

# Accessory Dwelling Units Code Amendment

Stakeholder Meeting

March 10, 2021

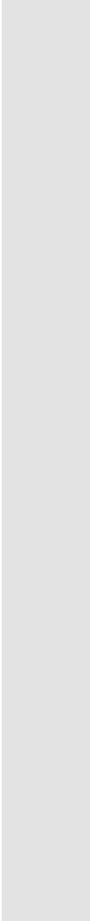
# Agenda

1. Meeting Start-Up / Introductions
2. Stakeholder Group Process
3. Debrief Public Meetings
  - What we Heard
4. Issue / Solution Discussion
  - Break-out groups
  - Report Back
5. Meeting Assessment
6. Next Meeting Purpose



# Introductions

Welcome and thank  
you for joining us!



# Meeting Participants

- William Lennertz, Facilitator
- Koren Manning, PDSD
- Daniel Bursuck, PDSD
- Elisa Hamblin, PDSD
- Alexandra Vondeling, Opticos
- Roger Foreman, Opticos
- Alison Miller, HCD
- Ann Chanecka, HCD
- Ariel Fry, Ward 6 Council Office
- Nathalia Untiveros, Mayor's Office
- Sarah (City of Tucson)
- Mark Holden, Pima County
- Marcos Ysmael, Pima County Housing Center
- Ryan Stephenson, Pima County
- Hal Bergsma
- Patrice Lange
- Peter Norback
- Joan Hall
- Mari
- Bonnie
- Jim Murphy
- Joanne Osuna
- Colby Henley
- bill mackey
- Lisa Bowers
- Gigi Aldridge
- Maggie Tellez
- T VanHook - Habitat Tucson She Her Hers
- V.Lane
- DWL
- Dante Archangeli
- Jonathan Bean
- Sharayah Jimenez
- Jason Wong
- Corky Poster

## Group Agreements

- Please be concise
- Allow everyone to speak before speaking again
- Be respectful of others and of differing viewpoints

## Meeting Purpose

- Refine and narrow the issues surrounding the ADU code project
- Gain a shared understanding of the potential solutions and trade-offs to the top issues

## Desired Outcome of Meeting

- A shared understanding of the feedback heard at the public meetings
- An updated version of the project goals and issues
- A list of potential solutions to the central issue of occupancy and rentals
- A list of the pros and cons for each solution
- An assessment of our meeting process thus far
- A purpose statement for the next meeting

## Recap of Previous Meetings

### **December**

- Background and goals for code amendment
- Case studies from other communities
- Project timeline

### **January**

- Current Zoning Regulations
- Goal and Issue Prioritization



## Recap of Previous Meetings

### **February**

- ADU site tests – example scenarios

### **Stakeholder group emails**

- Affordability – metrics and goals
- Climate change and sustainability/heat island effect
- Student rentals/ Short-term rentals
- Construction quality
- Varied neighborhood needs

# ADU Project Timeline

Milestone/Task	Date
Mayor & Council Initiation	November 17, 2020
Stakeholder group meeting	December 16, 2020
Stakeholder group meeting	January 13, 2021
Stakeholder group meeting	February 10, 2021
Public Meeting #1: Issues and Opportunities	February 24/25
<b>Stakeholder meeting</b>	<b>March 10, 2021</b>
Stakeholder meeting	April – date TBD
Public Meeting #2: Potential Solutions – Draft Proposal	Mid-April
Present to Commission on Equitable Housing and Development	April 13, 2021
Stakeholder meeting	May 5, 2021
Planning Commission Study Session	April/May
Planning Commission Public Hearing	May/June
Mayor & Council Review	June/July

# Debrief Public Meetings

- Nearly 200 community members participated.
  - Wednesday, February 24, 10am – *approximately 65 participants*
  - Wednesday, February 24, 5:30pm – *approximately 45 participants*
  - Thursday, February 25, 1pm – *approximately 80 participants*

## Overall Takeaways:

- Strong interest and turnout
- Personal stories and experiences shared
- Diverse perspectives heard
- Next time: more and longer sessions, Spanish language materials and break-out groups

## Input from Public Meetings

### **How do you think Accessory Dwelling Units could benefit your neighborhood and/or family?**

- Meeting affordable housing needs
- Supporting seniors who wish to age in place
- Options for multi-generational housing and family support
- Income and financial stability – for homeowners and the broader community
- Neighborhood stability and diversity of housing types
- Infill development that reduces sprawl and supports climate solutions
- Regulation and improvement of existing units

# Input from Public Meetings

## What are some concerns you have?

- Impact of rental housing
- Student housing/mini-dorms
- Short-term rentals
- Parking and traffic
- Privacy and neighborhood safety
- Property values and taxes
- Speculation
- Affordability
- Cost to develop an ADU
- Specifics of proposed regulations
- Enforcement and monitoring
- Sustainability and heat island effect

# Input from Public Meetings

## What are some ways those concerns could be addressed?

- Appropriate regulations with respect to ADU size, lot size, setbacks, etc.
- Financial assistance to ensure affordability
- Model plans and expedited permitting
- Occupancy requirements
- Parking requirements/utility meters
- Enforcement
- Neighborhood-based regulations/review
- Sustainability incentives

## Debrief Public Meetings

- What were your takeaways if you attended?
- Any surprises in what we heard?
- Who might we not be reaching?

## Goals for Code Amendment as prioritized by stakeholder group

1. Increase the supply of affordable rental housing
2. Encourage flexible housing options for seniors who wish to age in place
3. Support multi-generational households
4. Support climate-resilient and sustainable infill development
5. Provide supplemental income to landowners and promote neighborhood stability
6. Retain neighborhood character while adding more housing options



## Goals for Code Amendment – potential updates based on public input

1. Increase the supply of affordable rental housing
2. Encourage flexible housing options for seniors who wish to age in place
3. Support multi-generational households
4. Support climate-resilient and sustainable infill development
5. Provide supplemental income to landowners and support local economic stability
6. Promote diverse and flexible housing options within a neighborhood
7. Permit a housing style that already exists in our community and provide a legal avenue for upgrades
8. Retain neighborhood character

Issues to be  
Addressed – as  
identified by  
stakeholder  
group

- Appropriate zoning districts for ADUs
- Appropriate size for ADUs – building area and height
- Site placement of ADUs – setbacks and lot coverage
- Occupancy – rentals, group dwellings
- Parking and vehicular access
- Supportive Programs – amnesty, model plans
- Privacy mitigation
- Building standards (foundation, ADA access)
- Historic Standards and compatibility

Issues to be  
Addressed –  
potential  
updates based  
on public input

- Appropriate districts and size and site standards for ADUs – building area, height, setbacks
- Occupancy – rentals, group dwellings, **short-term rentals**
- Parking and vehicular access
- **Affordability and cost to develop an ADU**
- **Speculation and impact on property values/taxes**
- Privacy mitigation
- **Enforcement and monitoring**
- **Sustainability and heat island effect**
- Building standards
- Historic Standards and compatibility

Previous Meeting – revisit in future

## Issues to be Addressed – potential updates based on public input

- Appropriate districts and size and site standards for ADUs – building area, height, setbacks
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- **Affordability and cost to develop an ADU**
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- **Sustainability and heat island effect**
- Building standards
- Historic Standards and compatibility

# Issues to be Addressed – potential updates based on public input

Today

- Appropriate districts and size and site standards for ADUs – building area, height, setbacks
- Occupancy – rentals, group dwellings, **short-term rentals**
- Parking and vehicular access
- **Affordability and cost to develop an ADU**
- **Speculation and impact on property values/taxes**
- Privacy mitigation
- **Enforcement and monitoring**
- **Sustainability and heat island effect**
- Building standards
- Historic Standards and compatibility

# Issues to be Addressed – potential updates based on public input

Next Meeting

- Appropriate districts and size and site standards for ADUs – building area, height, setbacks
- Occupancy – rentals, group dwellings, **short-term rentals**
- Parking and vehicular access
- **Affordability and cost to develop an ADU**
- **Speculation and impact on property values/taxes**
- Privacy mitigation
- **Enforcement and monitoring**
- **Sustainability and heat island effect**
- Building standards
- Historic Standards and compatibility

# Top Issues

## Unit Occupancy

- Owner-occupancy requirement
- Group Dwelling regulations
- Short Term Rentals



# Owner Occupancy

## Current Regulations in Tucson

- Tenancy – occupancy by an owner or renter - is not regulated by the zoning or building codes

## What is done in other cities?

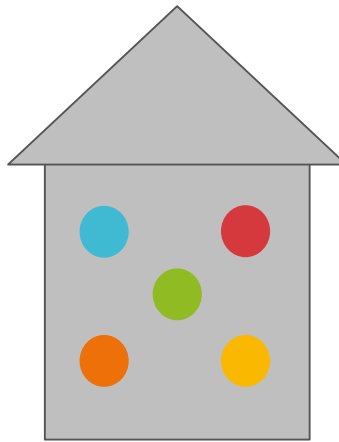
- Some jurisdictions that allow ADUs require that the property owner occupy either the primary residence or ADU
- The majority of cities which permit and regulate ADUs do not have an owner-occupancy requirement.
- Tempe, Denver, Portland, and Seattle are among peer cities which do not have an owner-occupancy requirement for ADUs.
- Seattle removed this requirement in 2019 and Minneapolis removed the requirement last month.
- California prohibits municipalities from requiring owner-occupancy (until 2025 when prohibition would need to be renewed or expire)
- Of the cities surveyed, owner-occupancy of one unit is required in Flagstaff and Durango.



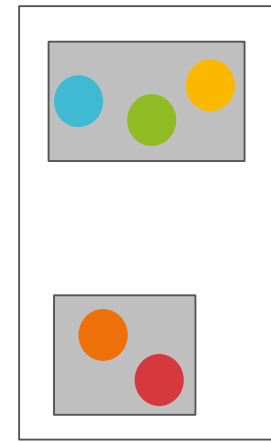
# Group Dwellings

## Current Regulations:

- Group Dwelling: The residential occupancy of a permanent structure by five or more unrelated persons or by one or more individuals where the individuals or group of individuals has the exclusive right of occupancy of a bedroom.
- In R-1 districts: group dwellings are not permitted; no more than 4 unrelated persons may reside on one lot; additional parking required for lots with 5 or more bedrooms



Citywide – regulated by structure



R-1 district – regulated by lot

# Short Term Rentals

## Current Regulations

- Arizona State prohibits local restrictions on short-term rentals
- Local governments may require STR hosts to register and provide contact information

## What is done in other cities?

- Some cities have regulations on rentals of less than 30 days – requiring the unit to be owner-occupied, the owner to be present or restricting the number of nights that can be rented
- Cities have also used licensing requirements and taxes to curb short-term rentals

## Report Back

- Top three issues – Pros and Cons
- Learnings, agreement on best solutions?
- What additional information or perspectives might we still need?

## Meeting Assessment

What is going well with our meetings?

- Breakout groups (x 2)
- Focus on just a couple issues – more manageable
- Good mix of perspectives in break-outs
- Focus on one issue – see interconnections and shades of grey
- Space for moderator to write pros and cons

## Meeting Assessment

How can we improve our meetings?

- More specifics on regulations
- Longer meetings – in breakouts and overall
- Need a Chat
- Better notetaking and time to process
- Hand raise did not work for all
- Way to introduce people who arrive later
- Materials in advance so people can think about issues

## Next Meeting Purpose

- Housing affordability
  - Share findings from recent Housing Study
  - Case studies from other communities
  - Potential approaches in Tucson
- Parking
  - Current requirements
  - Potential approaches

Thank you for participating!



# ADU Stakeholder Group Notes from Break-Out Groups

March 10, 2021



# Agreements

- Please be concise
- Allow everyone to speak before speaking again
- Be respectful of others and of differing viewpoints

## Top Issues

- Rental Housing
- Group Dwellings
- Short-term rentals

Group 1

# Rental Housing

## What are some potential solutions?

- Require owner-occupancy of primary or accessory dwelling unit
- Allow units to be responsive to market demand and household preferences

# Rental Housing

## Potential Solution: Owner-occupancy

Pros	Cons
Restrict developers and others that don't directly benefit the community	Control who goes where
Facilitate/build on existing asset of home to leverage income potential for lower-income community	Restrict nonprofits or other goals promoting affordable housing
Provide more direct benefit to community?	Limit supply of ADUs, decrease number of people that can construct
May be necessary for financing	Can increase cost or burden
	Limiting to development potential – doesn't maximize opportunity for affordable housing in City

# Group Dwellings

## What are some potential solutions?

- No change to Group Dwelling regulations
  - ADUs would be included in overall calculations for a lot
- Use overall ADU size restriction to limit group dwelling situations

# Group Dwellings

## Potential Solution: Limit size of ADU

Pros	Cons
Limits number of residents that could cause issues	Could present challenges for larger families
Limits density	Limits density
Help visual compatibility with existing neighborhoods	Could force construction typology to be inconsistent with neighborhood, like volume and height
	Disincentive to build efficient buildings – thinner walls to maximize square footage

Group 2



# Rental Housing

## What are the issues?

- Rincon Heights – 80% rental – rental is not the problem
- Issue is behavior (for some)
- University-area has most concerns
- Campus Farm also impacted by student rentals
- Transience is also an issue
- Owners insure that property is well managed – vested interest in who lives there, how property is treated
- Stigma against renters
- Neighborhoods see declining owner-occupancy as a bad thing
- Quality of life – have neighbors to rely on
- In some neighborhoods, increase of students have decreased diversity
- Homeowners are more impacted by changes to neighborhood
- Relate to original goals – help/hinder
- Affordable housing – think about scale – ADUs are not going to provide significant housing stock

## What are some potential solutions?

- Require owner-occupancy of primary or accessory dwelling unit
- Allow units to be responsive to market demand and household preferences
- City hold landlords responsible for management
- Use taxes and other mechanisms

# Rental Housing

## Potential Solution: Owner Occupancy Requirement

Pros	Cons
Owner more responsive to issues – better maintenance	Might not be true everywhere (owner responsiveness) - anecdotal
Addresses goals for aging in place, and other goals	Zoning might not be best tool to encourage property maintenance – other option is tax code enforcement (should be class 4) – and communication with prop owner
	Moving towards more renter households (larger market trend)
	Restrictive – limits potential for community

Group 3

## Top Issues

- **Rental Housing:** Not maintained as well as home ownership; ADUs support homeownership by providing additional income; Provides affordability
- **Group Dwellings:** Tends to create more noise and parking issues; Concerns around U of A may hamstring regulations for city as a whole
- **Short-term rentals:** Introduces strangers into neighborhood; people arriving and leaving with less concern for the the community; provides income and supports local economy

# Rental Housing

## What are some potential solutions?

- Require owner-occupancy of primary or accessory dwelling unit
- Allow units to be responsive to market demand and household preferences
- Regarding Issue of maintenance and conditions could require landscape and maintenance

# Rental Housing

Potential Solution: Related occupants instead of owner-occupancy req.

Pros	Cons

# Rental Housing

Potential Solution: Require owner-occupancy of main bldg. or ADU

Pros	Cons
Supports goal of aging in place/near family	Difficult to enforce
Supports goal of providing income to homeowners	Impossible to regulate over time, with people moving or transferring property
Residential neighborhood continuity	Does not fit in zoning code
Increases comfort for neighborhoods that are in opposition	Affects resale value

## Group Dwellings

### What are some potential solutions?

- No change to Group Dwelling regulations
  - ADUs would be included in overall calculations for a lot
- Use overall ADU size restriction to limit group dwelling situations (ex: 1BD only)



# Group Dwellings

## Potential Solution: Size restriction on ADUs

Pros	Cons
Useful to distinguish between primary and secondary unit	Small houses on large lots: ADU could potentially be larger than original building. Don't want to unfairly limit building here.

# Group Dwellings

Potential Solution: No change to group dwelling regulations

Pros	Cons
Prevents University area concerns from driving zoning citywide	

Group 4

# Rental Housing

## What are some potential solutions?

- Require owner-occupancy of primary or accessory dwelling unit
- Allow units to be responsive to market demand and household preferences
- Could be co-owner agreements that help with owner occupied housing

# Rental Housing

Potential Solution: Require owner-occupancy of primary or accessory dwelling unit

Pros	Cons
Could help the behavioral aspect of student housing near the university	Difficult for the City to enforce
Might support flexible housing for senior housing – multi-generational households	More difficult to sell or financing in order to buy a property
Could be co-owner agreements that help with owner occupied housing	From a fairness – there are no regulations on if we rent our single-family house
	<ul style="list-style-type: none"><li>• Limit implementation potential through too many regulations</li><li>• Very difficult to police or regulate behavior</li><li>• This applies everywhere</li></ul>

# Rental Housing

Potential Solution: Allow units to be responsive to market demand and household preferences

Pros	Cons
More nimble and flexible – easier process for property owners	

# Group Dwellings

## What are some potential solutions?

- No change to Group Dwelling regulations
  - ADUs would be included in overall calculations for a lot
- Use overall ADU size restriction to limit group dwelling situations – could be addressed in a number of ways
- Reduce group dwelling regulations – address through regs for student housing builders
- Overcrowding ord adopted in place

# Group Dwellings

Potential Solution: No change to Group Dwelling regulations  
ADUs would be included in overall calculations for a lot

Pros	Cons
Help to ensure with public health and safety	Going above and beyond what is public health and safety
	Limits the ability to develop accessory dwelling units



# Group Dwellings

Potential Solution: Use overall ADU size restriction to limit group dwelling situations – could be addressed in a number of ways

Pros	Cons