



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Members of the Arlington Redevelopment Board

From: Jennifer Raitt, Director, Planning and Community Development

Date: March 21, 2019

RE: 2019 Annual Town Meeting Article 15: Accessory Dwelling Units

At the January 16, 2019, meeting of the Arlington Redevelopment Board (ARB), the Board requested that the article on Accessory Dwelling Units (ADUs) be referred to the Residential Study Group (RSG) for a recommendation on the article. The RSG met on March 8, 2019, to discuss the article and form a recommendation. Additionally, the Housing Plan Implementation Committee (HPIC) met on February 27, 2019, to discuss the article and make a recommendation. Although not specifically tasked with making a recommendation, the HPIC is charged with implementing the Housing Production Plan (HPP). The HPP identifies zoning amendments for ADUs as a method to facilitate development of a range of housing types (p. 60 of the HPP). This memorandum provides an overview of the two recommendations.

Residential Study Group Recommendation

Members of the RSG expressed serious concerns about the article as written and voted to recommend that the ARB take no action and to further study the issue. In advance of the RSG meeting, a thorough analysis of local ADU bylaws was provided using the Pioneer Institute's recent white paper "The State of Zoning for Accessory Dwelling Units" by Amy Dain.¹ Some RSG members questioned the validity of the paper's recommendations because of the Institute's conservative funding sources.

The members thought that the article required more consideration to avoid unintended consequences. The specific concerns expressed include:

- ADUs would lead to the degradation of neighborhoods;
- The lack of parking for ADUs would lead to the overturn of the overnight parking ban;
- Allowing ADUs would invite abuse through short-term rentals and would drive up rental costs of this type of unit;
- ADUs would lead to strangers in the neighborhoods ("stranger danger");
- The length of tenancy for the ADU should be a year;
- The ADU must be within the envelop of the existing structure;

¹ https://pioneerinstitute.org/economic_opportunity/study-boston-area-communities-should-loosen-restrictions-for-accessory-dwelling-units/

- The temporary absence allowance is too restrictive; and
- Allowing ADUs conflicts with the descriptions of the R0 and R1 Districts in Section 5.4.1 of the Zoning Bylaw.

Inspectional Services also raised concerns with the bylaw as drafted. Finally, there was concern that the proposal would cause more teardowns of single-family homes, and replacement structures would then be built with an ADU, essentially a two-family structure, but within an R0 or R1 District where two-family structures are prohibited. Without remedying those concerns, the RSG recommended that the article is not ready to proceed to Town Meeting.

Housing Plan Implementation Committee Recommendation

Members of the HPIC noted that this amendment is very similar to a version presented to the ARB in December 2017, which the HPIC had prepared with assistance from Department staff and three members of the RSG through the summer and fall of 2017. The HPIC considered the amendment to be beneficial for the community and achieving the goals of the HPP. The HPIC offered a few additions to the proposed amendments: including detached structures that existed on site prior to February 14, 2019 to be an ADU, including a requirement for an annual certification, and requiring the structure to be owner-occupied. The HPIC noted that a special permit process is required, and supported that requirement. Although often discussed in tandem with accessory dwelling units, the HPIC did not recommend requiring an affordable restriction on the accessory unit as the members saw it as a barrier to implementation. The HPIC members voted 5-1 to recommend that the ARB adopt the amendments as proposed with the additional requirements noted.

The ARB will consider Article 15 for accessory dwelling units during the public hearing on March 25, 2019. I anticipate that there will be representatives from both Committees present at the hearing if there are further questions.