

via email September 11, 2012

MCCF Testimony to County Council on ZTA 12-11, Accessory Apartments

I am Jim Humphrey, testifying on behalf of the Montgomery County Civic Federation as Chair of their Planning and Land Use Committee. I know that in the past decade I have been a delegate the Federation has been an advocate for affordable housing, and has especially supported efforts to preserve existing affordably priced units.

While we believe accessory apartments (AAs) may be a worthy unit type to include in the county housing mix, in May the MCCF delegates reconfirmed their strong support for retaining Board of Appeals Special Exception approval for all such units. 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.

Federation delegates voted to support three new standards proposed in ZTA 12-11: the reduction in maximum size of AAs from current 2500 square feet to 1200 square feet; the disallowing of detached units in the R-60 and R-90 "small lot" zones: and, maximum occupancy of AAs by no more than three persons (or fewer, based on "maximum habitable space per person" standards in Sec.26-5 of the County Code).

At the same time, MCCF delegates voted to urge retention of the current requirement of 2 off-street parking spaces for all AAs, regardless of the size of the unit, and of the existing standard that separate accessory structures only be allowed on lots of at least 2 acres in size. We also support retaining the requirement that a one family detached dwelling in which an accessory apartment is to be created, or to which it is to be added, be at least 5 years old on the date of application for special exception (a condition in Sec.59-G-2.00 that would only be required before effective date of the ZTA, under a provision on lines 273-275 of the introduced ZTA).

MCCF urges that inspection of AAs prior to approval require a finding that units are free from mold, radon gas, and exposed lead paint. And we urge the Council insure DHCA has sufficient capability to perform periodic follow-up inspections of already existing AAs and that you confirm these inspections are taking place.

Finally, the Federation suggests the Council consider eliminating sections of the County Code concerning carriage houses, guest houses and registered living units, by combining them with AAs in a single section of standards for all accessory dwelling units, some rented and requiring a landlord license and others for use at no rent by family members or caregivers, but all requiring Special Exception approval by the Board of Appeals. Thank you.