



# Accessory Dwelling Units An Introduction

Department of Community Development  
Planning Commission Work Session  
March 8, 2021

# Presentation Topics

1. The affordable housing challenge – the drive to provide
2. Accessory dwelling units
3. Herndon's current regulations
4. Changes in accessory dwelling unit legislation and attitudes

# The affordable housing challenge – the drive to provide

**Figure 2: Forecast of Employment, Households, and Calculated Housing Need**

|                             | 2020      | 2030      | 2045      |
|-----------------------------|-----------|-----------|-----------|
| Forecast Employment         | 3,361,000 | 3,774,000 | 4,274,000 |
| Forecast Households         | 2,133,000 | 2,375,000 | 2,660,000 |
| Households Needed for Jobs  | 2,182,000 | 2,450,000 | 2,775,000 |
| Housing Shortfall (Approx.) | ~49,000   | ~76,000   | ~115,000  |

Source: COG Round 9.1 Cooperative Forecasts

# Regional Housing Targets

**Regional Target 1:**

**AMOUNT**

At least 320,000 housing units should be added in the region between 2020 and 2030. This is an additional 75,000 units beyond the units already forecast for this period.

**Regional Target 2:**

**ACCESSIBILITY**

At least 75% of all new housing should be in Activity Centers or near high-capacity transit.

**Regional Target 3:**

**AFFORDABILITY**

At least 75% of new housing should be affordable to low- and middle-income households.



Metropolitan Washington  
Council of Governments

## Community Housing Strategic Plan, Fairfax County Goal

- Exceed development of 5,000 new homes that are affordable at **60%** Area median income (AMI) and below within the next 15 years

## Center for Housing Research at Virginia Tech

- Total affordable housing gap in Fairfax County for low- and moderate-income renters (earning **80%** of the AMI and below) is approximately 31,630 units.
- Over the next 15 years the need for affordable housing options will grow, as the county is projected to add 62,184 households, of which 18,622 are expected to earn **80%** of AMI and below. (From HCD)

## MAXIMUM RENTS (excluding utilities)

| Affordability Level | A       | B       | C       | D       | E        | F        |
|---------------------|---------|---------|---------|---------|----------|----------|
|                     | 60% AMI | 70% AMI | 80% AMI | 90% AMI | 100% AMI | 120% AMI |
| Studio              | \$1,103 | \$1,286 | \$1,470 | \$1,654 | \$1,838  | \$2,205  |
| 1 Bedroom           | \$1,339 | \$1,562 | \$1,785 | \$2,008 | \$2,231  | \$2,678  |
| 2 Bedroom           | \$1,575 | \$1,838 | \$2,100 | \$2,363 | \$2,625  | \$3,150  |

## MAXIMUM HOUSEHOLD INCOME LIMITS

| Affordability Level | A        | B        | C         | D         | E         | F         |
|---------------------|----------|----------|-----------|-----------|-----------|-----------|
|                     | 60% AMI  | 70% AMI  | 80% AMI   | 90% AMI   | 100% AMI  | 120% AMI  |
| 1 person            | \$52,900 | \$61,750 | \$70,600  | \$79,400  | \$88,200  | \$105,850 |
| 2 persons           | \$60,500 | \$70,600 | \$80,650  | \$90,750  | \$100,800 | \$121,000 |
| 3 persons           | \$68,050 | \$79,400 | \$90,750  | \$102,100 | \$113,400 | \$136,100 |
| 4 persons           | \$75,600 | \$88,200 | \$100,800 | \$113,400 | \$126,000 | \$151,200 |

**Note:** Income Limits and Maximum Rents charts effective July 31, 2020.  
Rents and income limit information are reviewed and updated annually.

Information from the Fairfax County Department of Housing and Community Development

# Real starting salary comparisons

- Sworn Police Officer
  - Average \$60,500 < 5 years experience
  
- FCPS Teacher Starting Salaries
  - BA + 1 yr. \$50,000 - \$60,567
  - BA + 4 yr. \$56,243 - \$68,129
  - MA + 1 yr. \$55,000 - \$66,624
  - MA + 4 yr. = \$61,867 - \$74,942

| Affordability Level | A        | B        | C         |
|---------------------|----------|----------|-----------|
|                     | 60% AMI  | 70% AMI  | 80% AMI   |
| 1 person            | \$52,900 | \$61,750 | \$70,600  |
| 2 persons           | \$60,500 | \$70,600 | \$80,650  |
| 3 persons           | \$68,050 | \$79,400 | \$90,750  |
| 4 persons           | \$75,600 | \$88,200 | \$100,800 |



| <b>Dwelling Units Within the Town</b>   | <b>Number</b> | <b>Percentage of Total Dwelling Units</b> | <b>Average Sales Price in 2020*</b> | <b>Median Price in 2020*</b> |
|---|---------------|---|-------------------------------------|------------------------------|
| <b>Single Family Detached</b>           | 3,037         | 38%                                       | \$651,090                           | \$592,500                    |
| <b>Single Family Attached</b>           | 2,440         | 30%                                       | \$435,359                           | \$420,000                    |
| <b>Multifamily (Rental &amp; Condo)</b> | 2,575         | 32%                                       | \$259,218                           | \$229,990                    |
| <b>TOTAL</b>                            | 8,052         | 100%                                      | ---                                 | ---                          |

\*Sales price data from Mary Williams, Realtor, Samson Properties

# Accessory dwelling units

# What is an accessory dwelling unit

- An attached, internal or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence.
- As an “accessory” use it is secondary to the principal dwelling on the site and is owned by the property owner of the principal dwelling.
- Shared households or room rentals are not accessory dwelling units.

# Evolution

- Accessory dwellings in private homes were much more common in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.
- Suburbanization and zoning impacted this practice.
  - Post WWII nuclear family
  - Expansion of vehicle ownership
  - Differentiation of uses
  - Zoning
- Advent of the “Granny Flat” - 1965

# Herndon's current regulations

## Herndon's 1983 Ordinance Amendment

- July 12, 1983, the Town Council adopted an amendment to the zoning ordinance allowing “accessory dwelling units.”
- Purpose “enabling elderly and handicapped persons to rent to tenants, thereby acquiring income, companionship, security and services, making it possible to remain in their homes and neighborhoods when they might otherwise not be able to for financial or health reasons.”

# Herndon's 1983 Ordinance Amendment

- Described as providing smaller less expensive residential units for rental to the elderly or those with disabilities, while protecting the character and integrity of residential neighborhoods.
- Required a Use Permit (Conditional Use/Special Exception)

# Status: 1983 Criteria Remains

- Current standards
  - Requires a special exception
  - Compliance with building and zoning standards
  - No use of mobile homes/recreational vehicles
  - One unit per lot
  - Size limitation
  - Entrance location
  - Limit on bedrooms and occupancy
  - Occupancy standards
    - Age 62 or +
    - Physical, mental, or cognitive disability
    - Confirmation of same
  - Parking
  - Not sold separately
  - Compliance with health, safety and building code
  - Zoning permit and special exception time limits
  - Conflicting provisions



## Excessive Occupancy and the Accessory D.U.

- Differentiation between violation types
  - “Overcrowding”
    - Definition of family – no more than 4 people unless all are related
    - Excessive Occupancy – square feet per person 18 years of age and older
    - Almost all violations fall under definition of family
  - Illegal dwelling unit – land use violation
    - Established without permits or special exception

|                              | FY 2017 | FY 2018 | FY 2019 | FY 2020 | 1 <sup>st</sup> Half<br>FY 2021 |
|------------------------------|---------|---------|---------|---------|---------------------------------|
| “Overcrowding”<br>complaints | 48      | 57      | 36      | 40      | 20                              |

# Changes in accessory dwelling unit legislation and attitudes

# Trends

## Nationwide Movement Towards Loosening Controls on Accessory Dwelling Units

- Local efforts
  - Arlington – Adopted [2009, 2017, 2019]
  - Alexandria – Adopted [January 2021]
  - Fairfax – In public hearing stage as part of zMOD [Zoning Ordinance Modernization Project] begun in 2017

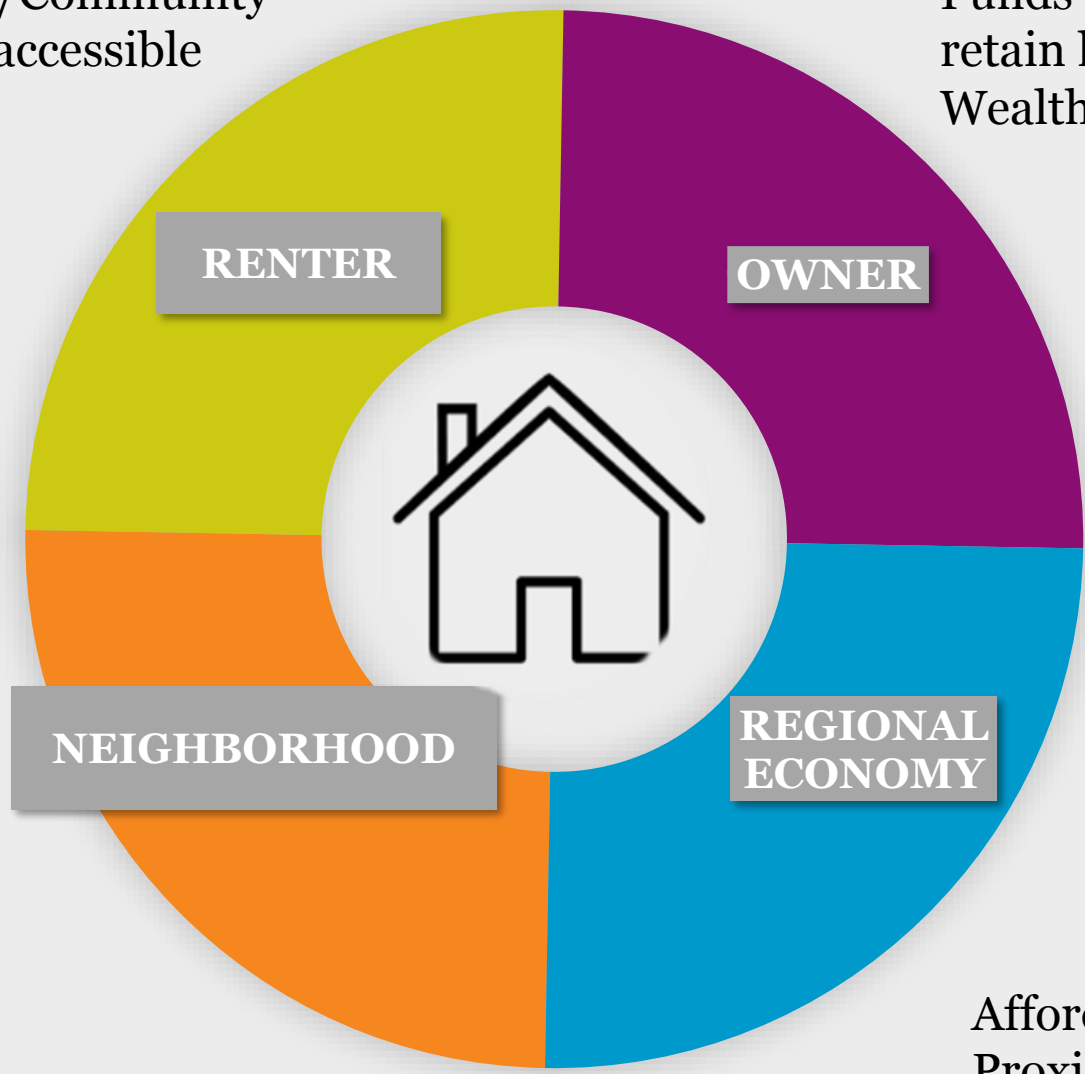
|                           | Arlington  | Alexandria                                    | Fairfax Co.                    |
|---------------------------|--|---|--------------------------------|
| Adoption                  | 5/2019 update of 2017 update of 2009 regulations | Adopted 1/23/2021<br>Previously not permitted | Still in Review                |
| Approval Process          | Zoning Administrator                             | Staff/ BZA for existing nonconformity         | Staff / BZA for Special Permit |
| Unit Location             | Attached and Detached                            | Attached or Detached                          | Detached                       |
| Age/Physical Attributes   | No   | No  | Maybe                          |
| Short-term                | Yes  | No  | No                             |
| Parking                   | Additional parking req. dependent upon factors   | No additional to avoid excessive driveways    | 1 additional                   |
| Recordation               | Yes + Affidavit                                  | No  | Yes                            |
| Size, Design Limitations  | Yes  | Yes   | Yes                            |
| Limitation on # Residents | Yes  | Yes   | Yes                            |
| Owner Occupied            | Yes  | At time of establishment                      | Maybe                          |

# Alexandria's Process per the Staff Report Dated 1/23/2021

- Staff commenced the ADU study in 1/2020.
- Research and outreach support were provided by The Urban Institute, a nonprofit research organization focused on economic and social policy and practice to strengthen communities nationally.
- Findings 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.
- Intention, 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.
- Permitting an incremental increase in housing supply while maintaining the established character of the City's neighborhoods.

Smaller units = less rent  
Neighborhood/Community  
not otherwise accessible

Family or unrelated  
Funds to maintain or  
retain home  
Wealth-building



Stability  
Upkeep  
Sense of Community

Affordable housing  
Proximity to jobs  
Stability

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

Data from Alexandria Staff Report ZTA #2020-00007, Accessory Dwelling Units, Dated 1/23/2021

# Impediments

- Costs and complexity
  - Design
  - Permitting
  - Construction
- Reticent homeowners
  - Becoming a landlord
  - Privacy
  - Vetting
- HOA restrictions and property covenants



# Considerations for Future Discussion

- Is expansion of accessory dwelling units right for Herndon?
  - Are changes warranted?
  - Additional study to determine answers to questions related to:
    - Community impact
    - New and old construction
    - Single family detached
    - Single family attached
    - Long-term vs. short-term
    - And more....
  - Recommendation to Town Council for study

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