



ZONING REGULATION REVISION ACCESSORY DWELLING POLICIES

The Committee of 100 supports a revision of the current zoning regulations that will produce:

- A diverse and inclusive city, full of opportunity and choices in lifestyles, housing, transportation, education and employment;
- Local solutions that will preserve our distinctive neighborhoods and protect the environment; and
- Decision-making that retains our rights to influence growth and change in our neighborhoods.

How can we continue to have exceptional residential neighborhoods?

For the first time in 60 years, Washington’s population is rising. New residents come to enjoy our remarkable quality of life, and **our great residential neighborhoods are crucial to that appeal**. But there’s a new danger because of misguided proposals that would change radically practices that have served us well for a half-century.

More residents mean we need more housing, and to provide it we should rely on **smart approaches like directing development to areas that have lost population and improving policies like inclusionary zoning** that can create affordable units. The Office of Planning has focused instead on allowing two (2) residential structures on currently single family-zoned lots. This change has potential to alter single family quality of life and neighborhood character. Our current and future city deserves better. We need to **protect the approaches that have made Washington a great place**

How Accessory Units Should Work

Currently, accessory dwelling units (ADUs)—sometimes called “mother-in-law” apartments—must be located inside an owner occupied single-family house and must be approved by the District’s Board of Zoning Adjustment (BZA). However, there are hundreds of rental units citywide that are unpermitted and do not meet building code requirements. The District government should start by **ensuring all ADUs are inspected, meet code and on the tax rolls**.

Once all units are certified safe and properly counted, **the city should remove the requirement for BZA approval**. When accessory apartments are inside a primary residence, the homeowner who realizes the benefits of the ADU also experiences any negative consequences. Neighbors do not have to absorb the impacts. The house looks the same, and self-interest provides a powerful motivation to make sure that the apartment is properly wired, heated, ventilated, plumbed and that tenants are respectful of the shared living conditions under one roof.

But the proposal **to allow ADUs outside the house would create damaging changes**. If these are put in older garages, tenants would often be living in flimsy buildings that stored hazardous materials for years. Few have plumbing and/or sewer hook-ups, demanding expensive new connections to our city’s aging, often-overwhelmed water system. Adding apartments to many backyards would diminish neighborhood character and change living patterns. These factors explain why surrounding jurisdictions have strict limits on the number and location of external ADUs.

PROPOSED ACCESSORY DWELLING CHANGES

Policy	Current Zoning	Committee of 100’s Recommendations	Office of Planning’s Proposed Changes
Accessory apartments located inside	An accessory rental apartment may be created within a primary residence in a single-	Allow accessory rental apartments only within a primary residence, and end the need for BZA authorization. Ensure that they comply with all city requirements and	An accessory rental apartment may be created within a primary residence without public hearing; no BZA authorization would be

single-family homes	family neighborhood only if authorized by the Board of Zoning Adjustment (BZA).	are included in residential property tax data records.	required.
Accessory apartments sharing a lot with a single-family home but are located in garages or other out-buildings	Prohibited: an accessory rental apartment may not be located in a garage or other out-building in the rear yard. *There is a very limited and narrow exception in current code for domestic employees in R-1-A and R-1- B zones.	Undertake further study: accessory rental apartments in garages and other out-buildings would be a major policy change. The Office of Planning has not analyzed where converting garages to residential use would be desirable for the neighborhood and whether apartments within the residence will meet demand. The District's 2006 Comprehensive Plan does not authorize such a change.	Allowed as a matter of right: an accessory rental apartment may be located in an existing garage or other out-building so long as the building's exterior dimensions are not altered. BZA authorization would be required to convert new accessory building to apartment for a period of 5 years from issuance of building permit. BZA authorization would be required for additions to accessory building in order to convert to apartment.
Intensity of uses	An accessory rental apartment may not be created on a lot where there is a home-based business.	BZA authorization should be required whenever more than one accessory use—whether for an ADU or for a home-based business—is contemplated on a single-family residential lot.	One or more home-based businesses would be allowed in the main residence on a lot as a matter of right, in addition to one accessory rental apartment, also allowed as matter of right.
Safeguards	BZA approval is required for all accessory rental apartments; neighbors get notice and a chance for a hearing prior to construction/rental.	Require a Certificate of Occupancy for all accessory apartments <i>prior to rental</i> to ensure safety inspections and tax compliance.	Assumes voluntary compliance by landlords with a generic set of conditions. Neighbors must rely on DCRA for enforcement <i>after the fact</i> . BZA approval required only for new construction.

What should the Zoning Commission do to get the zoning revisions right?

The search for ways to provide more affordable housing should:

- Focus on steering investment to areas of the city where it is needed most and identifying reforms to the inclusionary zoning program;
- Develop a reliable system for bringing accessory apartments into compliance with safety code regulations and tax laws;
- Maintain current housing and prevent teardowns that result in displacement and more expensive housing units;
- Monitor and analyze the results of expanding alley lot residences and internal ADUs before authorizing two residential structures on single-family lots; and
- Retain the current prohibition on accessory apartments located in garages or other outbuildings until a comprehensive study shows that this significant change won't damage neighborhood character or overwhelm city services.

TAKE ACTION

Write to the Zoning Commission. The record on **Case No. 08-06A** will remain open until September 15, 2014. Send comments to Anthony Hood, Chairman, Zoning Commission, 441 4th St., NW, Suite 200-S, Washington, D.C. 20001 or fax comments to: ZRR Review at (202) 727-6072. The deadline to submit comments is 3:00 PM on September 15, 2014.