



MEMORANDUM

TO: David Durham, Chairman, Planning Commission
FROM: Chuck Johnston, Director, Community Planning & Building Department
Mike Craig, Principal Planner
DATE: March 20, 2023 (for the March 22 meeting)
RE: Status on Public Hearings/Meetings on the Unified Development Ordinance amendments to permit and establish regulations governing the use of Accessory Dwelling Units associated with single-family detached dwelling units.

ISSUE

On-going consideration of the Unified Development Ordinance amendments to § 72-84, Definitions, § 72-41.1, Principal Use Standards, § 72-42.5, Table of Common Accessory Uses, § 72-42.6 Specific Standards for Certain Accessory Uses, to Establish Regulations Governing the Use of Accessory Dwelling Units.

RECOMMENDATION

Continue receiving public comments on the proposed amendments to the UDO as part of the on-going public hearing process initiated on February 8 and associated community meetings.

MARCH 20 UPDATE

At the March 16 Planning Commission meeting, the Chairman requested Commission members to submit suggested changes to the proposed ADU text amendment. Attached is a matrix of the five comments received by COB on March 16. Member's comments are edited for conciseness. Their full email comments are also attached.

- Three commissioners address the option and size of ADUs in accessory structures. Two suggest the maximum area be increased, with 600 sq ft offered as an option. One suggests allowing larger ADUs in structures existing on the adoption date of the ordinance. One Commissioner suggests that an ADU in an accessory structure not be an option.
- Four Commissioners recommend that adjacent property owner be notified (Attached is chart showing current administrative notification practices).
- Two Commissioners suggest lesser side/rear yard setbacks.
- Three Commissioners recommend property owners live on-site, with one preferring only at initial application (Alexandria model) and one preferring property owner residence if ADU is occupied by unrelated people (Arlington model).
- One commissioner recommended adding text to specifically state that an ADU cannot be used for short-term stay uses.
- Two Commissioners recommend that the City hire a full-time staff person for rental

inspection (for all rental units including ADUs).

- One Commissioner recommends identification of two types of accessory structures, one for ADUs and one for all others, as a part of the process to recognize existing ADUs.

Planning Commission Community Meeting – March 15 – Lafayette Upper Elementary School

Eight members of the public attended the 90-minute session (two did not sign the attached sign-in sheet) in addition to the entire Planning Commission and one member of City Council. Staff provided an overview of the proposal. Most of the attendees had attended a previous meeting on this topic. Topics included:

- Whether the ADUs would constitute affordable housing;
 - ADUs are believed to provide more *relatively* affordable housing due to their small size.
- Whether ADUs were the first step to proposing higher density missing-middle housing (duplex/fourplex/sixplex) in single-family neighborhoods;
 - There are no proposals for such housing in single family neighborhoods. There is text in the Downtown Small Area Plan stating that properties currently zoning R-4 (single-family) that are on William Street or in multi-family or commercial use should be in a different zoning category.
- Support of property owners being resident on site and notifying adjacent property owners, as well as questions as to the permitting process.

MARCH 8 UPDATE

On February 23, Fred 15, Fossil Free Fredericksburg, and the disAbility Resource Center sponsored an 'ADU 101' community meeting. Sam Shelby, Principal Planner City of Alexandria; Debra Fultz, disAbility Resource Center; and Julie Kay, Fossil Fuel Free Fredericksburg spoke on the topic. Aaron Frank, Fred 15, moderated the meeting and explained the proposed Fredericksburg ordinance. Chuck Johnston and Mike Craig were present and answered questions. On March 2, a second meeting with the Rising Sun Neighborhood Association was held to further discuss the proposal with 12 residents present. At both sessions a matrix was distributed showing the City proposal with ADU regulations in the City of Alexandria, County of Arlington, Town of Blacksburg, and City of Charlottesville. The next community session on the topic is planned for March 15, 7:00 at the Lafayette Elementary School.

COUNCIL ACTION

On January 10, City Council voted (5-2, No: Kelly, Duffy) to initiate amendments to the UDO to allow, with regulation, Accessory Dwelling Units on single-family lots. The Council requested the Planning Commission to develop a robust public information process. Per City Code, the Commission has 100 days for this first public hearing (until May 10, PC meeting) to make a recommendation to Council or request additional review time. At its February 14 work session, Council was briefed on the meeting schedule (updated schedule attached). Council members stated their appreciation for extensive meeting schedule and look forward to hearing comments.

REVIEW SCHEDULE

College Heights Civic Association – February 5 – Christ Lutheran Church, 1300 Augustine Avenue

The first community meeting was held by the College Heights Civic Association on February 5. There were approximately 40 to 45 members of the public present. The meeting lasted approximately two hours. Also present were two members of City Council and four members of the Planning Commission. There were questions posed in advance of the College Heights meeting and issues identified at the meeting. Responses to each of the questions and the issues are attached as well as a copy of the sign-sheet.

Planning Commission Public Hearing – February 8 – Council Chambers

Approximately 30 members of the public were present, including three City Council members. Seven citizens spoke: four against ADUs, two in favor, and one with questions and concerns. Five submitted written comments were read: one against and four in favor. A copy of the sign-sheet is attached. Topics included:

- Impacts on city services: police, fire, water, sewer;
- Parking;
- Allowing residents to be able to age in place;
- Providing an opportunity for family care in lieu of institutional care;
- Community walkability;
- Sufficient enforcement of occupant and size limits.

Planning Commission Community Meeting – February 11 – Dorothy Hart Community Center

Approximately 15 members of the public were present, including three Council members and six Planning Commissioners. The meeting last about 90 minutes. An overview of the proposal was provided and was thoroughly discussed. Amongst the talking points was:

- That HOA covenants can preclude ADUs and would take precedence over zoning regulations;
- Short term stay uses (bed & breakfast operations) are not allowed to have kitchens, therefore converting an ADU to a short-term stay bedroom would require removal of the full kitchen;
- Whether the ‘resident manager’ should be the property owner;
- Should adjacent property owners be notified of a proposed ADU;
- That an ADU could not be a ‘Tiny House’ on a trailer.

Rising Sun Neighborhood Association Meeting – February 15 – Central Library

About 15 residents of the Rising Sun Neighborhood were present, as well as three members of the Planning Commission. Due a time limit on the use of the room and other items on the meeting agenda, the ADU discussion was limited to about a half-hour. This provided time only for an overview and a short discussion of the proposed use. It was agreed there would be a follow-up meeting of the association for further more discussion.

Planning Commission Public Hearings – February 22 – Council Chambers

Approximately 10 members of the public were present, one member of the public spoke and there were three written public comments. Minutes from this meeting will be available.

CONCLUSION

Ongoing public discussion on this topic continues to broaden the perspectives of all involved.

ATTACHMENTS

1. Planning Commissioners' suggested changes and matrix
2. Public Hearing and Community Meeting Schedule
3. March 15 meeting sign-in sheet