

ATTACHMENT C
TA-4-21
Interior Suite with Accessory Cooking Facilities Expansion
(FOR INFORMATION) - Village Planning Committee Summary Results

Village	Date	Comments
South Mountain	11/9/21	Consider language to discourage wall insulation between the interior site and primary living space, discourage dead-bolts, discourage separate entrance to interior suite from the outside to avoid this from becoming multifamily.
Maryvale	11/10/21	No comments
North Mountain	11/17/21	No comments

Village Planning Committee Meeting Summary

Z-TA-4-21

INFORMATION ONLY

Date of VPC Meeting	November 9, 2021
Request	Presentation and discussion on a request to amend Chapter 6, Section 608.D.8 of the Zoning Ordinance to expand the applicability of interior suite with accessory cooking facilities.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Rod Jarvis, with Earl and Curley PC, introduced himself as the applicant and provided an overview of the request. This proposed text amendment will help multigenerational households by allowing interior suites with cooking facilities across the Maryvale, North Mountain and South Mountain Villages. He discussed multigenerational households and provided examples of interior suite spaces. In 2019, a city-initiated text amendment was approved which allowed these types of uses in parts of the city due to the amount of vacant land available. He discussed different appliance types that are permitted in these suites and described the criteria that is currently in the Zoning Ordinance which regulates these. He discussed examples of interior suites and asked for the text amendment case to be approved.

Marcia Busching feels that this is a good idea but wonders why not expanding this option citywide. How can this be accomplished? **Mr. Jarvis** responded that the main reason for not expanding it citywide is due to concerns over changing existing neighborhoods. However, you can inform staff about this.

Lee Coleman asked if it would be simpler to rezone these communities to multifamily since they have more than one kitchen. **Mr. Jarvis** responded that this proposal balances the single-family feel while promoting multiple generations.

Mr. Coleman asked how one can prevent the suite from being turned into a short-term rental. **Mr. Jarvis** responded that currently this cannot be prevented, and that having a range will not make it more appealing to short-term renters. People on vacation will not want to use an oven most likely.

Mr. Coleman discussed creative ways that people can circumvent the process. **Mr. Jarvis** agreed.

Vice Chair Marchuk stated that this seems like a good idea for existing homes as well but has two main concerns with the proposal. He has seen up to three families living in the same home due to rising housing costs.

- The suite having a separate entrance from the main house.
- The possibility of walling-off the suite and insulate it.

Mr. Jarvis responded that this text amendment is not creating the issue, as this is often done illegally. This proposal accommodates people that want to follow the rules.

Vice Chair Marchuk wants to ensure that the suite is not treated as an isolated unit.

Greg Brownell stated that people destined to live in these suites will eventually die and wonders what will happen to the suite. Anyone can convert the suites into multifamily but feels that this is a step in the right direction. **Mr. Jarvis** responded that multigenerational households apply to older and younger generations. This proposal preserves the single-family nature of the community.

Vice Chair Marchuk asked for clarification on the scope of the text amendment. He is interested whether this proposal can address the issues presented.

Mr. Jarvis responded that he believes it is workable to incorporate limitations on having deadbolts, no solid doors, and having no insulation on the walls. However, amending these sections will cause non-conformities in many homes that have already been constructed.

Mr. Coleman stated that the city cannot enforce what type of locks, insulation and other elements are used in these homes. This is a multifamily use being proposed.

Mr. Jarvis responded that no building permits are needed to change a door lock, thus agrees. The proposal will maintain the character by keeping single-driveways and unchanged exterior of the home.

Chairwoman Daniels helped design a similar concept for a home in the far west valley and loves this concept. Due to the high costs of living, is a very popular product that benefits families with adult children and elderly relatives. She likes the fact that suites can have separate entrances. She thanked the presenter and concluded the discussion.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

Village Planning Committee Meeting Summary
Z-TA-4-21
INFORMATION ONLY

Date of VPC Meeting	November 10, 2021
Request	Amend Chapter 6, Section 608.D.8 of the Zoning Ordinance to expand the applicability of interior suite with accessory cooking facilities

VPC DISCUSSION:

Committee members Sandra Oviedo joined the meeting at this time and Ken Dubose left, bringing quorum to 8.

Taylor Earl, with Earl and Curley, PC, introduced the proposed text amendment which is to expand the option of interior suites with cooking facilities to three additional Villages (North Mountain, South Mountain and Maryvale), with no changes to the existing requirements as listed in the Zoning Ordinance. Mr. Earl explained that multigenerational housing is needed, by 2030 all baby boomers will have shifted into the ranks of the older population, and that an interior suite has a door between the main house and the suite, is not a separate dwelling unit and has been permitted within the city for a long time. Mr. Earl explained that in 2019, TA-6-18 allowed for interior suites to have an oven, which makes it another dwelling unit. Mr. Earl added that the original text amendment allowed for interior suites with accessory kitchen facilities to be permitted in 8 Villages (Rio Vista, North Gateway, Desert View, Deer Valley, Paradise Valley, Estrella, Laveen and Ahwatukee Foothills) which were the Villages with the greatest amount of vacant land with the acreage to meet the size criteria. Mr. Earl added that this request is to expand the option to build interior suites with cooking facilities to the North Mountain, South Mountain and Maryvale Villages, and clarified that the cooking facility is for a stove/oven. Mr. Earl reviewed the existing requirements for interior suites with cooking facilities, which would be extended to the three proposed Villages if this proposal was approved. The requirements are that the interior suites with cooking facilities are permitted in new subdivisions of 15 acres or more (or subdivided prior to July 5, 2019 but with less than 25 percent of the lots under construction), under one roof with the remainder of the house, on the ground floor, the square footage shall not be more than 30 percent of the total net floor area of the house, shall not have a separate utility meter, address, driveway or yard area, and shall have no more than one parking space, shall have at least one internal door to the remainder of the house and shall be designed so that the second entry is minimized if viewed from the street. Mr. Earl showed examples of interior suites and interior suites with cooking facilities and shared that this product type provides for more independence with the oven, and it is difficult

when an older person feels like they are losing their independence, and that during the pandemic they recognized that senior living facilities might not be the solution for everyone, and some might want to live with their families.

Questions from the Committee:

Mike Weber asked why North Mountain, South Mountain and Maryvale Villages were originally exclude from the original text amendment and for clarification on how the acreage minimum correlates to allowing an extra cooking facility. Mr. Earl responded that the 8 Villages which were included in the original text amendment had the largest quantity of vacant parcels of 15 acres or more, which would be considered the first level of applicability. The next three, which are being proposed in this text amendment represent the next level of Villages which have available land large enough to allow this type of development. Mr. Earl added that the acreage minimum is a systematic way to limit the applicability, so it is not misused and to get support for the text amendment.

Chair Gene Derie asked the applicant to clarify is this text amendment would apply for new construction and not remodels. Mr. Earl replied affirmatively.

Alvin Battle asked about the size of the interior suite and how large the remaining house is for this product type. Mr. Earl replied that the product type he showed pictures of is a one-bedroom interior suite with a living room, and the remainder of the house varies from three to four bedrooms, and sometimes is multiple stories.

Public Comment:

None.



Village Planning Committee Meeting Summary

Z-TA-4-21

INFORMATION ONLY

Date of VPC Meeting	November 17, 2021
Request	Amend Chapter 6, Section 608.D.8 of the Zoning Ordinance to expand the applicability of interior suite with accessory cooking facilities

VPC DISCUSSION:

No speaker cards were received on this item.

At this time, O'Hara departed and Ford, Sommacampagna, Veidmark arrived bringing the quorum to 13 members (11 being required for a quorum).

APPLICANT PRESENTATION

Taylor Earl, of Earl and Curley, presented on the request to amend the Phoenix Zoning Ordinance to allow accessory cooking facilities in certain circumstances. A few years ago, a similar text amendment made interior suites with accessory cooking facilities permitted in 8 of the 15 villages. This text amendment would allow these new housing types in North Mountain, Maryvale, and the South Mountain Villages.

The city currently allows the construction of accessory living quarters that do not include an oven, range, or utility connections that would allow such facilities; the proposed text amendment would allow for the installation of accessory cooking facilities in residential applications subject to conditions. The text amendment proposes a series of conditions including a restriction to allow only in new subdivision greater than 15 acres, to limit the interior suite to 30 percent of the structure, to require the suite be accessed from the interior of the structure, and to requirement to prohibit a private yard for the interior suite. The target market is multigenerational households.

QUESTIONS FROM COMMITTEE

Veidmark asked about the origin of the 15-acre minimum. **Earl** shared that he is representing Lennar Homes. Their NextGen homes are a proven product in the region but that some additional protections were necessary for political support. The 15-acre minimum targets institutional homebuilders that are experienced at building thoughtful communities and this experience will ensure the product not become problematic.

Barraza asked if there is anything to restrict based on familial status or if there is potential for this to open these communities to short term rentals. **Earl** responded that the Federal Fair Housing Act presents some challenges to regulating housing based on familial status. Accessory units without cooking facilities are currently allowed and the addition of a range or over would likely not be a substantial draw for most short-term renters. Additionally, Lennar includes a deed restriction on all their homes with NextGen units to prohibit owners from leasing the interior suite separate from the remainder of the house while also prohibiting leases of less than 6 months.

Sommacampagna stated that he supports housing diversity. He asked why the 220V utility was selected by the city as a threshold. **Earl** responded that a 220V connection requires a building permit and is therefore an enforceable threshold.

Vice Chair Jaramillo expressed support for multigenerational housing and asked if this would help or hinder subsequent efforts to legalize accessory dwelling units (ADUs) more broadly within the city. **Earl** responded that these are separate and distinct from ADUs so it will not have a negative impact. The regulation rubric developed in this text amendment should be adaptable to regulating ADUs in a later process.

Veidmark asked how this will impact infrastructure planning throughout the city and whether this will now require calculations to assume a density of two dwellings per home. **Earl** responded that people are already building casitas and that this is expected to be a small part of the much larger housing picture. **Klimek** concurred.

Steinmetz asked Earl to clarify the difference between what is allowed today versus what would be allowed in the future. **Earl** responded that the comparison photos show that a microwave would be allowed today but that an oven or cooktop would not be permitted.

PUBLIC COMMENTS

None.

APPLICANT RESPONSE

None.

FLOOR/PUBLIC DISCUSSION CLOSED: COMMITTEE DISCUSSION

None.