

**Incentive Based Inclusionary Housing
Citizen Advisory Group Meeting 5 - January 5, 2012
Meeting Summary**

Attendees:

**Maddy Baer
Elizabeth Barnhardt
Roger Coates
Bill Daleure
Sherill Hampton
Mary Klenz
Karla Knotts
Bill Martin**

**Lee McLaren
Don Means
Johann Means
Joe Padilla
Nancy Pierce
Will Russell
Lucille Smith
Jerome Walker**

Staff Attendees:

**Debra Campbell
Linda Keich
Shad Spencer**

**Bryman Suttle
Pamela Wideman
Jan Whitesell**

Meeting began: 6:10pm

I. Welcome/Introduction

Debra Campbell opened the meeting and wished everyone a Happy New Year. Debra stated that there would be a lot of things to review and discuss. We will talk about the next steps at our upcoming January 19th meeting. Debra went around the room for introductions. Debra stated we will get into the discussion on alternatives to increase affordable housing. Debra introduced Shad Spencer to go over the draft recommendations to allow duplexes on any lot.

II. Review 2nd Draft Recommendations to Allow Duplexes on any Lot
(*~~strikethroughs~~ denote removal and **Highlights** denote additions/changes)

Shad Spencer stated we are going over the recommendations that were discussed at the last meeting.

Currently, duplexes are allowed in R-3, R-4, R-5, and R-6 zoning districts but only are allowed on corner lots under prescribed conditions. Shad stated we will be deleting that provision in the Zoning Ordinance.

Applicability

Allow duplex dwellings on all lots ~~city wide, other than corner lots~~ within the R-3, R-4, R-5, and R-6 single family zoning district per prescribed conditions under design guidelines.

The Set-Aside

~~Minimum 50% (1 unit) of the duplex must be affordable.~~

Income Targeting

Income levels at or below 80% (currently \$54,000) of Area Median Income (AMI).
* AMI is updated annually by the US Department of Housing and Urban Development.

Design Guidelines & Prescribed Conditions

- Lots must meet the minimum lot size requirement for duplex lots of the underlying zoning district.

Zoning District	Minimum Lot Area for Duplex Dwellings
R-3	16,000 SF
R-4	13,000 SF
R-5	10,000 SF
R-6	8,000 SF

- Duplex dwellings must not exceed the maximum building coverage required for detached dwellings.

Duplex Dwelling Lot Size	Maximum Building Coverage
6,501 SF to 8,500 SF	40%
8,501 SF to 15,000 SF	35%
15,001 SF or greater	30%

- ~~Both units must externally blend in architecturally to include materials and style (such as roof pitches, foundations, window treatment).~~
- A duplex corner lot must provide the minimum setback requirement to each of the two different streets.

Question: Don't you still want architectural integrity between the two parts (affordable/market rate) of the duplex?

Response: Shad stated that we do not currently regulate that aspect.

Debra stated there is a debate on the local level whether we have the authority to regulate by-right development. There is pending legislation to prevent us from having the authority to regulate aesthetics and materials.

The subdivision ordinance gives a definition of block face, which will have to be incorporated into the Zoning Ordinance.

- Limit of two (2) abutting duplex lots within a block face ~~which front along the same street.~~

Shad stated it is the distance along a block between two adjacent streets measured from centerline to centerline. You could have more than two duplexes per block face. However, you may not have more than two abutting duplexes per block face. If you want to limit to two duplexes per block face we can also consider that. Shad asked if the wording was acceptable.

Question: What are the pros and cons of doing this versus the way it was worded before the strike out?

Response: Shad stated that staff believed it gives more clarification.

Question: If you have a short block with only eight houses, how do you control the amount of duplexes within that block?

Response: Debra responded that this provision would control the number abutting duplexes. It will not control the total number of duplexes along a block face.

Question: How does this interact with the single family density bonus that we approved in principle? Does this allow for mixed housing types?

Response: Shad stated that this would apply in existing neighborhoods as well as new subdivisions and that it would allow for mixed housing types.

Comment: This makes sense the way it is worded, I don't think there are many infill situations where somebody would care to have two houses when they could build another house in the back of each of the lots. In many neighborhoods, the block face is very long and if we try to limit the amount per block face, it could be problematic.

Comment: We will need to determine how to view this in terms of the permitting process.

- Duplex units must be served by a shared driveway. However, where two duplex lots abut, a total of three driveways may be allowed. The two units, which share a common lot line, shall have a shared driveway and the opposite end units may have individual driveways.

Question: If there is one unit in the middle of the block how do I share a driveway?

Response: Shad stated that the intent of this provision to create to reduce the number of driveways which is more in line with single family subdivisions.

Debra stated that the graphic on the screen was done to illustrate the new ones.

Question: What about the corner lot? They would still be required to have a shared driveway?

Response: Shad stated that is something we put in because our concern was including the duplexes on the street and not on a corner lot we wanted it to fit in with the single family character of the neighborhood. We did not want driveways all over.

Question: What is going to happen on the corner lot?

Response: It should be worded the two units that share a common lot line should have shared driveways and the two units that do not share a common lot line could have their own driveway.

Question: Does it make a difference where the existing driveways are?

Response: Debra stated we are not saying that this condition must be created. We are saying if you decide to do this, we will provide you the option.

Question: Where two duplex lots abut, are two driveways enough?

Response: Debra stated that we need to look closer at duplexes on corner lots in terms of shared driveways.

Program Administration

- Affordable unit must be registered with N&BS
- ~~This section is incomplete and yet to be determined, but will involve a higher level of staff review to address multiple administrative aspects such as:~~
 - ~~Assurances affordable housing units are built and sustained~~
 - ~~Architectural consistency~~

III. Review 2nd draft recommendations to allow non-relatives to occupy ADUs (*~~strikethroughs~~ denote removal and **Highlights** denote additions/changes)

Proposed Accessory Dwelling Unit (ADU) Definition

Accessory Dwelling Unit (ADU) – a smaller second dwelling unit created on a lot with a single family detached dwelling unit and may either be located within the principal detached dwelling or within a separate accessory structure.

Shad stated this is different than what we presented last time. The last time we presented it stated it had to be in a separate accessory structure.

Debra stated that our research shows that ADUs are allowed within a principal structure in most places.

Current Zoning Regulations

~~Accessory dwelling units (ADUs) are allowed for elderly and disabled housing and for guest houses and employee quarters per prescribed conditions found in Section 12.407 and 12.412 of the Zoning Ordinance.~~

Proposed Program

Allow ~~affordable housing units within~~ accessory dwelling units (ADUs) as a permitted accessory use to any single family detached dwelling unit per the following prescribed conditions under design guidelines.

The Set-Aside

The ADU must be affordable

Income Targeting

~~Income levels at or below 80% (currently \$54,000) of Area Median Income (AMI). * * AMI is updated annually by the US Department of Housing and Urban Development.~~

Design Guidelines & Prescribed Conditions

- The ADU shall be clearly subordinate to the principal single family detached structure.
- No more than one ADU shall be located on a lot.
- The ADU and the principal dwelling shall be owned by the same person.
- The ADU shall not be served by a driveway separate from that serving the principal dwelling.

Question: How do you define a driveway?

Response: Shad responded the principal driveway at the single family home must be connected to the one serving the ADU.

Shad stated that the purpose of this is to make the ADU fit in with the character of the single family neighborhood and to minimize the impact of the accessory dwelling units.

Comment: What components are going to make up the dwelling units? Is anything going to be in the zoning ordinance that defines what a dwelling unit is? One of the issues we have is creating separate living quarters.

Comment: How will we permit it? If we are permitting a principal structure in our zoning review, we will need to know what the accessory components are so we can review that. It needs to be clarified what the components are.

Question: When does my continuous heated space become an accessory dwelling unit?

Response: Debra stated that we are not talking about someone who has a big house and occasionally has space that is used by someone else. We are talking about living in this space. We will go back and research how other jurisdictions have identified and how they define their ADUs. It can be inside the house or it can be detached.

Question: Can we talk about if something inside your house can be an accessory dwelling unit? What makes it accessory dwelling unit or a really big house with a party space?

Response: Shad stated the definition we have in the zoning ordinance is a room or a combination of rooms designed for year round habitation containing a bathroom and kitchen facilities that are designed for and used for as permanent residence by at least one family.

Debra stated when we think of accessory we normally think of something outside the principal structure. Debra stated we are creating a voluntary program for an individual to create and define this space within your house. The permitting process is separate.

Question: What is the difference between taking in boarders and an accessory dwelling unit?

Response: Debra stated that when you convert and create that space for independent living, then you have created an accessory dwelling unit.

Comment: My concern is I have seen some master bedrooms that fit the definition of independent living.

Response: Debra stated the difference is that we are providing the legal ability to create an ADU and have someone else live there that is not related to the owner of the primary residence.

Question: Is what you can legally do with a primary residence different from what we can do with a residence that is a detached garage? My understanding is if you live in the garage, you have to be part of the family. Can I rent a bedroom to whomever I want within the principal dwelling?

Response: Debra stated that you can rent a bedroom, but when you have a bedroom, kitchen, and bathroom, then you have created an ADU. Now you have two dwellings in the same structure.

Debra stated that we thought it would give people the opportunity to put all these ingredients in and create a space, rent it out legally within your own home and that would be a way for us to prevent the kind of things that are happening that are not currently permitted.

Question: How will you prevent people from having six cars from parking all over the grass there because there are too many people living there? Based on the square footage of the home, you can have up to 12 families in a dwelling unit. I would like to see it somewhat controlled without a person subdividing their house.

Response: Debra stated that this is controlled through the nuisance ordinance administered by N&BS. We do not allow duplexes on a single family lot if the lot is not large enough.

Question: Are you looking to take out the ADU within the principal and relegating it to an accessory structure?

Response: Shad stated that we are defining what constitutes an accessory dwelling unit. It has to be completely separate from the principal structure, but not necessarily detached.

Question: What happens when a family turns the basement into a dwelling unit for their son, the next family buys the house and they turn it into a game room? Why would you put in something that would define the house internally?

Response: Debra stated we spoke to two experts on accessory dwelling units and to let us go back and have a conversation with Portland. We will do research on how to define the internal unit.

ADU within a principal structure:

- An ADU located within the principal single family detached structure shall be limited to 35% of the total floor area of the principal structure. However, in no case shall the ADU exceed 800 square feet.

Question: What if you have a 5,000 sq ft house?

Response: Debra stated if we say 800 square feet is the limit for the detached, why would we allow more for the unit inside the house? The accessory is not supposed to be another principal unit on that same lot.

ADU within an accessory structure:

- The ADU shall have a floor area no greater than 50% of the principal structure and under no circumstances cover more than 30% of the rear yard. However, in no case shall the ADU exceed 800 square feet
- The structure shall be no taller than the principal dwelling.
- The ADU shall be located in the rear yard and not be any closer than 15 feet to a rear property line or along any side property line within the required side yard dimension.
- The minimum lot size for a lot on which an ADU is located shall be 2 times the minimum for the district.
- Roof and exterior wall materials and finishes of the ADU must be comparable in composition and appearance to that of the principal dwelling on the lot.
-

Program Administration

~~Affordable unit must be registered with N&BS.~~

~~This section is incomplete and yet to be determined, but will involve a higher level of staff review to address multiple administrative aspects such as:~~

- ~~○ assurances affordable housing units are built and sustained~~
- ~~○ architectural consistency~~

Debra commented that we are not experts on ADUs we gave it a shot we did a little bit of research on the conversion for the principal structure and will come back with a more detailed recommendation.

IV. Review Change to Single Family Density Bonus Program

Incentives/Offsets

Mix of Dwelling Unit Types

Allow duplex, triplex, and quadraplex buildings to be integrated within a subdivision in accordance with the following standards:

- These unit types must be located internal to the subdivision.
- For clarification, if common open space is used to qualify a lot as an internal lot, the minimum width of that area must be 75 feet between the external property boundary of the development and the internal lot.

Debra commented that the goal is to be able to get something adopted that will minimize the fears of other established residents in neighborhoods of not knowing what is going to happen next door to them, when they know the property is currently zoned single family. In the past, single family meant single family with a duplex on a corner lot now we are suggesting that, with a density bonus, we can a different type of housing that will also be affordable. What we are suggesting is that one way we can mitigate the concerns is to say that the mixed housing is internal to the new development.

Question: How do you define internal?

Response: For clarification, if common open space is used to qualify a lot as an internal lot, the minimum width of that area must be 75 feet between the external property boundary of the development and the internal lot.

V. Report back on program administration

Bryman reported that staff met with Davidson earlier in the week. Staff will contact two more communities between now and January 19 as well as UNC school government. He commented that everyone is welcomed to attend.

Debra stated with program administration is going to be the most difficult part of this process. We want to spend sufficient time on administration so the multi-family process will proceed smoothly.

We know you all are busy and we are involved with many things and did not figure we could create another separate workshop like the one we did with the single family density bonus. If you are interested in program administration, please plan to attend on January 19.

We started this process in September and what usually happens is we start losing people and we don't want to lose you through this process. We will be moving through this as quickly as possible and want to make sure we are being thorough. We have a window of opportunity and we need to capitalize on this.

This is a text amendment process and it is policy and a change to the zoning ordinance. There is a hearing and we want to make sure you understand the process.

VI. Next steps/Adjourn

Upcoming Citizen Advisory Group (CAG) Meeting Dates:

- January 19, 2012 (6pm, CMGC Room 280)
Work Session – Program Administration
- February 9, 2012 (6pm, CMGC Room 280)
- February 23, 2012 (6pm, CMGC Room 280)

Meeting adjourned 7:30