VT	10	2 (2006-2008)	1,500	3.33	“One More Home Program” – grants of \$1,500-\$5,500
San Jose, CA	100	2 (2006-2008)	146,900	0.34	None
Santa Cruz, CA	178	7 (2001-2008)	8,200	3.10	Waived development fees and parking requirements, subsidies to contractors employing apprentices, loans of up to \$100,000 at 4.5% interest

Arlington has 28,000 single-family detached houses.

**Proposed revisions to  
RESIDENTIAL PERMIT PARKING PROGRAM  
ADMINISTRATIVE POLICY AND PROCEDURES**

Accessory Dwellings (AD) may be eligible for either one FlexPass and one book of (20) Visitor Passes, or may be required to share passes with the main dwelling on the lot as follows:

If the block is less than 65% parked, as determined by the survey performed at the time of application for the AD permit:

1. The AD household is eligible for one FlexPass.
2. The AD household is eligible for 20 short-term visitor passes (one pack) per year.

If the block is greater than 65% parked, as determined by the survey performed at the time of application for the AD permit, the owner of the main dwelling must either:

1. Make available to the AD household, the FlexPass for which the main household is eligible; or
2. Enable the AD household to obtain one permit out the three permits for which the main household is eligible. The owner must apply on behalf of the tenants.

DRAFT

## Comments and Questions

recorded at the

### Community Forum on the Accessory Dwelling Proposal

March 31, 2008

(listed in chronological order)

- Be clear that the purpose of the proposal is to no longer have zoning to protect single family homes, but instead multi-family homes can now be anywhere.
- Please publish this proposal widely.
- All neighborhood associations should consider this issue.
- Take the word “affordability” out of proposal.
- There are Bed and Breakfasts and youth hostels in neighborhoods and there needs to be a Countywide program to identify these units.
- Are there other options to address these issues?
- Consider other ways to permit families of four or more to have au pairs, without violating the Zoning Ordinance definition of “family”.
- Who will occupy these? Service industry personnel? Students?
- This proposal does not help the affordable housing crisis; what about giving a tax break to people that install accessory dwellings?
- Excellent report; supports proposal, but who will rent these accessory units since housing is hard to afford and the proposal won’t address boarding houses.
- Housing Commission is a volunteer organization that prepared a thoughtful report and the speaker appreciates the opportunity provided for citizen input.
- How many affordable units does Arlington County have compared with Fairfax County? Are we inviting more people into the County who need affordable housing or solving our affordable housing problem?
- Enforcement is key, e.g. trash cans that remain in front of property for too long.
- This proposal will allow County employees to buy homes.
- Why is enforcement not taking place now?
- Question to clarify what defines “four unrelated persons.”
- What are the other opportunities for input?
- Why is this proposal good for the elderly?
- What happens to the accessory dwelling when owner dies?
- How will this be tracked?
- Accessory dwellings are “environmental”
- Need to ease into this – could explore limiting it to one occupant.
- What studies have been done on impact on home values? Is there enough staff to enforce this?
- Why entertain this, especially with all the current overcrowding?
- Other jurisdictions have more limitations than are proposed here.
- Enforcement of the owner occupancy requirement is untested.
- Single-family homeowners have rights.

- Under the proposal accessory dwellings can be close to the property line and large.
- Thinking it will be closer to 1,000 units added per year, not 28.
- Request staff to post the 1983 ADU report and the Saturday, March 29 Washington Post article on the web.
- Owner may be in the military and need to vacate the house quickly.
- Why not cap the number of ADs allowed per year for 3 years and see where you are?
- Why play with housing that exists and works?
- Accessory dwellings are a good idea on surface, but a lot for a senior to care for.
- Neighbors don't like boarding houses.
- Having 30 – 40 people per block is going to cause decay; this issue needs to go to a vote by each neighborhood association.
- A Historic Affairs and Landmark Review Board member expressed concern over what this would do to the historic appearance of many of the homes in Arlington.
- Keep small affordable houses in the County; this proposal allows ADs to be too close for safety; many are non-compliant now.
- New resident who was concerned with the move to allow multi-family in single-family areas and issues with enforcement.
- There are unsafe illegal accessory units out there now and this ordinance would encourage safe legal ones.
- The ordinance has the benefit of notifying neighbors, strict requirements to build, owners must live on site and the County can inspect the units.
- Applaud work on report; illegal units had no path to become legal units.
- Accessory dwellings will have negative consequences because crowding reduces home values.
- Expressed support for the ordinance stating that the extra rental unit will help affordability.
- Stop calling them accessory dwellings, these are private rental units.
- This will benefit elders' ability to age in place.
- Hard to gain access to current illegal accessory dwellings and feels owners are unlikely to come in for a permit.
- Estimate of 28 accessory dwellings being produced annually is a false assumption; more units will be done for income.
- Arlington has a reputation of caring for those who live & work here and this is a cost effective solution.
- Large enforcement issue with owners leaving.
- English basements add value and are a good way to get affordable units that have no impact.
- People feel unhappy and threatened. Overcrowding is not enforced. Solve this first.
- Support proposal – this helps make ownership affordable.
- Supports proposal – mother-in-law may come.
- Enforcement is an issue, long standing complaints need to be resolved.
- Insure that home values don't decline.

- Owners will be “invited” to apply to come into compliance, what if they don’t?
- Supports proposal, wants to use this to be able to stay in home; it is hard to afford homes.
- Is there an egress issue for fire safety?
- Directly notify single-family homeowners about this proposal.
- Subsidies are already available for renters and County employees who want to become homeowners.
- Commended the report and asked why ADs were previously studied?
- Code enforcement is an issue that must be dealt with.
- Report recommendations will require extensive compliance monitoring.
- Attorney needs to resolve some questions regarding occupancy.
- Should look at limiting cars in the accessory unit to reduce environmental impact.
- Legitimate enforcement issues currently exist.

**Comments and Questions**  
recorded at the  
**Community Forum on the Draft Staff Recommendations**  
**on the Accessory Dwelling Proposal**  
May 1, 2008

(listed in chronological order)

- R-6 zoning: Clarify what is permitted
- With the parking requirements, what happens if 65% is exceeded?
- Proposal requires more design guidelines
- Agrees with no conversion of garages
- How would County control conversion of family suites to ADs
- There should be no visible (external) stairways
- How would proposal prevent removal of trees
- Need clarification on zoning and setback requirements
- If the proposal is permitted in duplexes, how many people would be permitted?
- Request additional information on the research showing that AD rents are lower than average
- How will regulations be enforced in AD with regard to number of unrelated persons, owner/occupant, etc
- AD is a creative solution to housing situation created by a high-priced market
- How is the formula for the maximum size of the AD size applied?
- Proposal requires more analysis; what are pros and cons of this approach; what other alternatives were considered; how can the existing family suite ordinance be modified to satisfy this need?
- Staff appears to be leading the policy makers; Board should have independent analysis done
- Need for County-wide referendum
- Single-family homeowners should have right to live in single-family districts
- County unable to limit the number of people in single-family residences, how will this be regulated
- Opposed to this proposal - it converts single-family areas to multi-family/duplex areas
- County's ability to enforce occupancy limits is limited, proposal would have negative impact on single-family homeowners
- Single family areas should be protected from renters
- Question: If ADs are allowed in duplexes would they be allowed to have basement dwelling units; what qualifies as a legal or illegal basement unit in a duplex?
- There are no controls on the affordability of the AD rents
- Not enough information to support benefits to seniors
- Additional data and studies needed to weigh benefits
- What are the costs of this proposal, e.g. infrastructure costs?
- What is the impact on infrastructure, utilities, traffic?

- County should perhaps invest in insuring that housing costs/values remain intact rather than invest in this proposal
- The proposal appears contrary to Smart Growth principles
- Would affect density adversely
- Would have severe impact on parking in single-family neighborhoods
- Has there been a poll in single-family neighborhoods to get residents' views?
- Visited Santa Cruz and was impressed with the quality of exterior ADs; property values have gone up
- Support ADs in detached garage units; could have high standards for energy use; water; conversions of existing garages does not change the character of the neighborhood
- ADs could add to affordable housing units;
- ADs could improve the affordability for owners in current homes, helping people to stay in their homes
- Why eliminate detached ADs?
- The income from an AD could help me stay in Arlington when I retire
- Parking not seen as an issue
- The AD size limit is somewhat restrictive
- Support for limited family-suites; no support for AD in duplexes
- Proposal requires more improvement
- Biggest issue is enforcement
- Currently complaints are unenforceable; know of home businesses in duplexes
- Should do an Environmental Impact on this proposal – ADs would have impact on water and sewer, increase population density, and increase parking problems
- Less attractive neighborhood would result from this.
- Extend the proposal timeline to allow for more discussion
- Need County-wide referendum
- Arlington Ridge survey found support for caregiver suites but not for rental units
- Survey proposed for Aurora Highlands neighborhood to get views on this proposal
- Is there a demand for this type of unit?
- Anticipates problems with number of units that may occur
- Are there any statistics on the number of fatalities due to fires occurring in existing illegal ADs?
- Question whether everyone is getting equal rights to add an AD if the parking requirements make it difficult for later applicants?
- Which neighborhoods would get the most ADs and be most impacted
- ADs could help make properties affordable for future generations
- Need to create a legal environment for ADs; ADs keep getting added – they can be legal or illegal
- Why were detached ADs removed from the proposal?
- How will the occupancy limit affect a change in family size such as the birth of a child?
- Should consider doing pilot in certain neighborhoods for detached garage ADs.
- Affordable units are necessary
- Seeking resident input is encouraged.
- Agree with staff recommendation to exclude garage units

- Referendum needed; proposal requires more research and improvement
- What level of support is there in court for Code enforcement issues?
- What success would the County have in court against illegal ADs?
- ADs seen as possible option as affordable housing; neighborhoods could be adequately protected with necessary safeguards
- ADs would provide a means for teachers and other young professionals to afford to rent
- Would there be a cap on cost of rental unit or the cost to add an AD?
- Proposal could cause a major increase in density, add to air pollution, traffic congestion, affect quality of life in Arlington by increasing population density
- Need referendum
- Should guard against creating divisions among neighborhoods by asking neighbors to report illegal ADs
- Comparisons with other localities which are more “rural” in nature seems inapplicable
- Elders could use a reverse mortgage to pay for caregiver services
- Why does the County allow garden apartments to disappear
- Would this proposal encourage more investor owners?
- Some rental houses have 6-8 cars
- Would it be abused?
- Would have greater impact on S. Arlington where property values are lower
- Proposal would increase parking issues
- Not in support of AD proposal – impact on parking, overcrowding;
- Referendum needed
- Need to clarify the zoning definition of a family; if there is a likely impact for this proposal so that there are no more than 4 people in the main and accessory dwellings combined
- How will ADs be investigated if there is current difficulty with addressing overcrowding and illegal uses such as “youth hostel”?
- Need better public relations for code enforcement to change perception
- How will illegal ADs be made legal? What will it cost? What is the incentive to bring them into compliance?
- Will require more utility lines coming into houses
- Is there a statistical basis for this proposal? If there is demand for units for caregivers, this should be addressed differently.
- AD proposal will disperse density throughout the County as opposed to concentrating density in Metro corridors in accordance with smart growth principles
- In Santa Cruz, Portland, and Lexington, design guidelines are more stringent well developed; proposal seems loose in this regard
- Will be difficult to bring illegal units into compliance.

# Arlington County Civic Federation Resolution on Accessory Dwellings

Passed by the Civic Federation at the 6/3/08 Civic Federation Meeting

## Family Suites

WHEREAS the Arlington County Civic Federation has addressed proposals to amend the Zoning Ordinance to allow Accessory Dwellings (ADs) at three meetings and surveyed its members on many aspects of various AD proposals; and

WHEREAS 76% of the Arlington County Civic Federation delegates responding support amending the Zoning Ordinance to enable caregivers to live in Family Suites, which currently may be occupied only by 1-2 relatives [Survey Item 1]; and

WHEREAS 82% of delegates responding support the goal of enabling live-in eldercare and 80% of delegates surveyed support the goal of enabling live-in caregivers providing support services (e.g., au pairs, cooks, drivers) [Survey Item 2];

NOW THEREFORE BE IT RESOLVED THAT the Arlington County Civic Federation conveys to Arlington County staff and the Arlington County Board:

- That the Civic Federation supports amending the Zoning Ordinance provisions for Family Suites to enable up to two live-in persons who are not related to the homeowner, one of whom is a caregiver.

## Accessory Dwellings

WHEREAS 73% of delegates responding expressed concern about the County's willingness and/or ability to enforce AD rules, 62% expressed concern about changing the character of single-family neighborhoods and encouraging more intense development of single-family lots, and 61% expressed concern about making parking and maneuvering out of driveways more difficult [Survey Item 3]; and

WHEREAS 50% of delegates responding support amending the Zoning Ordinance to enable Interior ADs and 11% support amending the Zoning Ordinance to enable Exterior ADs [Survey Item 1];

NOW THEREFORE BE IT RESOLVED THAT the Arlington County Civic Federation conveys to Arlington County staff and the Arlington County Board:

- That there is only minimal support for Exterior ADs and while support for Interior ADs is mixed, there is insufficient support to amend the Zoning Ordinance to enable any form of AD at this time.

## Enforcement

WHEREAS 70% of the delegates surveyed indicated that the Civic Federation should address current Code Enforcement in this resolution [Survey Item 12];

NOW THEREFORE BE IT RESOLVED THAT the Arlington County Civic Federation conveys to Arlington County staff and the Arlington County Board:

- That the County demonstrate that it has legal and practical methods for enforcing the current Zoning Ordinance and Building Code rules related to dwellings and occupancy.

# Civic Federation Accessory Dwelling Survey Results

Delegate responses as of 5/18/08

## Overall Changes (An asterisk \* indicates the item is part of the staff recommendation.)

25% I do not support any changes to the Zoning Ordinance related to ADs.

1. I support amending the Zoning Ordinance to allow... (Check all you support.)

77% \*Caregivers to live in Family Suites, which currently may be occupied only by 1-2 relatives

50% \*Interior ADs (rental units located within the home or within an addition to the home)

11% Exterior ADs (rental units located in separate structures not attached to the home)

2. I support the following goals for amending the Zoning Ordinance: (Check all you support.)

83% Enabling live-in eldercare

81% Enabling live-in caregivers providing support services (e.g., au pairs, cooks, drivers)

41% Providing rental income for homeowners that will make home purchase/retention affordable

38% Providing rental income for a limited type of homeowner (such as elderly or low income)

19% Increasing the supply of apartments

16% Increasing the supply of apartments, but only if they are below market rates

41% Providing a way for illegal ADs to become legal

3. I have the following concerns about allowing ADs: (Check all that apply.)

63% Changing the character of single-family neighborhoods

61% Making parking and maneuvering out of my driveway more difficult

50% Increasing noise and/or decreasing privacy

63% Encouraging more intense development of single-family lots

73% The County's willingness and/or ability to enforce AD rules

59% The lack of incentives and the disincentives for going the legal route

37% Staff time/cost to administer

## Interior AD Details

*For items #4-12, assume some form of Interior AD will pass and indicate what restrictions you support.*

4. **AD Eligibility.** I support the following eligibility restrictions: (Check all that apply.)

66% \*Duplexes, semi-detached homes, and townhouses are not eligible for ADs.

73% \*The AD can be 500 sq ft, but it cannot exceed 750 sq ft or 33% percent of the combined GFA, whichever is less.

88% \*The property owner must live on the property.

73% \*An AD is not permitted on a lot that does not have the minimum square footage or minimum width required for the lot's Zoning District.

70% \*There are some design guidelines to ensure exterior of the home retains its single-family characteristics. (AD entrance not on the same side as the main entrance and not visible from street on corner lots. Exterior stairs to an upstairs AD not be permitted.)

5. **Parking.** Staff has proposed different AD parking requirements for (a) streets without Zoned Parking and (b) streets with Zoned Parking. Do you agree with the proposed parking rules for ADs

(Check one for a.)

**39%** Yes to (a)

6% No to (a) — too restrictive

33% No to (a) — not restrictive enough

(Check one for b.)

**39%** Yes to (b)

2% No to (b) — too restrictive

34% No to (b) — not restrictive enough

6. **Number of AD Occupants.** The maximum number of occupants in an AD should be...  
(Check one.)
- 16% 1 person
  - 69%** \*2 persons
  - 8% 3 persons
  - 0% More than 3 persons
7. **AD Home Occupations.** Staff has proposed that most of Home Occupations allowed for single-family homes also be allowed for ADs. (See Appendix A.) What do you support? (Check one.)  
*[Many skipped this item. We suspect some did not have the attachment with Appendix A.]*
- 16% All Home Occupations currently allowed for single-family homes listed in Appendix A
  - 23% \*The Home Occupations listed in Appendix A minus those that are crossed out.
  - 13% A more-limited set of Home Occupations (Cross out or indicate in Comments.)
  - 28%** No Home Occupations (This would eliminate renting to self-employed people who work in a home office.)
8. **Public Notices.** A variety of public notices and notations have been suggested. I support...  
(Check all that apply.)
- 75% \*When a property has an approved AD, notating the AD in the Real Estate database
  - 63% Notifying nearby neighbors when an AD permit has been applied for
  - 53% Notifying the civic association contact when an AD permit has been applied for
9. **Owner Agreement Provisions.** Staff recommends that prior to receiving the AD permit, the AD owner: (a) agree in writing to the terms of the AD Zoning Ordinance; (b) agree to submit to an annual inspection and to cooperate if there are complaints; (c) agree to provide an affidavit identifying the AD tenants when the AD is first occupied and when the tenant(s) change; and (d) to inform tenants about the requirements of the AD permit. Do you support with these provisions?  
(Check one.)
- 78%** Yes
  - 11% No
10. **AD Inspection Process.** Staff recommends that the inspection process be a scheduled inspection that occurs annually or when the AD owner reports that the tenant has changed. Staff further recommends that the County revoke the AD permit if the AD owner refuses to submit to these inspections. Do you agree with the proposed inspection process? (Check one.)
- 69%** Yes
  - 14% No, I think inspections are warranted only if there are complaints.
  - 9% No, I think the proposed inspection process will not avoid violations.
11. **Identifying AD Violations.** I support the following tactics to identify AD violations:  
(Check one or both.)
- 67% \*Code Enforcement primarily relies on neighbors to submit complaints about AD and/or occupancy violations.
  - 61% Code Enforcement proactively looks for signs of AD and/or occupancy violations.
12. **Current AD/Occupancy Violations.** Should the Civic Federation resolution address Code Enforcement for the existing illegal ADs and/or occupancy violations? (Check one.)
- 70%** Yes
  - 19% No