



18 June 2012

My name is Virginia Sheard, a member of the Planning and Land Use Committee of the Montgomery County Civic Federation, which on 14 May 2012, adopted a position on proposed Accessory Apartment Zoning Text Amendment that included:

1. A reaffirmation of its position of record strongly urging that all accessory apartments continue to require Board of Appeals approval through the special exception process. This allows an opportunity for neighbors to weigh in on possible negative impacts from undue concentration of units, compatibility with character of a neighborhood, and impact on on-street parking in the area.
2. The retention of the existing requirements for detached accessory apartments (i.e., allowed on lot of more than 1 acre through conversion of a separate accessory structure existing 12/2/1983, or in an accessory structure built after 12/2/1983 if lot is at least 2 acres and unit will house a care-giver).
3. Support for the proposed reduction in maximum size of accessory apartments from the current 2500 square foot limit to 1200 square feet.
4. Support for retaining the current requirement for two off-street parking spaces, regardless of the size of the accessory unit.
5. A recommendation that the legislation define "carriage houses" (in County Code Sec.59-A-2.1.) as accessory apartments.
6. A suggestion that the Board be required, as part of their approval process, to establish the maximum occupancy of each accessory apartment by applying existing "minimum habitable space per person" standards (in County Code Sec.26-5.), so long as that number is no greater than the number of persons allowed under this legislation (i.e.; maximum of 3 persons in any accessory apartment)
7. The strong recommendation that accompanying legislation be introduced in the County Council to add a new "environmental standards" section to the Housing Code (in County Code, Sec.26-8.?) requiring all dwelling units in the county be free of mold, radon gas, and exposed lead paint; and that language be added to this ZTA requiring the Board or the

Hearing Examiner, as part of their process for considering an application for a new accessory unit, insure these environmental standards are being met by means of an inspection occurring prior to Board action on the application.

In addition to the Civic Federation issues outlined above, there continues to be civic concern that this proposed ZTA is a primary tool to address the lack of affordable housing, when accessory apartments were identified by staff as only expected to provide a 1-3% number of units compared to the overall need.

It is hoped that a substantive discussion of affordable housing needs will take place and this ZTA may be part of the talks in the context of a variety of ways to address county affordable housing needs.

The extent of the need should be quantified to describe how many units and what type of units are needed (studio units for singles, 2 bedrooms for small families, 3-4 bedrooms for large families, etc.) and this dialogue should also explore the distribution patterns that would best serve eligible residents to locate additional accessory apartments and other affordable housing units in locations best served by public transportation and provides convenient access to employment opportunities. Also, any report on this topic should identify how new apartments could be distributed throughout the county as many area governed by HOA policies or lacking off street parking would be exempt, perhaps concentrating new accessory apartments in already stressed communities.

If a major concern of the current process for establishing accessory apartment is that the special exception process is cumbersome, costly, and too difficult for regular folks, etc. – then analyze and revise the existing process to promote a more efficient process that provides a transparent public process where all voices can be heard. Also, if a primary purpose of accessory apartments is to allow senior homeowners to generate income to ‘age in place’ – any legislation should specify age or health standards to promote this use. If allowed by right, it is more likely to attract speculators building accessory apartments into new construction or mid-career home owners creating multi-family housing in single family neighborhoods.

Allowing accessory apartments by right, while including some regulatory measures, bypasses the opportunity for neighbors to be part of the process at an early stage.

And, as heard at the public meeting on this ZTA, it was loudly voiced that first the issue of the preponderance of illegal accessory apartments and the lack of enforcement of current standards must be dealt with before encouraging additional units. This is a multi-department issue that has been discussed and noted for years with no solution. Resolve this issue now.

When the need for affordable housing is clarified and quantified, and a strategic plan to address the need through increased MPDU requirements and other zoning changes that require more equitable participation by the development industry, the intent of this ZTA may well be one part of the solution – but it is not the only part and this ZTA should not be enacted out of the context of this greater discussion.

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