



## **Community Development Director's Report ADU Ordinance - October 4, 2010**

### **Purpose**

The purpose of this report is to provide an overview of the Accessory Dwelling Unit (ADU) ordinance since its effective date and evaluate its effectiveness and identify potential issues or concerns.

### **Background**

On January 12, 2010, City Council approved an ordinance allowing for the long-term rental of ADUs. This ordinance became effective on February 11, 2010 and will remain in effect until 88 new ADUs are created or until February 11, 2015, whichever comes first. At that time, the ADU ordinance will sunset until reviewed and the Planning and Zoning Commission and City Council takes further action.

An ADU is an independent residential living space that can be created within, attached to or detached from a single-family home. An ADU must include provisions for living, sleeping, eating, cooking and sanitation. An ADU can provide supplementary housing that can be integrated into existing single-family neighborhoods to provide a typically lower priced housing alternative.

The construction of an ADU provides an opportunity to increase the amount of affordable rental housing in the community while providing homeowners with a chance to supplement mortgage payments, thus making their own housing more affordable. In 2009, Sedona was the least affordable city in Arizona in terms of housing. Although new numbers are not yet available, based on past trends, it is safe to assume that Sedona continues to be the least affordable.

The ADU ordinance provides specific regulations regarding the construction and use of an ADU.

In approving the ADU ordinance, Council directed the Community Development Director to report annually to the City Council on all ADU permit activity, with the first report highlighting the first six months of the ordinance.

### **Report Overview**

This reports includes all ADU applications received and permits issued and a summary of any waivers granted since the February 11, 2010 effective date. This report also includes a map that shows the location and dispersion of the ADUs. For each ADU permit issued, the report includes the address of the lot where the ADU is located, the total square footage of the ADU, number of bedrooms and parking spaces. It also includes the total square footage of the primary single-family home, and whether any garage space is incorporated into the accessory dwelling unit. Where possible, a photograph of the ADU is included.

Concerns or complaints regarding guest homes and ADUs are also included.

To date, the City has received four applications for existing structures to be converted to an ADU and one application for new construction. The following is a list of the applications received:

**Existing Unit Conversions:**

<u>Parcel #</u>	<u>Address</u>	<u>Approved/Denied</u>
408-24-387	2585 Sunshine Lane	approved
408-09-001E	100 Carrol Canyon Drive	approved
408-23-014D	855 Distant Drums	approved
408-10-030	130 Roadrunner Road	approved

**New Construction:**

<u>Parcel #</u>	<u>Address</u>	<u>Approved/Denied</u>
408-28-313	100 Monte Vista Lane	Permit yet to be issued, out for corrections

The following information includes specific data for each ADU application received by the City.

## **Existing Unit Conversion:**

### ***2585 Sunshine Lane - approved***

**Zoning:** RMH-10  
**Subdivision:** Harmony Heights North  
**Description:** Existing studio unit qualified for and received an ADU permit.  
**Size:** Primary Single-Family structure square feet: 1,900 sq. ft.  
ADU square feet: 484 sq. ft. (Converted Garage Space)  
**Entrance:** Located in the interior  
**Parking:** Two spaces (parking in exterior side)

**Comments:** Property owner purchased home with an existing ADU in place. Property owner was not aware that the rental of an ADU was not allowed by City code. Upon receipt of a complaint about this unit, the property owner completed and submitted an application for an ADU permit once Council approved the ordinance.

A payment plan was negotiated with the Finance Department for payment of the \$2,575 sewer capacity fee.



# Existing Unit Conversion:

## 100 Carrol Canyon Drive – approved

- Zoning:** RS-10a
- Subdivision:** Settlers Rest
- Description:** Existing one-bedroom unit qualified for and received an ADU permit.
- Size:** Primary Single-Family structure square feet: 3,100 sq. ft.  
ADU square feet: 783 sq. ft. (Converted Garage Space)
- Entrance:** Located in the front, vegetation and design conceal the ADU entrance from public right-of-way
- Parking:** One space (parking in front side area)

**Comments:** ADU design and construction incorporates sustainable building materials and features. A \$2,575 sewer capacity fee was collected.



## Existing Unit Conversion:

### *855 Distant Drums – approved*

<b>Zoning:</b>	RS-70
<b>Subdivision:</b>	Color Cove
<b>Description:</b>	Existing one-bedroom detached unit qualified for and received an ADU permit. On-site separate septic system.
<b>Size:</b>	Primary Single-Family structure square feet: 2,500 sq. ft. ADU square feet: 904 sq. ft. (Converted guest home)
<b>Entrance:</b>	Located in the front, ADU entrance is not visible from public right-of-way
<b>Parking:</b>	Two spaces (one covered parking space, one parking in front side area). Located off a private drive.

**Waiver granted by the Director.** ADU exceed the maximum size requirement by 104 additional square feet. The ADU ordinance allows for the Director's discretion up to 25%. Because the unit was an existing unit, located on a large lot (2.3 acres) off of a private drive without any neighbors in the immediate vicinity and because it is unrealistic to reduce the unit by 104 square feet, the Director granted an exception to the maximum size standards. Other factors considered in granting the waiver include: 1) the unit was pre-existing, 2) all other code requirements are met and 3) there are no adverse impacts anticipated.





## Existing Unit Conversion:

### *130 Roadrunner Road – approved*

<b>Zoning:</b>	RS-10a
<b>Subdivision:</b>	Thunderbird Hills No. 2
<b>Description:</b>	Existing one-bedroom detached unit qualified for and received an ADU permit
<b>Size:</b>	Primary Single-Family structure square feet: 1,500 sq. ft. ADU square feet: 618 sq. ft. (Converted guest home)
<b>Entrance:</b>	Located on side street, ADU entrance is not visible from public right-of-way due to mature vegetation
<b>Parking:</b>	Two spaces
<b>Comments:</b>	A payment plan was negotiated with the Finance Department for payment of the \$2,575 sewer capacity fee.

**Waiver granted by the Director.** Based on primary residence size of 1,500 sq. ft the ADU requirements indicate that the ADU cannot exceed 500 square feet. The existing guest home is 619 sq. ft. in size, exceeding the maximum size requirement by 119 square feet. The ADU ordinance allows the Director discretion to grant a waiver of up to 25%. The Director granted a waiver to allow the ADU to exceed the maximum size requirement of 500 square feet by an additional 119 square feet. Other factors considered in granting the waiver include: 1) the unit was pre-existing, 2) all other code requirements are met and 3) there are no adverse impacts anticipated.



## **New Construction:**

### ***100 Monte Vista Lane – permit yet to be issued, out for corrections***

**Zoning:** RMH-6  
**Subdivision:** Valley Shadows 2  
**Size:** Primary Single-Family structure square feet: 1,227 sq. ft.  
ADU square feet: 498 sq. ft. (proposed new construction)



### **Property Owner Meetings with Staff:**

Since the ordinance was approved, staff has met with approximately 12 additional property owners interested but who have not come forward with an application to create an ADU. Comments received include:

- Not practical or feasible to pay sewer connection/capacity fees.
- Not reasonable to expect neighbors to inform City of any code issues or violations.
- Do not like the provision that requires property owners to live on site at least six months of the year.
- Code enforcement is not practical

### **Complaints Received:**

- No complaints have been received by Community Development staff or the Police Department regarding any of the approved ADUs.
- With the exception of the first ADU permit received/approved (2585 Sunshine Lane), no complaints have been received by Community Development about possible guest home/ADU violations in general.

### **Compliance:**

- All approved ADUs are adhering to the approval requirements.
- Deed restrictions have been filed with the county in which the unit is located.
- Property owners are living on site in all cases.

### **Annual Survey and Report:**

Each year beginning in January 2011, the City will send a survey to all property owners with an approved ADU. The survey will recertify that the owner is adhering to all requirements, including occupancy, pursuant to the ADU ordinance and conditions of approval, the status of the ADU rental, vacancies, total number of adults and children living in the ADU and primary dwelling unit, length of rental agreement, if the rental amount is negotiated in exchange for services (e.g. maintenance, health care, child care) and rental amount range.

The information gained as a result of this survey will be used in preparing the Director's annual report.

### **Conclusion:**

Since the ADU ordinance became effective, February 11, 2010 no issues or concerns have been experienced or identified with any property receiving an ADU permit. Property owners who have received an ADU permit are complying with the conditions of approval and requirements of the code. Some of the more common concerns expressed throughout the ADU planning process that included compatibility with neighborhood character and design, impact on parking, and the effects on property values, ADUs clustered together in neighborhoods without CC&Rs, have not been experienced to date.