



Village Planning Committee Meeting Summary

Z-TA-5-23-Y

Date of VPC Meeting	August 7, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwelling units.
VPC Recommendation	Denial
VPC Vote	9-5

VPC DISCUSSION:

Abram Bowman, Diane Petersen, and Regina Schmidt joined the meeting during this item, bringing the quorum to 14 members.

Staff Presentation:

Adrian Zambrano, staff, explained what an Accessory Dwelling Unit (ADU) is, sharing current terms used in Phoenix Zoning Ordinance and other nicknames for ADUs. Mr. Zambrano shared the proposed changes to the Phoenix Zoning Ordinance, including allowing only one ADU per lot in all single-family zoned districts, definitions for duplex and triplex to make clear distinctions from ADUs, increases in lot coverage for most districts, revisions to rear-yard projection rules to allow ADUs and other projections further into the rear yard, height limitations in the rear yard unless a use permit is obtained, and fixing references to guesthouses and other sections of the Phoenix Zoning Ordinance. Mr. Zambrano then discussed different types of ADUs, including detached ADUs and attached ADUs. Mr. Zambrano noted that ADUs would be allowed to be two-stories within the building envelope, outside of the required setbacks, and would be limited to one-story and 15 feet in height within the required rear yard, unless a use permit is obtained. Mr. Zambrano added that the text amendment would not prohibit other accessory structures, such as a detached garage. Mr. Zambrano then shared the proposed development standards for ADUs. Mr. Zambrano shared the timeline for the text amendment, the results of the other Village Planning Committees (VPCs) that heard this text amendment last month, and Planning Commission results. Mr. Zambrano stated that staff recommends approval per the language in Exhibit A of the Addendum A staff report.

Questions from the Committee:

Mr. Goodhue asked for clarification that building ADUs and other detached accessory structures still cannot go beyond the maximum lot coverage. **Mr. Zambrano** responded

affirmatively, noting that it could only go beyond the maximum lot coverage allowed if a variance is obtained.

Diane Petersen asked if the access to the ADU has to be outside of the primary dwelling unit. **Mr. Zambrano** responded affirmatively, noting that the unit could still have a door connecting to the primary dwelling unit, but it is required to have access outside of the primary dwelling unit.

Chair Popovic asked for clarification that Homeowners Associations (HOAs) can prohibit ADUs. **Mr. Zambrano** responded affirmatively, noting that the City may still permit ADUs in communities with HOAs because the City does not look at the Covenants, Conditions and Restrictions (CC&Rs) of all the different HOAs throughout the City and only looks at the Phoenix Zoning Ordinance based on what is allowed throughout the City. Mr. Zambrano added that it would become an enforcement issue with the HOA if an individual did not get HOA permission prior to seeking permits from the City.

Marc Soronson asked if the City knows what happened recently at the Arizona Governor's office related to short-term rentals. **Mr. Zambrano** responded that he is not sure what happened. Mr. Zambrano added that there is an upcoming amendment to the Phoenix City Code regarding short-term rentals to address the recent Arizona State laws that passed about what cities could regulate regarding short-term rentals.

Mr. Goodhue asked if the text amendment would still require ADU applicants to record a restrictive covenant requiring the property owner to live in either the ADU or the primary dwelling unit. **Mr. Zambrano** responded affirmatively, noting that this language was vetted through the Law Department. Mr. Zambrano added that the restrictive covenant would also require the property to either be sold or rented as a whole rather than individually.

Ms. Petersen stated that HOAs can prohibit short-term rentals and asked why the City cannot. **Mr. Zambrano** responded that HOAs can restrict ADUs but is unsure if they can restrict short-term rentals due to the State laws. **Ms. Petersen** stated that HOAs can restrict them.

Chair Popovic asked if the concern with short-term rentals is wanting longer-term occupants of the unit.

Ms. Petersen stated that there was a proposed modification to restrict the time of occupancy to 30 days.

Chair Popovic asked what the minimum time allowed would be to rent a short-term rental that is not located within an HOA. **Mr. Zambrano** responded that with the proposed text, there would be no time limit for one of the units, as long as the property owner lives within the other unit. Mr. Zambrano explained that the restrictive covenant to require the property owner to live in either the ADU or the primary dwelling unit was a

way for the City to be able to limit the number of short-term rentals, since investment companies would not be able to live within one of the units.

Mr. Goodhue asked if the restrictive covenant would still be accepted if it is signed by a business, such as an LLC. **Mr. Zambrano** responded that he was not sure.

Ms. Petersen asked why this text amendment was initiated. **Mr. Zambrano** responded that it was initiated per the direction of City Council and the Housing Phoenix Plan, which was adopted in 2020, to allow increased density throughout the City in order to increase housing supply. **Ms. Petersen** stated that the problem with the housing supply is that many properties are bought by short-term rental companies.

Mr. Goodhue asked if the text amendment was being pushed through due to proposed State bills that would have allowed the State to dictate what is allowed for ADUs instead of the City. **Mr. Zambrano** responded affirmatively, adding that the City is limited in terms of restrictions on short-term rentals due to the State laws.

Jennifer Hall asked if the text amendment is approved, if ADUs can be constructed without any zoning public hearing process. **Mr. Zambrano** responded affirmatively. **Ms. Hall** expressed concerns with allowing ADUs on all lots with single-family homes throughout the City.

Chair Popovic stated that a majority of individuals throughout the City would probably not be able to afford to build an ADU.

Ms. Hall stated that she did not understand the motivation behind this due to concerns with how ADUs will affect neighborhoods.

Chair Popovic stated that there would likely not ever be ADUs on every single lot with single-family homes due to the costs associated with building an ADU.

Ms. Hall expressed concerns with there being no control over ADUs due to no use permit or other public hearing process being required for ADUs.

Mr. Wise asked why additional parking is not required for ADUs and expressed concerns with more on-street parking and traffic congestion. **Mr. Zambrano** explained that required parking cannot be located within the front yard setback area, so if a parking space is required, most single-family lots would not have anywhere to place an extra parking space. Mr. Zambrano added that single-family homes require two parking spaces, which would be located within the garage behind the front yard setback area, leaving two guest parking spaces in the driveway for the ADU. **Mr. Wise** responded that some garages are filled with junk which results in those two cars parking in the driveway.

Mr. Goodhue stated that if he rented out an ADU, he would not allow the renters to park in the driveway. Mr. Goodhue asked if part of the text amendment still included increasing the allowable percentage of the front yard area for driveways. **Mr. Zambrano** responded affirmatively.

Ms. Hall asked for clarification that the Planning Commission recommended approval per the staff recommendation and did not include any of the direction or modifications recommended by other VPCs. **Mr. Zambrano** responded affirmatively.

Anna Sepic commented that areas with smaller lots, such as areas with R1-6 zoning, already have issues with parking. Ms. Sepic expressed concerns with not requiring additional parking for ADUs and diminishing the character of neighborhoods.

Mr. Goodhue concurred. Mr. Goodhue added that there were enforcement issues the City had in the past of people using accessory structures to live in, which the text amendment would legalize.

Ms. Sepic asked what distinguishes a dwelling unit as being considered a dwelling unit. **Mr. Zambrano** responded that the Phoenix Zoning Ordinance defines a dwelling unit as specifically having cooking facilities. Mr. Zambrano added that currently, building plans for accessory structures are reviewed to ensure it is not labeled as a casita, guesthouse, or ADU, and to ensure no rooms are labeled as a bedroom or kitchen, and the approval note would usually state that the structure cannot be used for sleeping, living or cooking.

Mr. Goodhue asked if there was any discussion to restrict the primary dwelling unit to be owner-occupied. **Mr. Zambrano** responded that the restrictive covenant would require the property owner to occupy either the ADU or the primary dwelling unit. **Mr. Goodhue** stated that the property owner could live in the ADU and rent the primary dwelling unit for an unaffordable price.

Chair Popovic argued that there is a missing middle housing problem.

Ms. Sepic criticized the process for this City-wide text amendment, noting that it was not a strategic plan to allow ADUs on any lot with a single-family home and to require no additional parking. Ms. Sepic added that there are villages with major parking issues and violations. Ms. Sepic stated that the text amendment should have been to allow ADUs only for specific lots that actually have the capabilities to build an ADU.

Public Comments:

None.

Staff Response:

None.

MOTION – Z-TA-5-23-Y:

Ms. Hall motioned to recommend denial of Z-TA-5-23-Y. **Ms. Petersen** seconded the motion.

VOTE – Z-TA-5-23-Y:

9-5; motion to recommend denial of Z-TA-5-23-Y passes with Committee members DeMoss, Goodhue, Hall, Mazza, Petersen, Schmidt, Sepic, Wise, and Mortensen in

favor and Committee members Bowman, Bustamante, Soronson, Ward, and Popovic opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-23-Y

Date of VPC Meeting	July 10, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwellings units.
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	9-4

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

- 1 member of the public registered in support, wishing to speak.*
2 members of the public registered in opposition wishing to speak.

STAFF PRESENTATION

John Roanhorse, staff, introduced himself and provided a presentation on the development and adoption of accessory dwelling units. Mr. Roanhorse provided a brief history of the text amendment and the City Council's response to provide housing options. Mr. Roanhorse provided information on definitions, types, zoning, and development standards, lot coverage and the allowance of ADU's in additional zoning areas. Mr. Roanhorse displayed examples of ADU configurations, sizes, projections, setbacks, dimensions and standards that will be applicable for residential development. Mr. Roanhorse noted associated parking and accessibility to ADU's if they are developed. Mr. Roanhorse discussed the schedule for the text amendment review at the Villages, Planning Commission and City Council.

QUESTIONS FROM THE COMMITTEE

Committee Member Kleinman inquired if there is a property with a detached garage can that structure become an ADU. Mr. Roanhorse responded that yes a garage could become an ADU as long as it complies with the requirements for life safety and fire code to allow someone to reside there. Mr. Kleinman commented that a garage would then be in the category of being allowed to be transferred to an ADU. Mr. Kleinman asked if an ADU could be constructed and used as a business. **Mr. Chris DePerro**, staff responded that home occupation is already allowed on residential property, a business in an attached structure requires a use permit. Mr. Kleinman asked if a homeowner built an ADU then chose to reside there could the primary house be converted into a community type group home without a permit. Mr. DePerro responded that group homes with 5 residents or more require a special permit.

Vice Chair Rodriguez asked if a single-family home does not have a garage can it be converted to an ADU for aging relatives. **Mr. DePerro** responded that garages are not living spaces and the text amendment grants permission to allow ADU without making

the process more difficult. Mr. DePerro stated that the text amendment allows an increase in lot coverage. Vice Chair Rodriguez commented that accessory structure permitting should not take too long to allow residential structures and occupancy. Vice Chair Rodriguez asked about the setbacks for ADU's. Mr. DePerro responded for an ADU the side yard setback would have to be met and with an alley the setback would be 0. Mr. DePerro noted that there are some existing accessory structures and the setback would not require any additional action.

Committee Member Mahrle asked about short-term rentals and this has not been a problem when owners live in the primary home and noted how the City of Flagstaff responded to the issue. **Mr. DePerro** responded that the intent of the text amendment was to prevent a primary residence and an ADU to be rented separately however state law limits the City's authority, so a covenant requirement was included as a requirement for an ADU.

Committee Member Benjamin commented that this is the first time the city has expressed the existence of short-term rentals.

Chair Wagner asked what public outreach was done to get input for the text amendments. **Mr. DePerro** responded that there was pressure from the state level and there were initial information only sessions at the Village Planning Committee meetings and these interactions would promote the dissemination of information to gain more public feedback. Chair Wagner asked if the information only session were open to the public and was notice provided. Mr. DePerro responded that notice was given for the meetings and information on the text amendments were made available to the public. Chair Wagner noted that when the information only presentation was provided at the Encanto Village Planning Committee Meeting there was no quorum. Chair Wagner commented the text amendment information is lengthy and thanked Mr. DePerro for his work and asked does this action remove single family zoning in Phoenix. Chair Wagner asked if traditional zoning has been for single-family with only one family on a lot and will there be anywhere in Phoenix where this will still exist. Mr. DePerro respond that the text amendment is intended for an accessory unit to a primary unit for residential purposes to provide a housing option. Mr. DePerro stated that accessory units have been developed prior to this text amendment increases the lot coverage but does not change much more and this action allows an accessory use. Chair Wagner noted that many homes in the historic districts have existing accessory units that were done many years ago and certain neighborhoods like Willo there have been questions about ADUs. Chair Wagner stated that many residents in historic districts have asked what the ADU can be used for and the text should include provisions to all existing units to become legal with little effort for homeowners. Mr. DePerro responded that if existing ADU's meet the requirements for setbacks in the rear yard and side yard and they were permitted they would be considered legal nonconforming.

Committee Member Kleinman asked how do ADU impact HOA's and how would a new ADU be developed in a historic district and who would take the lead on a historic property. **Mr. DePerro** responded that ADU's do not have an impact on HOA's the City's zoning code does not have the ability effect what an HOA does. Mr. DePerro

responded that for historic preservation the required development review will be conducted by the Historic Preservation Office. Mr. Kleinman asked that if a certificate of appropriateness will still be required for an ADU and would this change the timeline for development. Mr. DePerro responded that the timeline may not change for a historic preservation review. Mr. Kleinman commented that the review process for historic preservation is a cumbersome and timely process.

Vice Chair Rodriguez asked in a historic area if a swimming pool was added would that be subject to an historic preservation review. **Ms. Helena Ruter**, staff responded that it would not require a historic preservation review. Vice Chair Rodriguez asked if installing a 12-foot-deep pool would not need a review but an ADU would require a review. Ms. Ruter stated that some reviews in the past have been approved over the counter and this might be something that can be reevaluated.

Mr. Kleinman asked about the number of permitted ADUs. **Ms. Ruter** responded that presently there are none but currently an accessory units up to 600 square feet have been approved over the counter.

Mr. Tedhams asked about a lot of 10,000 square feet and can you build an ADU up to 3,000 square feet and is only one ADU allowed per property. **Mr. DePerro** responded that one ADU is allowed for a single family detached lot and if a lot is 10,000 square feet or more 3,000 square feet is the cap or 10 percent of the lot area. Mr. Tedhams asked if the text amendment allows only one ADU per residential lot. Mr. DePerro responded that yes only one is allowed.

Ms. George asked about the public outreach process for the Village Planning Committees and what has taken place. **Mr. DePerro** responded that conducting presentations at the Village Planning Committee Meeting has been one method of outreach to neighborhoods. Mr. DePerro noted that when the Village Planning Committees were initiated, they would be the first outreach and by interacting with neighborhoods and their established networks they would provide information. Mr. DePerro noted that the Village Committees are the first line in working with neighborhoods.

Chair Wagner asked about special planning districts and overlays and will these be superseded by this text amendment. **Mr. DePerro** responded that with any overlay district or special district what is more restrictive is what is applicable. Chair Wagner asked about the applicability of the historic preservation review and it appears that the text amendment may override the historic preservation requirements because the language is imprecise. Chair Wagner noted that language has been put forward that explicitly says where there is conflict historic preservation shall prevail and is there a way this language can be added to the text amendment. Mr. DePerro responded yes that additional language can be added but additions can be applicable to certain portions of the ordinance. Mr. DePerro stated the requirements for historic preservation apply everywhere and in all cases for zoning. Chair Wagner asked why historic preservation was added to certain sections and does not make it clear. Mr. DePerro responded that there are areas where historic preservation has been added to allow

permission and exempt plans from review but a historic preservation review is still required. Chair Wagner noted that the code is written for the public not just people at the counter and in Section 706, it is not clear that a project will have to be reviewed by historic preservation and the assertion the review is either or is a concern. Mr. DePerro responded that all accessory structures where it is applicable have to go through a historic preservation review. Chair Wagner commented that with the information discussed does any language need to be changed. Mr. DePerro responded no but he has the feedback and the language will be evaluated for consideration and clarity. Chair Wagner commented the historic preservation issue is a sticking point.

Vice Chair Rodriguez asked when there is a change in leadership will there be a change in the internal processes of how projects will be reviewed. **Mr. DePerro** responded that he has served under many directors and the policy and process will remain the same and the addition of historic preservation was intended to provide clarity.

Mr. Tedhams asked if a detached garage is already set up to live in why would it be required to go to the city and is it now required for new developments. **Mr. DePerro** responded that it is not needed and this proposed action allows an entitlement and may not be a factor however when a property is sold the evaluation may require a determination if a structure was permitted.

Mr. Procaccini asked if the text amendment was passed with stipulations with the addition of the information provided by the Phoenix Historic Neighborhood Coalition would that be a detriment. **Mr. DePerro** responded not directly to granting permission but in the long term there could be confusion about where historic preservation is applicable if is noted in one section in not in another and the requirement of a historic preservation review will always remain.

PUBLIC COMMENT

Cory Kincaid introduced himself as a resident of Phoenix for 15 years and has been involved with ADU's for the last 5 years. Mr. Kincaid stated he is pleased that this text amendment is moving forward. Mr. Kincaid stated that small living spaces have been legal in many communities and it is a good option and housing prices is a factor in residential development and availability. Mr. Kincaid stated he supports this text amendment and thanked the Committee.

Susan Edward with the Arizona Neighborhood Alliance introduced herself. Ms. Edwards stated the proposed text amendment could be a disaster and this could be a potential solution to increase housing. Ms. Edwards noted that SB 1350 prohibits municipalities and counties from regulating short term rentals and SB 1487 provides measures for complaints and review. Ms. Edward stated that any stipulation developed by the city are not going to avoid any complaints or lawsuits. Ms. Edward noted there are numerous ADU's in the state and only a few are licensed. Ms. Edwards noted that there is no penalty mechanism set up and how will this be addressed and the city has no resources for enforcement. Some cities have established requirements for short term

rentals and had to resend the requirements because they violated the state laws. Ms. Edwards stated this text amendment is a disaster and will require a state level solution.

Neal Haddad introduced himself and referenced a letter prepared by the Neighborhood Coalition of Greater Phoenix. Mr. Haddad stated there is some confusion about how the text amendment has been prepared and there were some language suggestions on language and other improvements. Mr. Haddad stated there are many issues with the text amendment that have been identify by many who have reviewed the proposed amendment. Mr. Haddad stated that approving the text amendment as approved would be a problem and there are many concerns. Mr. Haddad stated there are concerns with outreach and how it was conducted. Mr. Haddad presented at 15 committee meetings and noted that each village has differing contacts and connections and there needs to be more citizen participation.

STAFF RESPONSE

Mr. Roanhorse responded that there are many issues that have been discussed and that the City has taken great steps to provide information and has received and extensive volume of comments and these will be reviewed and considered.

Mr. DePerro noted there is an additional action regarding short term rentals that is not zoning related, the City Code is being amended to adopt the strictest regulations that the state will allow for licensing, and this may impact short term rentals and there is much more happening.

Mr. Cardenas asked for clarification on state requirements and taxation for short term rentals. **Mr. DePerro** stated this text amendment is zoning entitlement to allow an ADU on your property and talks about accessory uses. Mr. Cardenas asked if there is only one chance for review and will there be an opportunity to make changes in the future if there are unintended consequences. Mr. DePerro responded from the meeting tonight the recommendations will be reviewed and the amendment will go to the Planning Commission for further review and discussion and finally to the City Council for action.

MOTION:

Committee Member G.G. George made a motion to recommend denial of Z-TA-5-23-Y. **Chair Opal Wagner** seconded the motion.

Chair Wagner stated that the text amendment as proposed is a sweeping change for the City of Phoenix and there are many existing ADU's and it would be beneficial to have an approval process in place. Chair Wagner stated there should be considerably more outreach for the text amendment and would like to see more and there is no enforcement process and the addition of historic preservation language as intended is not suitable. Chair Wagner noted Vice Chair Rodriguez comment about making adjustments with stipulations and that would not be sufficient.

Committee Member Mark Cardenas made a substitute motion to approve Z-TA-5-23-Y per the staff recommendation. **Vice Chair Nicole Rodriguez** seconded the motion.

DISCUSSION:

Mr. Tedhams commented that the use of ADU's is an opportunity and should be allowed for more residential options and the zoning language is adequate.

Mr. Mahrle stated that he does not support either text amendment and that the Committee should recommend that the City should look at the historic preservation requirements carefully.

Vice Chair Rodriguez stated that there has been due diligence on the text amendments and things will change with ongoing review and it could be better and this action will have a positive impact on residents and it should be voted on as is.

VOTE:

9-4; motion to approve Z-TA-5-23-Y per the staff recommendation passes with Committee Members Benjamin, Cardenas, Jewett, Kleinman, Picos, Procaccini, Searles, Tedhams and Vice Chair Rodriguez in support; with Committee Members Doescher, George, Mahrle, and Chair Wagner opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

Village Planning Committee Meeting Summary Z-TA-5-23-Y

Date of VPC Meeting	July 10, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwelling units.
VPC Recommendation	Approval with direction
VPC Vote	7-1

VPC DISCUSSION:

Staff Presentation:

Tricia Gomes, acting Deputy Director of the Planning and Development Department, provided a presentation regarding the proposed text amendment, gave examples of accessory dwelling units (ADUs), noted the proposed standards for new ADUs, provided a timeline for the proposal, and presented the staff recommendation to approve.

Questions from Committee:

Dean Chiarelli noted that the proposed text amendment would put a strain on the neighborhoods and that he had concerns regarding the parking and the lack of data used to support the text amendment. Mr. Chiarelli also noted that there should be a maximum number of ADUs in a street. **Ms. Gomes** noted that the definition of affordable housing would be addressed in the next text amendment and the current text amendment does not place affordable restrictions on ADUs. Ms. Gomes also provided the definition of affordable housing that is present in the text amendment Z-TA-8-23-Y. **Mr. Chiarelli** noted that the ADU text amendment was on the right path but that it would not solve the housing issue.

JoAnne Jensen stated that the proposed text amendment has structural concerns regarding parking, traffic, water, sewer, and electric. Ms. Jensen noted that there are concerns with emergency service accessibility. Ms. Jensen added that there are community concerns regarding the role of the committee. Ms. Jensen noted that it felt that the community has lost its decision-making power and will be ignored. Ms. Jensen added that this text amendment would not adequately address the housing issues in the City. **Ms. Gomes** noted that the text amendment is not an absolute solution to the housing issue. Ms. Gomes added that ADUs would be a tool and an option to address the housing issue in the City.

Carlos Ortega stated that some ADUs can be used for recreational activities and asked what neighborhoods can do to tackle issues such as ADUs used for parties. Mr. Ortega noted that the term affordable housing used in the text amendment could cause issues and asked if the wording could be changed. Mr. Ortega added that he had concerns with parking, fire safety, and how are regulations going to be enforced. **Ms. Gomes** noted that ADUs are required to go through a full review. Ms. Gomes noted that the fire and police department will have access to all structures on a lot. Ms. Gomes added that the property owner should have control over tenant behavior and that there are laws to assist in any nuisance situations. Ms. Gomes noted ADU parking can be provided in the driveway, but that it would not be required.

Patrick Nasser-Taylor asked what research was done to support ADUs. **Ms. Gomes** stated that the Phoenix Housing Plan encourages an increase in housing stock within the City and ADUs are just one option that is offered but are not meant to solve affordable housing. Ms. Gomes noted that staff analyzed the Tucson, Flagstaff, and the current Phoenix Zoning Ordinance. Ms. Gomes added that staff analyzed the requirements in different cities and applied it to Phoenix's structure. **Mr. Nasser-Taylor** asked how the city would enforce the owner occupied portion of the proposed text amendment. **Ms. Gomes** noted that before a building permit for the ADU is provided, the owner must a recorded owner occupied document. Ms. Gomes stated that Neighborhood Services Department can enforce the requirement, or the surrounding neighbors could sue the owner. **Mr. Nasser-Taylor** asked how ADUs would affect property taxes. **Ms. Gomes** noted that it would be assessed as a single-family.

Rebecca Perrera stated that she had concerns with short-term rentals and parking. Ms. Perrera asked if staff has a worst-case scenario once the text amendment is approved and provided a theoretical lot size. **Ms. Gomes** stated that the majority of the lots are less than 10,000 square feet which would limit ADUs to 1,000 square feet. **Mr. Ortega** noted that small lots would be unable to build ADUs. **Ms. Gomes** added that the lot coverage was slightly increased to accommodate the construction of an ADU.

Vice Chair Hurd asked what percentage of homes would be able to build an ADU. **Ms. Gomes** noted that an exact percentage can not be provided. Ms. Gomes added that the city is allowing for the construction of an ADU, but it doesn't necessarily mean that everyone can afford an ADU.

Jennifer Rouse stated that she has concerns with the crime, short term rentals, and violations of covenants. **Ms. Gomes** noted that property owners have the right to rent out their property to any individual and that that would be beyond the realm of the text amendment.

Public Comment:

Phil Hertel stated that ADUs should be reviewed and approved in a case-by-case basis rather than through a city-wide text amendment. Mr. Hertel noted that there should be a limitation on the number of ADUs per street or neighborhood. Mr. Hertel added that ADUs will add to issues with street parking. Mr. Hertel noted that street parking and excessive parking will prevent fire from accessing a house or an ADU. Mr. Hertel stated that parking had to be addressed in the text amendment. Mr. Hertel stated that he agreed with Committee Member Ortega's comments and noted that there should have been extensive outreach and public meetings.

Dan Penton, on behalf of the LCRD, stated that the LCRD has received a letter from the Neighborhood Coalition of Greater Phoenix. Mr. Penton stated that he was in support of the letter submitted by the coalition. Mr. Penton noted that the LCRD supported the proposed parking regulations and short-term rentals. Mr. Penton added that there should be coordination between HOAs and staff proposing the text amendment.

Jack Purvis asked if HOAs would be able to supersede the provisions allowed per the text amendment. **Ms. Gomes** noted that if an HOA has a regulation restricting ADUs then the homeowner would have to oblige by those rules. **Mr. Purvis** asked HOAs could amend their regulations to address ADUs. **Ms. Gomes** confirmed. **Mr. Purvis** asked if recreational vehicles (RVs) or tiny homes are already permitted. **Ms. Gomes** noted that people are unable to live in RVs and tiny homes can be converted to ADUs.

Mr. Hertel asked how parking would work in a cul-de-sac. **Mrs. Gomes** stated that single-family residential houses are required to have two parking spaces outside of the front yard setback. **Mr. Hertel** noted that that is not realistic as people use garages for storage.

Committee Discussion:

Mr. Ortega stated that enforcement of regulations is not enough to make sure ADUs do not negatively impact neighborhoods.

Mr. Nasser-Taylor stated that the wealthy would be the ones capitalizing from ADUs.

Ms. Jensen noted that the committee has been focusing on extreme cases. Ms. Jensen stated that she agreed with other member's comments but that the ADUs would help.

Ms. Perrera stated that she agreed with the Neighborhood Coalition of Greater Phoenix letter. Ms. Perrera stated that she would support a motion to approve the text amendment with the proposed changes in the letter.

Motion:

Rebecca Perrera motioned to recommend approval of Z-TA-5-23-Y with direction to incorporate the changes in the Neighborhood Coalition of Greater Phoenix letter of recommendation with respect to accessory dwelling units. **Jennifer Rouse** seconded the motion.

Ms. Gomes noted that staff has also received the letter. Ms. Gomes added that if a property is designated as historic, then Historic Preservation must review the plans. Ms. Gomes stated that ADUs would still have to comply to Historic Preservation and the proposed standards. Ms. Gomes noted that the letter states to provide parking in the driveway. Ms. Gomes reiterated that required parking is not allowed in the front yard setback. Ms. Gomes stated that the current State law allows for short-term rentals and the text amendment would require the property owner to live on the site.

Ms. Perrera stated that the changes proposed in the letter could be a good starting point and that she would like to retain her motion.

Vote:

7-1, motion to recommend approval of Z-TA-5-23-Y with direction passed with Committee Members Barraza, Chiarelli, Jensen, Ortega, Perrera, Rouse, and Hurd in favor and Committee Member Nasser-Taylor in opposition.

Staff Comments Regarding VPC Recommendation:

None.



Village Planning Committee Meeting Summary Z-TA-5-23-Y

Date of VPC Meeting	July 10, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwellings units
VPC Recommendation	Approval per the staff recommendation with direction
VPC Vote	14-0

VPC DISCUSSION:

One member of the public registered to speak on this item.

STAFF PRESENTATION

Anthony Grande, staff, provided a presentation regarding the proposed text amendment, gave examples of accessory dwelling units (ADUs), noted the proposed standards for new ADUs, and provided a timeline for the proposal.

QUESTIONS FROM COMMITTEE

Committee Member Starks asked about the process and standards for obtaining a use permit to exceed the 15-foot height limit in the rear yard. **Mr. Grande** replied with the standards for use permits.

Committee Member Uss stated that short-term rentals have been an issue in other cities allowing ADUs and other cities have implemented rules to mitigate issues with short-term rentals. **Mr. Grande** stated that the proposed text includes a requirement for the property owner to live on the property or not allow subleasing of the property.

Committee Member Olivas expressed support for ADUs and noted concerns about the speed of the process for implementing the text amendment.

Committee Member Sherman expressed support for the text amendment and asked about compliance with the new registration process for short-term rentals. **Mr. Grande** stated that he didn't have any information available on the issue.

Committee Member Sonoskey asked about the lot coverage increase. **Mr. Grande** replied that the lot coverage is increased overall and also allows additional lot coverage for a property with an ADU. **Mr. Sonoskey** asked about historic preservation concerns

raised by correspondence sent to the committee. **Mr. Grande** stated that the proposed text does not remove the requirement for a historic property to go through HP review. **Sarah Stockham**, staff, replied by reading the requirement for HP review in Chapter 8 of the zoning.

Committee Member Martinez asked about compliance checks. **Mr. Grande** described the development review process.

Committee Member Greenman stated concerns about the lack of public input on the text amendment, the availability of infrastructure in the city to support ADUs, and a preference for a smaller pilot program, rather than a citywide proposal. **Mr. Grande** replied that infrastructure capacity is reviewed when site plans are reviewed by the city.

Committee Member Gaughan expressed concern about short-term rentals and stated it would be good to stay ahead of the curve on infrastructure.

Committee Member Uss stated that a similar proposal in Tucson had issues because of the parking requirements, noting there may be amendments to this proposal in the future.

Chair Gonzales asked why R-O districts were excluded. **Mr. Grande** stated he didn't know the reason for excluding that particular district.

Committee Member Panetta asked about how modifications to the text amendment will be made going forward. **Mr. Grande** replied that modifications could be made at any point in the process up until the City Council adoption.

Committee Member Olivas asked for clarification on the historic preservation requirements of Chapter 8 as it relates to the concerns raised by the letter submitted to the committee. **Ms. Stockham** replied that the concerns are addressed by the requirement for HP review in Chapter 8.

Committee Member Dana Johnson asked about ADUs providing basement space. **Mr. Grande** replied that it would be possible and that height limits are based on the height from the ground level.

Committee Member Sherman stated that more staff will be needed to process building permits as a result of this request. **Mr. Grande** stated he wasn't aware of any proposed staffing changes.

PUBLIC COMMENTS

Tom Mulhern introduced himself and stated that the proposal should provide additional housing inventory but that the deed restriction requirement could hinder that goal. He further stated that the city will need a more streamlined approval process, as

the proposal will likely overwhelm city staff.

STAFF RESPONSE

Anthony Grande stated the goal with the deed restriction requirement.

COMMITTEE DISCUSSION

Committee Member Olivas provided a clarification regarding the Housing Phoenix Plan.

Committee Member Sherman stated that the deed restriction requirement is a helpful component of the proposal.

Committee Member Panetta stated that ADUs should be considered for a self-certification process.

Committee Member Uss stated that existing structures should be subject to more minor permits than for new structures.

Committee Member Burns asked if a streamlined permit review process could be included in the text. **Mr. Grande** replied that it would be more appropriate as an internal process.

MOTION

Patrick Panetta made a motion to recommend approval of Z-TA-5-23-Y per the staff recommendation with direction that the city investigate short term rental regulations, utility and parking capacity, and a permitting process for ADUs. **Zach Burns** seconded the motion for approval per the staff recommendation with direction.

Committee Member Sonoskey asked if long term rentals are an issue. **Mr. Sherman** replied that they are not an issue, but short-term rentals are more concerning.

Committee Member Olivas stated that enforcement is difficult with absentee landlords.

Committee Member Uss stated that studies showed that 88 percent of ADUs are used to provide additional housing stock.

VOTE

14-0, Motion to recommend approval of Z-TA-5-23-Y per the staff recommendation with direction passed, with Committee Members Burns, Burton, Gaughan, Greenman, Johnson, Lockhart, Martinez, Olivas, Panetta, Sherman, Sonoskey, Starks, Uss, and Gonzales in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-23-Y

Date of VPC Meeting	July 11, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwellings units
VPC Recommendation	Approval per the staff recommendation with modifications passes
VPC Vote	15-0

VPC DISCUSSION:

*2 members of the public registered to speak on this item in support.
1 member of the public registered to speak on this item in opposition.*

Chris DePerro, staff, introduced himself and provided a presentation on the development and adoption of accessory dwelling units. Mr. DePerro provided a brief history of the text amendment and the City Council's response to provide housing options. Mr. DePerro provided information on definitions, types, zoning, and development standards, lot coverage and the allowance of ADU's in additional zoning areas. Mr. DePerro displayed examples of ADU configurations, sizes, projections, setbacks, dimensions and standards that will be applicable for residential development. Mr. DePerro noted associated parking and accessibility to ADU's if they are developed. Mr. DePerro discussed the schedule for the text amendment review at the Villages, Planning Commission and City Council.

QUESTIONS FROM THE COMMITTEE:

Mr. O'Malley noted the text amendment appears to be a part of various sweeping additions that have come before the Committee and asked if ADU's are appropriate for every neighborhood in Phoenix and asked about the review process. **Mr. DePerro** responded the text amendments came from Council direction to the Planning and Development Department based on the Housing Phoenix Plan to provide residential options. Mr. O'Malley asked about the applicability of a deed restriction placed on property and what is an interior suite. Mr. DePerro described an interior suite and that the text amendment would remove that description. Mr. DePerro discussed the conditions that were developed by the City of Flagstaff in response to short term rentals that includes a restrictive covenant to allow owner occupancy and provisions for rental conditions. Mr. O'Malley asked how will enforcement of ADU's be conducted for rentals.

Mr. DePerro responded that enforcement would be conducted through Neighborhood Services and covenants would have written agreement that would be court enforceable.

Ms. Augusta inquired about the required 3-foot setback for ADU's. Mr. DePerro responded that an existing setback for the rear yard for an ADU is 3 feet and 0 feet if there is a dedicated alley. Ms. Augusta asked for clarification on setbacks for corner lots. **Mr. DePerro** responded that for corner lots with a side street the setback would be 10 feet. Ms. Augusta asked if ADU's would be a tax revenue for the City of Phoenix. Mr. DePerro responded that he is not familiar with the taxation but did note that Maricopa County does the property assessment and typically with an increase of square footage taxes do increase with the evaluation of property.

Ms. Schmieder asked about the information provided by the Neighborhood Coalition of Greater Phoenix and will there be a response to their comments. **Mr. DePerro** responded that he could respond to any or all the comments from the Committee.

Chair Swart stated that questions from the public may be the same questions from the Neighborhood Coalition of Greater Phoenix and the Committee would hear all comments and questions presented to allow the City to respond.

PUBLIC COMMENTS:

Kirin Goff introduced herself as a homeowner and was born and raised in Phoenix and stated she is in favor of allowing ADU's. Ms. Goff stated her family has a home and extended family who may move to Phoenix in the future and an ADU would be ideal for her family situation. Ms. Goff noted that she is an Associate Professor of Practice and Director of the Applied Health Policy Institute at the University of Arizona and has some experience in housing supply and demand and allowing ADU's would be an efficient use of residential space. Ms. Goff noted that she would be available to assist and provide information if necessary and thanked the Committee.

Patricia Powell introduced herself and expressed that she resides on Edgemont Avenue and asked if the City had all the discussion information in one location with summary bullet points that could be disseminated to the community. Ms. Powell also asked about parking and with the addition of an ADU is there a way to prevent parking on the street which would interfere with the enjoyment of the neighborhood street. Ms. Powell also expressed concern about the proposed building height of ADU's and how it would impact the adjacent neighbors. Ms. Powell expressed concern that the text amendment approach is a one size fits all and may not have positive impacts overall and enforcement will be difficult.

Chair Swart stated he would like a response to the comments and would like information made available so citizens would not have to seek out public records requests and asked that the information on the text amendments be available and citizens may obtain it easily.

Mr. DePerro responded that information sheets are available and have been updated with the feedback and discussion obtained from the first information only presentations. Mr. DePerro stated he would provide the available information as requested. Mr. DePerro mentioned that ADU's will be allowed at 1 story up to 15 feet in height and this is applicable to other structures on the site. Mr. DePerro responded that no additional parking was added for ADU's as it may be prohibitive for development.

Neal Haddad introduced himself as a member of the Neighborhood Coalition of Greater Phoenix and stated a position statement was prepared by the organization and provided to the Committee. Mr. Haddad stated they support ADU's and the work that Mr. DePerro has done because they have a positive effect on housing supply however their certain elements that need to be revised to avoid any unintended consequences including historic preservation and special overlay planning districts. Mr. Haddad noted that parking needs to be addressed and discussed restricted and regulated parking conditions. Mr. Haddad expressed concern with short term rentals and restricted covenants which is not sufficient. Mr. Haddad mentioned that the text amendments do not coordinate with Homeowner Associations and CC & R's. Mr. Haddad asked the Committee to carefully review the revised language that has been provided by the Neighborhood Coalition of Greater Phoenix request that the text amendment be approved with provisions. Mr. Haddad expressed that text amendments need earlier involvement so details can be vetted before coming to the Village Planning Committee.

STAFF RESPONSE:

Chris DePerro responded that HOA's are a function under state statute and the City cannot regulate these items. Mr. DePerro noted that HOA's can regulate things that are above and beyond what the City allows and it would not be necessary to add additional provisions.

Ms. Schmieder asked if a reference could be added to the text amendment noting the Arizona Revised Statute in doing this it would be helpful for people who are not familiar with land use and zoning law. **Mr. DePerro** responded that the proposed text amendment contains cross references and when certain provisions are included may create confusion, but the City's legal department may consider certain additions. Ms. Schmieder stated that parking does need to be addressed within the scope of the text amendment. Mr. DePerro responded the addition of a parking requirement would make ADU's prohibitive, but it would be something that will be considered.

Ms. Beckerleg Thraen commented that parking is more associated to use and that in certain situations parking may not be an issue and the City's approach is understandable.

Ms. Schmieder commented that the discussion at the March 2023 Planning Commission Meeting there was an emphasis on getting the text amendments done as soon as possible and some of the details were not complete and relied on elements from other cities. Ms. Schmieder stated the information provided by the Neighborhood Coalition of Greater Phoenix has been more thorough and responsive. Mr. DePerro

responded that he was responsible for much of the text amendment as presented and noted historic preservation is included and the review that will be applicable without a site plan review. Mr. DePerro explained the provisions of the Zoning Ordinance for Historic Preservation provide greater authority for review and avoid double review situations. Mr. DePerro discussed short term rentals and the method for allowing them to get permitted as available housing stock.

Ms. Augusta commented that this is not the first time the Committee has heard about ADU's, this has been on ongoing process. Ms. Augusta expressed that people should have options for housing and ADU's will provide opportunity for available housing for different populations and improve neighborhood walkability.

Mr. Grace commented on parking associated with ADU's. Mr. Grace noted parking on the street where there is more frontage and in areas where lots are narrower, and people will have to adapt to the increasing number of ADU's.

COMMITTEE DISCUSSION:

None.

MOTION

Committee member Dawn Augusta motioned to recommend approval of Z-TA-5-23-Y per the staff recommendation. **Committee member Rhonda Beckerleg Thraen** seconded the motion.

Mr. Paceley stated he supports the amendment and requested a friendly amendment noting the information provided by the Neighborhood Coalition of Greater Phoenix should be included in the recommendation for approval.

Ms. Beckerleg Thraen asked if the friendly amendment is to include all of the provisions provided by the Neighborhood Coalition of Greater Phoenix. **Mr. Paceley** stated that some of the language should be adjusted and the letter should be part of the recommendation. Ms. Beckerleg Thraen responded that only certain provisions should be included and noted the cross references may not be suitable for the text amendment as presented. Mr. Paceley stated the language is acceptable and provided a highlighted copy as improvements to add to the text amendment. Ms. Beckerleg Thraen ask if the language can be reviewed as the amendment moves forward to the Planning Commission and requested friendly amendment be and acknowledgement of the added provisions. Mr. Paceley was agreeable to the acknowledging and referencing parts of the Neighborhood Coalition of Greater Phoenix letter as part of the friendly amendment.

Chair Swart stated that it would be best to attach the letter from the Neighborhood Coalition of Greater Phoenix as an exhibit to the Committee's recommendation for review by the legal department from the City and the Planning Department. Mr. Paceley agreed with the request.

Ms. Eichelkraut stated that there was discussion on two statutes and certain language would be adjusted to avoid any added cross referencing that would create confusion. Ms. Eichelkraut stated that the letter would be an appendix to the text amendment. **Mr. Paceley** responded that there are issues as stated in the letter that are important and should be acknowledged and considered for the text amendment.

Chair Swart asked **Ms. Augusta** if the friendly amendment was acceptable which was acknowledged and confirmed. Chair Swart asked **Ms. Beckerleg Thraen** if the friendly amendment as introduced was acceptable and Ms. Beckerleg Thraen agreed with the friendly amendment.

VOTE

15-0; motion to approve Z-TA-5-23-Y per the staff recommendation with modifications passes with Committee members Abbott, Augusta, Baumer, Bayless, Beckerleg Thraen, Czerwinski, Eichelkraut, Grace, Langmade, Miller, O'Malley, Paceley, Schmieder, Wilenchik and Swart in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

Staff notes that VPC approval will include correspondence from the Neighborhood Coalition of Greater Phoenix for acknowledgement and consideration for changes to the proposed text amendment.

Village Planning Committee Meeting Summary Z-TA-5-23-Y

Date of VPC Meeting	July 11, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwellings units
VPC Recommendation	Denial
VPC Vote	5-4

VPC DISCUSSION:

Two members of the public registered to speak on this item, in opposition.

Committee Member Gary Kirkilas joined the meeting during this item, bringing quorum to 9 members.

STAFF PRESENTATION

Anthony Grande, staff, provided a presentation regarding the proposed text amendment, gave examples of accessory dwelling units (ADUs), noted the proposed standards for new ADUs, and provided a timeline for the proposal.

QUESTIONS FROM COMMITTEE

Committee Member Kirkilas asked about the three-foot rear setback requirement. **Mr. Grande** provided clarification. **Committee Member Santoro** noted that it is the standard for other allowed projections. **Mr. Grande** agreed.

Committee Member Nowell asked about projections for overhangs. **Racelle Escolar**, staff, responded that she will look it up and get back to the committee.

Committee Member Powell asked about lot coverage requirements. **Mr. Grande** and **Ms. Escolar** reviewed the proposed changes to lot coverage.

Vice Chair Lagrave asked whether ADUs could be built in the front yard. **Mr. Grande** replied that they wouldn't be able to project into the front yard and detached ADUs are not allowed in front of a home.

Committee Member Nowell asked about the concerns raised in the letters provided to the committee. **Mr. Grande** described the historic preservation requirements of the

zoning. **Ms. Escolar** stated that the city is reviewing the recommendations and the committee could include them in their recommendation.

Vice Chair Lagrave stated that he didn't think making recommended modifications to the text was worthwhile because the next reviewers were only interested in whether VPCs approved or denied the request.

Ms. Escolar replied to an earlier question, saying that the zoning requires 2 feet of separation between the roof overhang and the rear property line.

Vice Chair Lagrave stated that three feet is very close to the lot line for an ADU.

Committee Member Israel asked about side yards. **Mr. Grande** replied that side yards would be maintained for ADUs.

Committee Member Santoro asked about leasing for short-term and long-term rentals. **Mr. Grande** replied with the proposed requirement for a deed restriction.

Vice Chair Lagrave stated that it doesn't seem likely that the state government is going to enact legislation regarding ADUs soon, adding that there is room for new development on undeveloped land in the area and that adding ADUs in existing neighborhoods will turn them into slums.

Committee Member Nowell asked if the text would supersede HOA restrictions. **Mr. Grande** replied that the text does not intend to do so.

Chair Bowser stated that there should be an architectural requirement, that the one-story limit in the rear yard is good, and that there should be a way to prevent two ADUs from being built on one lot.

Committee Member Kirkilas asked for clarification on the process when a committee makes a recommendation with stipulations. **Vice Chair Lagrave** stated that the Planning Commission will listen for items that are in Desert View but not for citywide items. **Mr. Grande** provided clarification on the process of forwarding recommendations to the Planning Commission.

Michelle Santoro asked what other village have been saying about this proposal. **Mr. Grande** and **Ms. Escolar** responded with the results from other villages.

Vice Chair Lagrave asked about Open Meeting Law requirements. **Mr. Grande** discussed Open Meeting Law requirements.

Committee Member Israel stated that the VPC has a responsibility to provide feedback on the proposal, adding that parking could be an issue. **Mr. Grande** reviewed the proposed provision for additional parking space allowed in the front yard. **Mr. Israel**

followed up with a question about design elements. **Mr. Grande** reviewed the proposed requirement for design review. **Chair Bowser** suggested that the language be updated to include an ADU visible from the neighboring property. **Mr. Nowell** stated that the language is broadly defined and could be more specific. **Mr. Grande** stated that design review is intended to have some flexibility.

PUBLIC COMMENTS

Larry Whitesell introduced himself as a member of the Neighborhood Coalition of Greater Phoenix and stated that the text needed to be revised, as stated in the letter submitted by NCGP. He reviewed the proposed modifications, including requirements for historic properties, parking, short-term rentals, and HOAs.

Jackie Rich introduced herself and stated that it wasn't clear if the ADUs could be used for other uses or how the new ADU zoning text would be enforced.

STAFF RESPONSE

Mr. Grande stated that it's important to recognize that accessory structures are already allowed and that this text is allowing accessory buildings to be used as dwelling units with cooking facilities. He further stated that the city has enforcement mechanisms for every aspect of the city's zoning and other codes.

COMMITTEE DISCUSSION

Vice Chair Lagrave asked if the text is allowing construction that is already permitted. **Mr. Grande** replied that it mostly is, except that the text would allow cooking facilities in a separate space to be considered a unit.

Chair Bowser stated that he liked the proposal to require off-street parking for an ADU.

Committee Member Santoro suggested adding a parameter for parking to the text, noting that she is supportive of ADUs, but there should be limits on short-term rentals.

Vice Chair Lagrave stated that the Planning Commission gets 15 recommendations, one from each VPC, and it's impossible to look at all of them. He added that they will focus on whether VPCs voted to approve or deny.

Committee Member Kirkilas stated that it would be impactful if multiple VPCs made the same recommended modifications. **Committee Member Israel** agreed that multiple VPCs could support the same modifications to make a larger impact.

Vice Chair Lagrave stated that parking is also an issue with ADUs.

MOTION

Vice Chair Lagrave made a motion to recommend denial of Z-TA-5-23-Y. **Committee Member Rick Nowell** seconded the motion for denial.

Committee Member Jason Israel made a substitute motion to recommend approval with the following modifications:

- That 1 parking space be required for an ADU.
- That there be a 90-day minimum term for rentals of ADUs.

There was no second; therefore, the motion failed.

Hearing no further motions or discussion from the committee, **Chair Bowser** called for a vote on the motion.

VOTE

5-4, motion to recommend denial of Z-TA-5-23-Y passed; Committee Members Barto, Israel, Nowell, Reynolds, and Lagrave in favor; Committee Members Kirkilas, Powell, Santoro, and Bowser opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary

Z-TA-5-23-Y

Date of VPC Meeting	July 11, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwelling units.
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	3-2

VPC DISCUSSION:

Staff Presentation:

Adrian Zambrano, staff, explained what an Accessory Dwelling Unit (ADU) is, sharing current terms used in Phoenix Zoning Ordinance and other nicknames for ADUs. Mr. Zambrano shared the proposed changes in the Phoenix Zoning Ordinance, including allowing only one ADU per lot in all single-family zoned districts, definitions for duplex and triplex to make clear distinctions from ADUs, increases in lot coverage for most districts, revisions to rear-yard projection rules to allow ADUs and other projections further into the rear yard, height limitations in the rear yard, and fixing references to guesthouses and other sections of the Phoenix Zoning Ordinance. Mr. Zambrano then discussed different types of ADUs, including above-garage apartments, detached ADUs, attached ADUs, basement conversions, and converted garages. Mr. Zambrano noted that ADUs would be allowed to be two-stories within the building envelope, outside of the required setbacks, and would be limited to one-story and 15 feet in height within the required rear yard, unless a use permit is obtained. Mr. Zambrano added that the text amendment would not prohibit other accessory structures, such as a detached garage. Mr. Zambrano then shared the proposed development standards for ADUs and concluded with the timeline for the text amendment. Mr. Zambrano stated that staff recommends approval as listed in the staff report.

Questions from the Committee:

Chair Lawrence asked about the use permit requirement for building heights taller than 15 feet in the rear yard and asked if a two-story casita could be built in the rear yard.

Mr. Zambrano responded that the current provisions in the Phoenix Zoning Ordinance only allow guesthouses in large-lot zoning districts and that he is unsure what the maximum height allowance is for guesthouses with the current provisions. Mr. Zambrano added that most single-family homes are allowed a maximum building height of two stories and 30 feet within the building envelope. **Chair Lawrence** asked if ADUs would be reviewed through the regular building permit review process. **Mr. Zambrano** responded affirmatively.

Mr. Virgil asked how large an ADU would be allowed to be for a lot size of 12,000 square feet. **Mr. Zambrano** responded that it would be 10 percent of the net lot area, if it is less than 3,000 square feet. **Mr. Virgil** stated that an acre lot would likely be able to build a 3,000 square-foot ADU. **Mr. Zambrano** responded that there would also be the provision that the ADU cannot be larger than 75 percent of the size of the primary dwelling unit.

Massimo Sommacampagna asked for clarification that a second home could not be built. **Mr. Zambrano** responded that one of the provisions in the text amendment is that either the primary dwelling unit or the ADU has to be owner-occupied as a measure to help with limiting selling them individually or renting ADUs as short-term rentals. **Mr. Zambrano** stated that a covenant agreement has to be signed and recorded that will run with the land. **Mr. Sommacampagna** asked if the City would enforce this provision. **Mr. Zambrano** responded that the applicant would need to provide the City with a recorded covenant agreement prior to permits being issued.

Mr. Virgil asked if rooms could be rented individually in an ADU. **Mr. Zambrano** responded that he believes they could be, and that the City does not control how it is rented.

Chair Lawrence stated that it would be a homeowners' association (HOA) issue and that this text amendment stems from people applying for building permits for accessory structures and calling them an office or pool house and illegally putting in kitchens and bathrooms in them afterwards. Chair Lawrence shared concerns with short-term rentals and stated that it would become an HOA challenge. Chair Lawrence added that it would be a great idea for individuals wishing to house their family members in the ADU. Chair Lawrence stated that the requirement for a separate pathway to the street outside of the primary dwelling unit does set it up nicely for a short-term rental and that HOAs would have a challenging time managing them.

Mr. Scharboneau asked about an ADU related to a garage. **Mr. Zambrano** responded that one of the types of ADUs is an above-garage apartment. **Mr. Scharboneau** asked what an ADU must include to be considered an ADU. **Mr. Zambrano** responded that the Phoenix Zoning Ordinance defines a dwelling unit as specifically having cooking facilities, so if the structure has cooking facilities, it would be considered an ADU. **Mr. Scharboneau** asked if an ADU would need to have cooking facilities in it. **Mr. Zambrano** responded that in order for it to be considered a dwelling unit, it would need to have cooking facilities. **Mr. Scharboneau** asked if other Village Planning Committees have heard this item and what their recommendations were.

Sarah Stockham, staff, responded that it was heard by the Encanto Village Planning Committee (VPC), Laveen VPC and Central City VPC the prior night and that they all recommended approval, and one recommended approval with direction. **Mr. Virgil** asked what their main concern was. **Ms. Stockham** responded that she was at Central City VPC, who wanted to provide direction for the enforcement of short-term rentals. Ms. Stockham stated that the City is tied by State law to regulate short-term rentals. Ms.

Stockham added that Central City VPC wanted to ensure there was enough staff to permit ADUs.

Chair Lawrence asked if ADUs would require architectural drawings or if sketches would be accepted. **Ms. Stockham** responded that applicants would still be required to go through the plan review process, and if located within an Historic Preservation (HP) zoning district, would still be required to comply with HP district standards and go through the HP review process.

Mr. Virgil asked if the same would apply for HOAs. **Ms. Stockham** responded that HOA requirements would be on top of what the City requirements are, but that the City would not enforce the HOA requirements. **Mr. Virgil** asked about the HP concerns within the Encanto Village. **Ms. Stockham** responded that the Encanto VPC heard it the prior night and had concerns with HP oversight. Ms. Stockham stated that HP provisions are not seen in the text amendment because they are not being changed and they are found in Chapter 8 of the Phoenix Zoning Ordinance. Ms. Stockham stated that anytime a site planner sees the zoning of a property and sees that it is zoned HP, they immediately send them to the HP office to get HP approval first. **Mr. Virgil** asked for clarification that the Committee's vote on the text amendment would not modify the HP requirements. **Ms. Stockham** responded affirmatively, stating that the properties with HP zoning would still be zoned HP and would be subject to Chapter 8 of the Phoenix Zoning Ordinance.

Mr. Sommacampagna asked if the requirement for a covenant agreement would be a violation of Proposition 207 for takings. **Mr. Zambrano** responded that when someone applies for an ADU, as part of the approval before permits are issued, the applicant will need to provide a recorded covenant agreement to show that one of the units will be owner-occupied, which is a measure the City proposed to help reduce the potential for using ADUs as short-term rentals.

Ms. Stockham added that the text language has been vetted by the Law Department. Ms. Stockham stated that the language comes from the City of Flagstaff who also tried to come up with ways to regulate short-term rentals under State law. Ms. Stockham stated that the City of Flagstaff has not been challenged legally on that requirement yet.

Mr. Sommacampagna asked if it would be a violation of Proposition 207 in the event the property owner indicates that rentals are exceeding the value of homeownership. **Ms. Stockham** responded that it would not be since the property would be getting an additional entitlement to build an ADU.

Mr. Scharboneau asked for clarification that property owners are not required to sign the covenant agreement unless they wish to use the additional zoning entitlement to build an ADU. **Ms. Stockham** responded affirmatively.

Mr. Zambrano added that ADUs, such as casitas or guesthouses, are not currently allowed in smaller-lot zoning districts.

Will Holton asked for clarity that the ADU would have to have a separate entrance outside of the primary dwelling unit. **Mr. Zambrano** responded affirmatively. **Mr. Holton** asked if an attached ADU would have a sealed off wall to separate it from the primary dwelling unit. **Mr. Zambrano** responded that they generally would be separated, but there is not a specific requirement for it to be sealed off from the other dwelling unit, and that there is only the requirement to have a separate entrance outside of the primary dwelling unit. **Mr. Holton** asked for clarification if there could be a doorway that goes into the other dwelling unit. **Mr. Zambrano** responded that if the property owner wanted to, they could have a door that connects to the other dwelling unit. **Mr. Holton** asked if an ADU would require a separate water meter. **Mr. Zambrano** responded that he believes the ADU would be required to use the same meter.

Mr. Sommacampagna asked if fire is part of the typical permit review process. **Mr. Zambrano** responded affirmatively.

Chair Lawrence stated that it would be another challenge if the ADU addition results in requiring fire sprinklers. **Ms. Stockham** responded that it would depend on how large the ADU is. Ms. Stockham stated that she has a guesthouse that is about 200 square feet which did not require a full permit review that larger structures would be required to go through. **Chair Lawrence** stated that the best the Committee could do is hope that the permit reviewers would require the right requirements. Chair Lawrence added that allowing ADUs would allow them to be properly inspected since people are building them illegally anyways without proper inspections.

Mr. Holton asked if an ADU could be in a basement as well. **Mr. Zambrano** responded affirmatively, confirming that a basement apartment is one of the types of ADUs, if the property owner wants to pay the cost to dig a basement. **Mr. Holton** asked if another type of ADU allowed would be an above-garage apartment. **Mr. Zambrano** responded affirmatively. **Mr. Holton** asked if the maximum height allowed for the above-garage apartment would be 15 feet. **Mr. Zambrano** responded that if it is located within the building envelope, it would be permitted to be as tall as the primary dwelling unit is allowed to be, which is two stories and 30 feet. Mr. Zambrano stated that the 15-foot height limitation is when the ADU is located within the rear yard.

Public Comments:

None.

Staff Response:

None.

MOTION – Z-TA-5-23-Y:

Mr. Sommacampagna motioned to recommend approval of Z-TA-5-23-Y, per the staff recommendation. **Mr. Scharboneau** seconded the motion.

VOTE – Z-TA-5-23-Y:

3-2; motion to recommend approval of Z-TA-5-23-Y per the staff recommendation passes with Committee members Scharboneau, Sommacampagna, and Lawrence in favor and Committee members Holton and Virgil opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary
Z-TA-5-23-Y
REVISED

Date of VPC Meeting	July 11, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwellings units
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	9-2

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

STAFF PRESENTATION

Samuel Rogers, staff, provided a presentation regarding the proposed text amendment, gave examples of accessory dwelling units (ADUs), noted the proposed standards for new ADUs, and provided a timeline for the proposal.

QUESTIONS FROM THE COMMITTEE

Committee Member Lee Coleman asked how height will be measured. **Mr. Rogers** stated that height is measure to the top of the roof ridge.

Committee Member Darlene Jackson asked if a permit will be required to build an ADU. **Mr. Rogers** stated that a permit will be required.

Committee Member Kassandra Alvarez stated that she is concerned with the design of the ADU not being consistent with the primary dwelling. **Mr. Rogers** stated that ADUs are subject to Single-Family design review. **Tricia Gomes**, staff, added that in the Single-Family design guidelines ADUs are required to have the same materials, look, and feel of the primary structure.

Committee Member Coleman asked if the text amendment was permitting only detached units. **Mr. Rogers** stated that the text amendment would permit both attached and detached ADUs. Committee Member Coleman asked if attached ADUs can encroach into the rear yard setback if they are less than 15-feet in height. **Ms. Gomes** confirmed that attached ADUs can encroach into the rear yard setback if they are limited to 15-feet in height or if a Use Permit is pursued to allow a greater height. Committee Member Coleman asked what the definition of attached is. Ms. Gomes stated that structures are attached if they share a wall. **Chair Daniels** asked what the max height would be for a single level home that is converted into a duplex. Ms. Gomes

clarified that an ADU is not allowed on a property with a duplex and explained that any portion of an ADU that encroaches into the rear yard setback will be limited to 15-feet in height.

Vice Chair Arthur Greathouse III stated concerns about adding more drivers to neighborhoods but not any parking and asked what that would look like in neighborhoods. **Ms. Gomes** stated that, while no additional parking is required in the text amendment, every single-family residence is required to provide a minimum of two parking spaces and may potentially extend the driveway area. **Chair Tamala Daniels** stated that most households have two cars and adding a household will add two additional cars and asked how the Planning Department is considering the impact on neighborhoods and safety. Chair Daniels stated she is concerned that if a dust-proof surface for parking is added it will not have a curb cut and cause safety issues. Ms. Gomes explained that any additional parking spaces will be required to comply with driveway standards. Chair Daniels stated that parking should be required to permit an ADU. Ms. Gomes stated that parking can be included as a part of an ADU permit but is not required and explained that when drafting the ADU ordinance staff followed several directives, firstly to add more units to the City per the Housing Phoenix Plan, and secondly, to make ADUs feasible. Ms. Gomes explained that in many communities adding parking may not be an option, so many communities may be prohibited to build an ADU if parking is required. Vice Chair Greathouse stated that perhaps a lot width requirement should be added to the ordinance. Ms. Gomes stated that any additional requirements will restrict where ADUs can be built and stated ADUs are currently allowed in new subdivisions within South Mountain but have not been built at scale. Chair Daniels explained that Lennar Homes has built many single-family residences with ADUs, but they have built when the primary dwelling has been built and include parking. Ms. Gomes stated the parking will be available in the driveway if the garage is utilized or tenants can utilize street parking. Chair Daniels asked about HOAs with private streets. Ms. Gomes stated that residents within an HOA must comply with the neighborhood's CC&Rs and street parking may be restricted.

Committee Member Alvarez stated that she expects ADUs will be built more in communities with public streets than in communities with private streets that are regulated by an HOA and asked if HOA communities were asking for ADUs as an option. **Ms. Gomes** stated that ADUs are currently allowed in larger lot zoning districts and in smaller lot zoning districts ADUs are often built either illegally or without a full kitchen, so they are not considered a full unit.

Committee Member Coleman asked why not only allow ADUs in the larger lot zoning districts, asked if this ordinance is eliminating single-family zoning, stated that "attached" needs to be defined, and asked about sewer connections and development fees. **Ms. Gomes** stated that "attached" means there is a shared wall and explained that subdivisions are built with the utility and street capacity to serve additional structures on a single-family lot. **Chair Daniels** asked if utility connection fees would be assessed on the ADUs. Ms. Gomes confirmed that the ADUs would go through a full site and building review and be assessed utility connection fees.

Committee Member Viera stated that ADUs will have to go through the permitting process but lots won't need to go through a rezoning to have two units. **Ms. Gomes** stated that ADUs are accessory structures to the single-family home and are two full units won't be allowed.

Committee Member Coleman asked if ADUs would be charged water and sewer development fees. **Ms. Gomes** confirmed that water and sewer fees will be charged on ADUs.

Committee Member Kay Shepard asked if there is a minimum lot size to allow an ADU. **Ms. Gomes** stated that base zoning districts have minimum lot sizes, there is a maximum lot coverage, and are limited to 75% the size of the primary structure.

Chair Daniels asked if there is a minimum distance requirement between the primary structure and the ADU. **Ms. Gomes** stated that if a building is less than five feet from another building fire-rated walls will be required.

PUBLIC COMMENT

Elias Valencia stated that he grew up as a low-income minority and dealt with issues of red-lining and saw the struggle of his single mother raising three kids by herself. Mr. Valencia explained that he sees ADUs not as something that will eliminate requirements or destroy neighborhoods, but rather the next step in the incremental development by allowing neighborhoods to retain their character rather than upzoning. Mr. Valencia added that ADUs are typically placed behind the primary dwelling so the visual impact of the ADU should be minimal and explained that lots are generally 60-feet wide, so street parking should be available if the garage, driveway, and any additional parking area is already being used. Mr. Valencia explained that ADUs provide an additional housing option for communities and HOAs can regulate ADUs if they are not desired.

Vice Chair Greathouse thanked Mr. Valencia for his statements, stated that ADUs will be expensive to build, and asked if ADUs are likely to be built by homeowners or investors. **Chair Daniels** stated that homeowners are likely to build ADUs and explained that the Lennar Next Gen product, that includes an ADU, are very popular. Chair Daniels added that when most investors buy a property they are the single owner, so they can do whatever they want with their property. Vice Chair Greathouse stated that he would like to know what neighborhoods would be most impacted by the ADU text amendment if investors come in and buy up single-family rental properties to build two or three units on the lot. Chair Daniels stated that investors have been gentrifying communities for a long time. **Ms. Gomes** stated that to have an ADU a restrictive covenant is required that mandates that the property owner will need to live in either the primary or accessory unit and explained that three units would only be allowed in multifamily zoning district. Vice Chair Greathouse asked how many rooms are allowed in an ADU. Ms. Gomes explained that number of rooms is limited by the allowed size of the ADU, so ADUs will likely be one or two rooms.

Committee Member Coleman asked if parking will be required for the primary dwelling if a garage is converted to an ADU. **Ms. Gomes** stated that parking will still be required for the primary dwelling, or a variance will be required.

Melissa Gallegos explained that she lives in an older neighborhood where many spaces have already been converted to handle the influx of people coming into the neighborhood and asked where the capacity of these homes is. Ms. Gallegos explained her household has four cars and her neighbor has more and stated that the fire department could not reach her neighbor due to narrow streets and an abundance of cars parked on the street. **Ms. Gomes** explained that the ordinance cannot accommodate for every family type as some families are larger and some are smaller and stated that typical streets are 50-feet wide that can accommodate emergency services. Ms. Gallegos stated that she has several neighbors that have 10 to 12 people living in their homes and adding more bedrooms that will be filled with up to eight more people will create unacceptable living conditions and stated that it will be too expensive for a typical family to spend \$100,000 on building an ADU, but not too expensive for investors. Ms. Gomes stated that owners will be required to live on the property, so investors will be limited to building an ADU on the lot where they reside. **Committee Member Alvarez** stated that allowing ADUs may provide relief for multigenerational households with 10 people by allowing some of the residents to move into the ADU. Ms. Gallegos stated that she is supportive of multigeneration housing but in California ADUs have been rented out, not occupied by family. **Chair Daniels** stated that multigenerational living is common in many cultures and echoed Ms. Gallegos concerns that street parking is already at capacity without adding any additional units. **Committee Member Jackson** stated that ADUs are a good idea but would love to see someone from the City go out when people complain about issues at public forums such as the Village Planning Committee. **Committee Member Coleman** added that an abundance of street parking makes it dangerous for kids to play in the street. **Committee Member Muriel Smith** explained that she had to work with her neighbor to settle parking issues that arose when they threw a block party and encouraged people to call the City to find out how issues can be settled. Committee Member Alvarez asked what department should be contacted to settle access and parking issues. Committee Member Smith stated that the Street Transportation Department handles parking and access issues.

Michael Neal asked if the ADU ordinance will be applicable to all zoning districts within the City of Phoenix, asked if they would be allowed in Planned Unit Developments (PUDs), and asked if the Sanitation, Water, Fire, and Police Departments had reviewed the ADU proposal.

Ms. Gomes confirmed that ADUs will be allowed in all zoning districts on lots with a single-family residence, stated that ADUs would have to be allowed in the PUD narrative to be permitted, and explained that the proposal had been reviewed by an interdisciplinary team that included traffic, civil, and other reviewers, as well as Neighborhood Services. Mr. Neal stated that adding another unit would require larger water meters at the street, would require sanitation to change the way that they do pickups because properties will

have double the trash, stated street parking is already at capacity, and asked how close to property line an ADU will be allowed to be. Ms. Gomes stated that an accessory structure can be three feet from the property line. Mr. Neal asked if a property with 4 bedrooms could potentially add a three-bedroom ADU and asked how addresses will function. Ms. Gomes stated that if the lot coverage and size calculations allowed for a three-bedroom ADU it would be allowed and explained that an ADU will be allowed to have a different address than the primary dwelling.

Cory Kincaid stated that allowing ADUs had been a discussion since he moved to Phoenix 15 years ago, explained that housing had gotten harder and harder to build, thus making housing less affordable, and stated that Phoenix is 100,000 housing units short. Mr. Kincaid stated that there may be issues that are created by the ADUs, but cars do not need heat relief stations, eviction relief, and rent relief in the way that people do and stated that his area has seen a 40% rise in rents. Mr. Kincaid stated that communities in Phoenix used to be able to build ADUs and stated this is a small but meaningful step to address the housing crisis.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

Committee Member Jackson stated that with typical home prices around \$350,000 she is happy to hear that a three-bedroom ADU could be built for around \$100,000 and can allow a lower income household to attain housing and stated she is in support of the proposal.

Chair Daniels stated that the Arizona Senate rejected the bill that would have legalized ADUs statewide.

MOTION

Committee Member Shepard made a motion to recommend approval of Z-TA-5-23-Y per the staff recommendation. **Committee Member Jackson** seconded the motion.

VOTE

9-2, motion to recommend approval of Z-TA-5-23-Y per the staff recommendation passed with Committee Members Alvarez, F. Daniels, Hare, Jackson, Roque, Shepard, Smith, Viera, and Greathouse in favor and Committee Members Coleman and T. Daniels opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None

Village Planning Committee Meeting Summary

Z-TA-5-23-Y

Date of VPC Meeting	July 12, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwellings units
VPC Recommendation	None
VPC Vote	No quorum.

VPC DISCUSSION:

No quorum.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

No quorum.



Village Planning Committee Meeting Summary Z-TA-5-23-Y

Date of VPC Meeting	July 13, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwellings units
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	6-3

Two members of the public registered to speak on this item, in opposition.

One member of the public registered to speak on this item.

VPC DISCUSSION:

STAFF PRESENTATION

Matteo Moric, staff, presented the proposed text amendment for the accessory dwelling units.

QUESTIONS FROM COMMITTEE

Vice Chair Kenney said this would help with the housing shortage and is an interesting way to address this shortage.

Ricardo Romero asked if the item passes what the timeline would be to make it official and also asked how the communication has been passed down to the Homeowner's Associations.

Mr. Moric responded the text amendment goes in front of City Council in September and indicated that if a Homeowner's Association requires going through them for review, the City process is separate.

Gregory Freeman said ADU's often in other parts of the country get used for short term rentals.

Matteo Moric explained that the proposal requires a restrictive covenant which would stick with the land and only one of the units on the property could be rented.

Al Field asked about utility easements in the rear and why nothing was said about them. Mr. Field felt these needed to be addressed and did not like the idea of doing this for all zones in the City. Mr. Field noted that the Desert View VPC recommended denial.

Mr. Moric responded that site planning would review the plans to ensure there is an authorization from the different utility companies if they want to place a structure in the easement.

Trilese DiLeo stated the accessory unit cannot be larger than 75% of the primary dwelling unit.

Mr. Moric said for a lot less than 10,000 square feet an accessory dwelling unit potentially could be up to 1,000 square feet in size. Mr. Moric explained that anywhere within the required rear yard you can go as close as 3 feet, however, when there's a fully dedicated alley it can go to within 0 feet of the rear property line.

Trilese DiLeo asked what the requirement would be if it is a narrow lot, noting that homes currently being built have small lots.

Mr. Moric replied you'd still have to comply with lot coverage of how much roof is allowed on the lot.

Sandra Hoffman shared there was no definition of primary residence in the text amendment and thought it might be good to include principal residence. Ms. Hoffman added that with building code they'd need to meet separation distances between the buildings.

Gregory Freeman responded that the staff indicated that the owner would need to live in one of the units and it would not have to be the bigger one.

Al Field said measurements to property line had no consideration to the block wall.

PUBLIC COMMENTS

Sandy Grunow stated that the Neighborhood Coalition of Greater Phoenix supports the accessory units as they can have positive aspects during the housing shortage. Ms. Grunow noted there were concerns related to ADU parking to ensure property owners are not being inconvenienced and she felt on street parking should be regulated, and that staff should look at short term rentals language in Flagstaff's Ordinance. Ms. Grunow felt that HOA and CC&R's did not address the coordination with municipal codes and ordinances and asked the Committee to carefully consider the revised language in their statement they had provided and felt this text amendment needed more discussion with stakeholders.

Jackie Rich opposed the text amendment and was the President of a Neighborhood Association and member of Neighborhood Coalition of Greater Phoenix. Ms. Rich asked

what takes precedent the zoning overlays or the ADU measures. Ms. Rich added that the ADU text amendment would allow larger driveways, lot coverage and she added that there are 30 different overlay zones and regulatory plans. Ms. Rich said the enforcement of short-term rentals with the restrictive covenants was unclear. Ms. Rich asked the Committee to seriously consider the letter.

Russel Osborne said the additional dwelling units will fill in and overtime will affect all utilities from electricity, water use, size of the pipes, sewer lines, trash pickup, and lead to more on street parking. Mr. Osborne said street parking would have small clearance for emergency vehicles and parking would be an issue, also, there could be problems with naming conventions in single family districts and this could change entire character of the community. Mr. Osborne said the City of Phoenix's primary enforcement would be difficult and not have manpower or resources to track these items. Mr. Osborne said the covenant would be hard to enforce.

Matteo Moric, staff, explained he did not have an answer for the capacity of today's infrastructure.

Sarah Stockham, staff, responded that the construction is subject to the building code.

Mr. Moric indicated that the restrictive covenants would ensure that at least one of the units would be owner occupied. Mr. Moric noted that it would be difficult to enforce but the covenant would be recorded and stick with the land in perpetuity.

Mr. Moric said the minutes would be forwarded to the Planning Commission and City Council.

Al Field felt there were a lot of questions that still needed to be answered.

Vice Chair Kenney indicated that this would be reflected in their vote.

Sandra Hoffman indicated that there is a State statute which supersedes cities from stopping Airbnb's.

Mr. Moric said State law still supersedes cities for short term rentals.

Gregory Freeman said this is a step of adding density and as a solution for affordable housing, it's not perfect but he had not seen a better solution.

Trilese DiLeo agreed with Mr. Freeman and believed it was important to get more multi-generational housing which would provide alternative housing options. Ms. DiLeo shared ADU's would be nice to have as an option but would like to see that no more than 10% of the lot size shall be used for these ADU's.

Sandra Hoffman said that the cost of homes were so high that children could not afford homes anymore and they need a more livable situation. Ms. Hoffman added that there

are places like in downtown where there is limited parking for residents and they control parking in the street. Ms. Hoffman thinks this text amendment is needed at this time and it would help with the affordable housing issue.

MOTION:

James Sutphen motioned to recommend denial of Z-TA-5-23-Y. **Al Field** seconded the motion.

VOTE:

3 - 6, motion to recommend denial of Z-TA-5-23-Y failed with Committee Members Field, Sutphen, Virgil in support. Committee Members DiLeo, Freeman, Herber, Hoffman, Romero and Vice Chair Kenney opposed.

MOTION:

Gregory Freeman motioned to recommend approval of Z-TA-5-23-Y. **Sandra Hoffman** seconded the motion.

VOTE:

6 - 3, motion to recommend approval of Z-TA-5-23-Y per the staff recommendation passed with Committee Members DiLeo, Freeman, Herber, Hoffman, Romero and Kenney in favor. Committee Members Field, Sutphen and Virgil opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



Village Planning Committee Meeting Summary

Z-TA-5-23-Y

Date of VPC Meeting	July 13, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwelling units.
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	4-2

VPC DISCUSSION & RECOMMENDATION:

Two members of the public registered to speak on this item, in support with modifications.

Staff Presentation:

Adrian Zambrano, staff, explained what an Accessory Dwelling Unit (ADU) is, sharing current terms used in Phoenix Zoning Ordinance and other nicknames for ADUs. Mr. Zambrano shared the proposed changes in the Phoenix Zoning Ordinance, including allowing only one ADU per lot in all single-family zoned districts, definitions for duplex and triplex to make clear distinctions from ADUs, increases in lot coverage for most districts, revisions to rear-yard projection rules to allow ADUs and other projections further into the rear yard, height limitations in the rear yard unless a use permit is obtained, and fixing references to guesthouses among other sections. Mr. Zambrano then discussed different types of ADUs, including above-garage apartments, detached ADUs, attached ADUs, basement conversions, and converted garages. Mr. Zambrano noted that ADUs would be allowed to be two-stories within the building envelope, outside of the required setbacks, and would be limited to one-story and 15 feet in height within the required rear yard, unless a use permit is obtained. Mr. Zambrano added that the text amendment would not prohibit other accessory structures, such as a detached garage. Mr. Zambrano then shared the proposed development standards for ADUs and concluded with the timeline for the text amendment. Mr. Zambrano stated that staff recommends approval as listed in the staff report.

Questions from Committee:

None.

Public Comments:

Neal Haddad, member with the Neighborhood Coalition of Greater Phoenix (NCGP), introduced himself and stated that a number of members of the NCGP working group met and created a position statement on this text amendment, which was sent to the Committee. Mr. Haddad stated it is important to support ADUs and that they can have a

positive impact on housing supply; however, there are several elements of the text amendment that they believe requires some modifications and greater clarity to avoid unintended negative consequences. Mr. Haddad stated that they first cover historic preservation (HP), special planning districts (SPDs) and overlay districts in their letter. Mr. Haddad stated that they believe clearer language is needed regarding the existing regulations governing properties in an HP district, SPD, and overlay districts that would be applicable to ADUs. Mr. Haddad stated that on-street parking should be regulated. Mr. Haddad continued that short-term rentals are a problem in many parts of the City and shared that they do not believe requiring a restrictive covenant indicating one of the units will be owner-occupied is good enough to ensure that ADUs contribute to the housing supply rather than be used as short-term rentals. Mr. Haddad noted that the City of Flagstaff has language regulating short-term rentals for ADUs that could be a template for Phoenix, which has been included in the letter. Mr. Haddad added that the proposed amendment language does not address coordination with homeowners' associations (HOAs), or covenants, conditions and restrictions (CC&Rs), and recommended that language be added that states applicants for ADUs must comply with CC&Rs in addition to the provisions in the proposed amendment language. Mr. Haddad stated that they believe this needs to be clarified to avoid loopholes and stated that they recommend the Committee approve the text amendment with modifications as listed in their letter. Mr. Haddad concluded that NCGP consists of neighborhood organizations all over the City and they continue to advocate for earlier involvement in the development of City-wide text amendments so these types of details could be implemented before coming to the Village Planning Committees (VPCs).

Jack Leonard, member with NCGP, architect, and former member of the Camelback East VPC and Encanto VPC, introduced himself as a member in support of this text amendment. Mr. Leonard stated that he does not believe it will have the impact on the housing supply that they think it will have because short-term rentals cannot be regulated very much and are having a bigger impact on the housing crisis. Mr. Leonard stated that he has seen hotels purchase homes in neighborhoods to convert them to short-term rentals. Mr. Leonard added that it would be great if there could be better regulations regarding short-term rentals, but it may be another fight for the State. Mr. Leonard added that he believes that the impact ADUs will have on parking in neighborhoods should be looked at more closely, noting that ADUs will make on-street parking worse.

Amanda McGowan stated that their HOA CC&Rs had originally allowed casitas and then they were removed from the CC&Rs after there was a lot of fighting over them. Ms. McGowan concurred with Mr. Haddad's comments that the proposed amendment language should address compliance with CC&Rs as well.

Staff Response to Public Comment and Discussion:

Christopher DePerro, staff, introduced himself and stated that he has worked for the Planning and Development Department since 1998. Mr. DePerro stated that HOA regulations are a function of State Statute and that cities do not regulate HOAs. Mr. DePerro stated that HOAs can prohibit casitas but could not override City restrictions. Mr. DePerro added that whenever a provision is added into the Zoning Ordinance,

typically variances can be applied for to vary from that provision, and a variance cannot be obtained for compliance with HOA CC&Rs since it is not a function of City regulation. Mr. DePerro stated that adding a provision in the text amendment for compliance with HOA CC&Rs would be redundant and is inadvisable by law.

Chair Julie Read asked Mr. DePerro to explain the process for a text amendment and how citizens are included in the process. **Mr. DePerro** responded that there is a difference between a text amendment for a small geographic area versus a City-wide text amendment. Mr. DePerro stated that the text amendments on this night's agenda were per the direction from City Council members based on meetings they have had with different stakeholders, and that the City Council directed the Planning and Development Director to have the Planning Commission initiate four text amendments related to the housing crisis. Mr. DePerro added that the Housing Phoenix Plan had talked about trying ADUs in certain neighborhoods of the City, and the City Council requested that staff try to go further than that. Mr. DePerro explained the history of the VPCs, noting that they were established in 1985 specifically for community outreach since Phoenix was becoming so large, and that each VPC can have up to 21 members that are hopefully selected for a diverse representation of each village. Mr. DePerro added that the City always struggles with fairness when conducting community outreach, noting that the notices for each VPC went out at the exact same time, and that the VPCs are the best and most fair way of doing community outreach for City-wide text amendments. Mr. DePerro stated that more complicated text amendments would typically come to the VPCs first as information only agenda items to give a heads up to VPC members regarding text amendments that are coming for a vote soon. Mr. DePerro added that beyond the VPC recommendations, staff would compile all the comments and provide them to the Director and City Manager to review and to determine if any changes to the proposed amendment language should be made before presenting it to the Planning Commission. **Chair Read** stated that a majority of their community's on-street parking is regulated by HOAs and asked about parking related to ADUs. **Mr. DePerro** responded that they have looked at what other cities have done, noting provisions for ADUs from the City of Tempe and the City of Flagstaff, in addition to the City of Tucson, which is the closest largest city that has provisions for ADUs. Mr. DePerro stated that Tucson has stricter requirements, including reviewing ADUs as multifamily, but they found that the main item that would prevent people from constructing an ADU would be a requirement to provide an additional parking spot. Mr. DePerro stated that the text amendment does change the percentage allowed of a driveway within the front yard. Mr. DePerro noted that Phoenix has certain regulations that make the requirement of a parking space for an ADU difficult, including that all required parking spaces must be located behind the front yard setback. Mr. DePerro noted that detached single-family homes are required to have two parking spaces, which would be located in the garage behind the front yard setback, and there would be two unofficial parking spaces on the driveway that could be viewed as guest parking. Mr. DePerro stated that requiring an additional parking space that would be allowed in the existing driveway would have the same result if an additional parking space was not required for an ADU.

Shannon Simon asked about short-term rentals. **Mr. DePerro** responded that the City is doing a separate City Code text amendment related to the updated State laws indicating what cities can regulate regarding short-term rentals. Mr. DePerro added that staff tried to write a similar provision to what the City of Flagstaff has done, limited under State law, to regulate short-term rentals in terms of ADUs. Mr. DePerro explained that the provision requires a restrictive covenant be recorded that says the property owner will occupy either the main home or the ADU, or that the entire property will be sold or leased as a whole, and not individually. Mr. DePerro noted that the City of Flagstaff had a different policy direction, which Phoenix Law Department advises against, that states that both units could be leased separately if the lease term is for 30 days or longer.

Chair Read asked for clarification if the restrictive covenant provision is in the current proposed amendment language. **Mr. DePerro** responded that it is included in the language and clarified that what is not in the current amendment language is the minimum 30-day rental term provision. Mr. DePerro added that the City of Flagstaff's rental term provision is an option and does not require the term rentals to be more than 30 days, except if the property owner wishes to rent both units separately.

Jennifer Krieger asked if the property owner of a short-term rental has to inform the City of the property being used as a short-term rental. **Mr. DePerro** responded that it is a requirement. **Ms. Krieger** asked if the property owner has to pay more taxes for a short-term rental. **Mr. DePerro** responded that there is a cost for the permit, but he is unsure if Maricopa County Assessor would then consider the valuation differently. Mr. DePerro added that he had answered a question from a previous committee that adding square footage to a property would increase taxes. **Ms. Krieger** stated that there has to be some type of control relating to if properties are being used as an income, such as for short-term rentals.

Vice Chair Michelle Ricart stated she has been a realtor since 1996 and sold two homes near 24th Street and Thomas Road that had guesthouses and asked what the text amendment is changing. **Mr. DePerro** responded that there are certain areas in the City in certain zoning districts where guesthouses are permitted, usually being districts with larger lots. Mr. DePerro stated that the text amendment would expand the allowance for guesthouses, or ADUS, to smaller-lot districts, and would allow it by allowing more lot coverage. Mr. DePerro added that accessory structures are currently allowed in the same way as the text amendment proposes for ADUs, except that accessory structures currently are not allowed to be used for sleeping or living. Mr. DePerro stated that the text amendment would update the terminology to the accepted terminology nowadays, which is ADUs, would expand ADUs to be allowed in most districts, would expand the lot coverage to actually make it possible in most districts, and would allow existing accessory structures to be used as an ADU. Mr. DePerro added that Site Planning permits these types of structures every day, and that the plans just cannot label it as an ADU, and it cannot label rooms as bedrooms or kitchens. **Vice Chair Ricart** stated that in the North Gateway Village, there are a lot of newer homes where builders have built the casita as part of the new home construction, termed as "NextGen" units. **Mr. DePerro** responded that those are interior suites with cooking

facilities, which was permitted around 2017 and will be removed with this text amendment because the proposed amendment language is more lenient.

Ms. Krieger suggested that if ADUs are being built for financial gain, there needs to be restrictions or additional taxes assessed to those properties.

Jeff Johnson stated that ADUs will likely be used mostly as short-term rentals.

Mr. DePerro stated that there is a version of language he has seen that states that if at any point a property requires a transaction privilege tax license, it would require a parking spot, which would then make it more difficult to build an ADU to be used as a short-term rental. Mr. DePerro stated that if a motion was made to approve the text amendment with that direction, staff could further investigate that language.

Chair Read asked if the amendment language could include language that the ADU would have to have a designated parking spot, whether it be on the existing driveway or on a new parking surface. **Mr. DePerro** reiterated that unless the language was written specifically to say that a required parking space for an ADU may be located within the front yard, the default would be for it to not be located within the front yard, which is why staff did not recommend requiring a parking space, since it would be difficult for many lots to provide a parking space behind the front yard setback. Mr. DePerro added that in terms of short-term rentals, they could potentially be restricted more by requiring a parking space, which would be triggered by the transaction privilege tax license.

Ms. Krieger agreed that it would help control the short-term rental aspect of ADUs.

Mr. Leonard stated that there is no connection between the transaction privilege tax licensing and zoning, so there is no oversight. Mr. Leonard asked for clarification if four parking spaces would be required for a lot with an ADU since there would be two dwelling units and single-family homes require two parking spaces per unit. **Mr. DePerro** responded that the amendment language is currently written to not require an additional parking space for an ADU. **Mr. Leonard** stated that the residents living in an ADU would be driving and asked where they would park. **Mr. DePerro** responded that depending on how an ADU is being used, some residents living in an ADU may not have a car.

Ms. Krieger stated that they would assume that there would be more than one car per ADU and recommended that if an ADU is being used for financial gain, that two parking spaces be required. **Mr. DePerro** responded that he has not seen another city require more than one parking space for an ADU. **Ms. Krieger** stated that at least one parking space should be required if an ADU is being used for financial gain.

Mr. Leonard stated that Tucson allows parking off of alleys, which makes Tucson different than Phoenix. Mr. Leonard added that Tucson has allowed guesthouses since the 1970s, which contributed to inexpensive student housing in Tucson, and as soon as Airbnb came around, they all came off the market and were converted to short-term rentals. **Mr. DePerro** responded that Phoenix always has allowed parking off of alleys

for single-family homes, including accessing the rear yard from the alley and maneuvering in the alley by right. Mr. DePerro added that parking off of alleys is not allowed for multifamily by right, and that the North Gateway Village likely does not have a lot of alleys.

MOTION – Z-TA-5-23-Y:

Vice Chair Ricart motioned to recommend approval of Z-TA-5-23-Y, per the staff recommendation.

Mr. Johnson motioned a substitute motion to recommend approval of Z-TA-5-23-Y, per the staff recommendation, with a modification to require two parking spaces per ADU.

Ms. Krieger seconded the motion.

VOTE – Z-TA-5-23-Y:

3-3; motion to recommend approval of Z-TA-5-23-Y, per the staff recommendation, with a modification, fails with Committee members French, Johnson and Krieger in favor and Committee members Simon, Ricart and Read opposed.

MOTION – Z-TA-5-23-Y:

Vice Chair Ricart motioned to recommend approval of Z-TA-5-23-Y, per the staff recommendation. **Ms. Simon** seconded the motion.

VOTE – Z-TA-5-23-Y:

4-2; motion to recommend approval of Z-TA-5-23-Y, per the staff recommendation, passes with Committee members French, Simon, Ricart and Read in favor and Committee members Johnson and Krieger opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary

Z-TA-5-23-Y

REVISED

Date of VPC Meeting	July 18, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwelling units.
VPC Recommendation	Approval with additional stipulations
VPC Vote	7-2

VPC DISCUSSION:

Four members of the public registered to speak on this item.

Staff Presentation:

Nayeli Sanchez Luna, staff, provided a presentation regarding the proposed text amendment, gave examples of accessory dwelling units (ADUs), noted the proposed standards for new ADUs, provided a timeline for the proposal, and presented the staff recommendation to approve.

Questions from the Committee:

None.

Public Comment:

Neal Haddad stated that he was part of the Neighborhood Coalition of Greater Phoenix and that the coalition supports ADUs. Mr. Haddad stated that modifications to the text amendment are required. Mr. Haddad noted that the coalition has suggested language for houses and ADUs in historic preservation areas, special planning districts and overlays. Mr. Haddad added that the letter also focuses on parking, short-term rentals, and HOAs.

Chair Lisa Perez asked why the language regarding HOAs can not be added to the text amendment. **Tricia Gomes**, acting Deputy Director for the Planning and Development Department, stated that there is a private agreement between the HOA and individuals who live within HOAs. Ms. Gomes noted that HOA provisions are not analyzed by city staff. **Chair Perez** noted that even if an HOA doesn't specifically prohibit ADUs, there are other restrictions that prevent the construction of one. **Ms. Gomes** noted that the current Zoning Ordinance doesn't state that individuals must follow state regulations, but people are still required to follow state regulations. **Chair Perez** stated that the current

councilperson has been providing false information because she states that ADUs are allowed anywhere. **Ms. Gomes** stated that HOAs could implement more restrictions on ADUs.

Leezah Sun stated that HOAs have a strong impact at a state and federal level. Ms. Sun stated that there is a demand for more housing in the city and state. Ms. Sun noted Arizona should analyze affordable housing and there are issues that need to be addressed in the text amendment.

Jack Leonard noted that he was in support of ADUs but the text amendment would not solve affordable housing. Mr. Leonard noted that a lot of the existing ADUs are used for short-term rentals. Mr. Leonard added that he would like to clean up the language in the text amendment regarding parking and other items addressed in the Neighborhood Coalition of Greater Phoenix.

Committee Discussion:

Parris Wallace noted that Tucson has been successful with the addition of ADUs. Ms. Wallace noted that the proposed text amendment has been complied by numerous cities and ADUs will help alleviate the housing crisis. Ms. Wallace added that she was not opposed to on-street parking since that is public right-of-way. **Chair Perez** noted that on-street parking has been an issue in historic districts or HOAs. Chair Perez added that the first reaction would be how does it affect everyone individually, but it also affects others. **Ms. Wallace** requested to read a letter from State Representative Analise Ortiz. **Chair Perez** approved and requested the letter be sent to staff. **Ms. Wallace** stated that State Representative Ortiz supported the ADU text amendment because it would help alleviate the housing shortage and affordability crisis. Ms. Wallace added that the letter stated that ADUs would help with infill development, create a more sustainable city, and help low- and middle-income families. **Ms. Wallace** noted that she will be voting in favor of the text amendment.

Kristine Morris stated that she supported the text amendment but would like to take into consideration historic preservation areas and HOAs. **Chair Perez** stated that she would also like clarification. Chair Perez asked staff how they could make a motion. **Ms. Gomes** stated that other committees have recommended approval with specific direction. **Chair Perez** stated that she would like it to be a stipulation and not a direction. **Ms. Gomes** noted that if a property is located within a historic preservation area, they are required to go through Historic Preservation. Ms. Gomes noted that the language in the text amendment would ensure that Historic Preservation review each ADU, but they would not have to go through the design review. Ms. Gomes added that design review is primarily for new homes. **Ms. Morris** asked what if historic preservation doesn't address ADUs. **Ms. Gomes** added that any modification, such as a garage, wall, addition, etc., to a historic preservation lot must be approved by Historic Preservation. Ms. Gomes added that the text amendment will not provide any leeway from design or compatibility. **Ms. Morris** asked what if there are no guidelines for ADUs in Historic Preservation. **Ms. Gomes** noted that anything constructed on the lot must be analyzed. Ms. Gomes added that any ADU in a historic neighborhood will be analyzed to make sure it is compatible with the current structure.

Chair Perez noted she received a letter from the Phoenix Historic Neighborhood Coalition and stated that there were areas in the text amendment that required modifications to address historic preservation homes.

Mr. Leonard noted that most lots in historic neighborhoods are 50 feet wide and that the removal of the front yard for parking would be detrimental to the neighborhood. Mr. Leonard added that the text amendment did not address items found in historic neighborhoods such as a driveway leading to existing casitas.

Dan Kocke stated that he lived in a historic neighborhood, and he was supportive of the language in the text amendment. Mr. Kocke added that anyone could park in front of his house because it is public right-of-way.

Mr. Haddad reiterated that the coalition was supportive of the proposed text amendment but requested certain modifications to the language.

Andre Serrette stated that he works in affordable housing and agreed that the text amendment could benefit from clarification language.

Chair Perez stated that the majority of the committee is in agreement to the additional language. Chair Perez stated that she wanted the language in the letters be added as a stipulation not a direction. **Ms. Gomes** noted that other committees have made a motion to recommend approval with direction. **Chair Perez** stated that she would like the direction to be stipulated. **Dan Rush** noted that numerous additions to the motion could make it confusing for the committee to make a vote.

Ms. Morris noted that the committee had not had a discussion regarding special overlays, short-term rentals, and parking associated with ADUs. **Ms. Wallace** noted that she was not opposed to short-term rentals because that was the right of the property owner. **Mr. Haddad** noted that the language in the letter required a minimum 30-day rental period. Mr. Haddad added that short-term rentals will eliminate affordable housing. **Ms. Wallace** noted that she was in a short-term rental of half a year and supported short-term rentals. **Ms. Morris** noted that short-term rentals have made housing unaffordable near the Arizona State University. **Mr. Serrette** noted that someone could not purchase an ADU, and it would be beneficial to have rental options for students.

Ms. Wallace noted that she was supportive of the property owner living on the lot. **Ms. Sun** stated that the real issue seemed to be who would be benefiting from ADUs. Ms. Sun added that HOAs would regulations addressing ADUs. **Renee Dominguez** stated that she had concerns regarding ADU short-term rentals. **Ms. Gomes** stated that the text amendment would require the property owner to live on the same lot as an ADU. Ms. Gomes added that the 30-day minimum requirement was not added to the text amendment because single-family houses that are short-term rentals do not require the 30-day minimum.

Motion:

Kristine Morris motioned to recommend approval of Z-TA-5-23-Y with the following stipulations:

- Provide clarifying language for Historic Preservation regarding Accessory Dwelling Units.

- Provide clarifying language for Homeowner Associations regarding Accessory Dwelling Units.

Bill Barquin seconded the motion.

Vote:

7-2, motioned passed with Committee Members Ayala, Barquin, Dominguez, Morris, Sanou, Wallace, and Perez in favor and Committee Members Rush and Serrette in opposition.

Staff Comments Regarding VPC Recommendation and Stipulations:

None.

Village Planning Committee Meeting Summary Z-TA-5-23-Y

Date of VPC Meeting	July 19, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwellings units
VPC Recommendation	Approval per the staff recommendation with direction
VPC Vote	14-0

VPC DISCUSSION:

Three members of the public submitted speaker cards with all wishing to speak. One indicated they are opposed, one in favor and opposition, and one “partially” in favor.

STAFF PRESENTATION

Mr. Klimek, staff, provided a presentation regarding the proposed text amendment, gave examples of accessory dwelling units (ADUs), noted the proposed standards for new ADUs, provided a timeline for the proposal, and presented the staff recommendation to approve.

QUESTIONS FROM COMMITTEE

Committee Member Matthews asked if the text amendment addresses a scenario where an ADU may be constructed before the primary dwelling. **Mr. Klimek** responded that the definition of ADU will not allow one to exist without a primary dwelling.

Committee Member Larson asked for clarity on who is the target market for this type of dwelling unit. **Mr. Klimek** responded that this dwelling type can be attractive to many user groups include multigenerational households.

Committee Member Veidmark asked if this text amendment will supersede HOA requirements. **Mr. Klimek** responded that state law does not allow a municipality to enforce HOA covenants and therefore the text amendment does not acknowledge HOAs, but this does not eliminate an HOAs authority.

Committee Member Perez expressed concern over the permitting costs and procedural complexities that may deter regular homeowners to construct ADUs. **Mr. Klimek** responded that permit costs are based on square footage and added that the department will likely explore measures to reduce barriers to ADU construction.

Committee Member Sommacampagna asked for clarity on how the restrictive covenant would work. **Mr. Klimek** responded that the City of Phoenix will likely ask for the documentation whenever a building permit is issued for an ADU.

Committee Member Gore asked Klimek for the most common criticism to this proposal. **Mr. Klimek** responded that the most common criticisms are on-street parking, utility capacity, and additional vehicular traffic.

Committee Member Veidmark asked if stipulations or modifications can be added to this type of request. **Mr. Klimek** responded that a text amendment is a type of case that cannot be approved by the City Council with stipulations and added that any modifications or stipulations added by the VPCs will likely be treated as “direction from the committee.”

Committee Member Matthews posed a hypothetical scenario to ask if the city would be evaluating infrastructure capacity based on the assumption that all or a portion of single-family lots will have ADUs constructed. **Mr. Klimek** responded that ADUs do not count against the overall density maximum permitted in a district. He added that the department is not expecting that every owner on a given street will construct ADUs. If a builder were inclined to create a development with ADUs on every lot, they would likely submit their plans showing the total number of primary and accessory dwellings to simplify the overall review process; in this case, the applicant would be required to show, for example, the total projected traffic demand.

PUBLIC COMMENTS

Ms. Sandy Grunow introduced herself as a representative of the Neighborhood Coalition of Greater Phoenix and shared some highlights from their briefing paper that was provided to the North Mountain Village Planning Committee. She asked the committee to consider their proposed stipulations regarding historic preservation, regulating parking, regulating short term rentals, and addressing how HOAs will be impacted by the proposal. She added that they are also advocates for early engagement for text amendments that will impact so much of the city.

Ms. Jackie Rich introduced herself as a representative of the Neighborhood Coalition of Greater Phoenix and shared some highlights from their briefing paper that was provided to the North Mountain Village Planning Committee. She asked the committee to consider the proposed stipulations to require a minimum lease period of 30 days, to add language acknowledging HOA authority, and she expressed concern that this text amendment may impact the Special Planning Districts such as Royal Palm.

Mr. Stephen Pamperin expressed that his main concern is short term rentals, and a lesser concern is that street parking issues may arise from this proposal.

STAFF RESPONSE

Mr. Klimek thanked the members of the public for their comments and responded with the following. State law does not allow a municipality to enforce HOA regulations so this text amendment cannot acknowledge or state that the city will enforce HOA requirements. Staff has evaluated the concerns regarding historic preservation and found that any additional acknowledgements in this section would be redundant and unnecessary. Staff has limited authority to regulate short term rentals due to state law, however, he noted that there is a text amendment in the pipeline to address the topic.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

Committee Member Gore stated expressed concern that the city is allowing this to move forward before it has a plan to regulate short term rentals. He asked why this text amendment cannot address short term rentals and how the restrictive covenants would be enforced. **Mr. Klimek** stated that ADUs and short-term rentals are both complex topics and that the larger topic of short-term rentals requires more information. He added that enforcement will likely include requiring the applicant to provide evidence that a compliant covenant has been recorded.

Committee Member Matthews noted that, if approved, he would like the new code section to be evaluated after one year to determine if it is working and if any adjustments are needed.

Committee Member Perez stated that ADUs are more of a housing solution than a short-term rental problem. She expressed support for financial and procedural support for low- and moderate-income households to enable the people who need ADUs most to build them.

Committee O'Connor asked if a second story ADU would be permitted. **Mr. Klimek** responded that a two story ADU is permitted; however, it is not permitted by right in the required rear yard or is allowed to exceed the height of the primary structure.

Committee Member Larson asked if a second story of a home can be constructed as an ADU. **Mr. Klimek** responded that he was not certain.

Committee Member Gore and **Sommacampagna** asked about how the covenants would be enforced. **Mr. Klimek** responded that the applicant would likely be required to provide evidence of a recorded and compliant covenant prior to being issued a building permit or Certificate of Occupancy for an ADU.

Committee Member Alauria stated that she sees the benefit to the proposal as it provides a housing option for multigenerational households such as aging parents, young adults, and/or persons with disabilities.

Committee Member Gore suggested that the City of Phoenix should provide loan

guarantees with the ADU and property as collateral. **Committee Member Krentz** responded that he is not supportive of requiring loan guarantees because there are separate financial assistance programs that exist that that these programs should not be mixed. **Committee Member O'Hara** stated that he is not onboard with loan guarantees and that it would not stand up legally.

Committee Member McBride stated that the recommendation and direction does not need to be very specific but can instead focus on the spirit versus the letter of the recommendation.

Committee Member Perez stated that affordability is key and that she is ok without loan guarantees but asked that financial assistance, such as a waiver of permit fees, and procedural assistance be considered help homeowners to overcome barriers.

Committee Member Matthews stated that the building permits for an ADU would be less than \$1,500 which is likely not enough to make a project infeasible. **Committee Member Perez** stated that most homeowners are not professional developers and would benefit from assistance navigating the city's process.

Committee Member Gore stated that he is still supportive of loan guarantees. **Chair Jaramillo** responded that microloan programs are difficult because many participants are deterred by the idea of having a lien on their property.

MOTION:

Committee Member Matthews moved to approve the request per the staff recommendation with the following direction to staff: include a 30 day minimum lease term, the locations of all approved ADUs shall be made public and be continually updated, staff shall conduct an assessment after 1 year to evaluate the number of units constructed and how the program is working, and the city shall explore options to assist low and moderate income homeowners to construct ADUs.

Committee Member Perez seconded the motion.

DISCUSSION:

None.

VOTE: 14-0-0, motion to approve Z-TA-5-23-Y per the staff recommendation with the direction provided by Committee Member Matthews, passes with Committee Members Alauria, Gore, Krentz, Larson, Matthews, McBride, Molfetta, O'Connor, O'Hara, Perez, Sommacampagna, Veidmark, Whitney, and Chair Jaramillo in favor; none in opposition; and none in abstention.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-23-Y

Date of VPC Meeting	July 24, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwellings units
VPC Recommendation	Denial
VPC Vote	7-1

VPC DISCUSSION:

2 members of the public registered to speak on this item, in support.

2 members of the public registered to speak on this item, in opposition.

Staff Presentation:

Matteo Moric, staff, presented the proposed text amendment for the accessory dwelling units.

Questions from Committee:

Toni Broberg inquired if the setback requirements would change in the rear. **Mr. Moric** said the setbacks in the rear and side for a detached ADU would be 3 feet unless there is a fully dedicated alley where it would be 0 feet.

Chair Gasparro asked if the proposed text amendment would override HOA governed lots. **Mr. Moric** said the City process and HOA's are separate processes where the city could issue the permit and the HOA could have more stringent regulations.

Vice Chair Fisher asked how this would affect the parking and maneuvering in the front yard and **Mr. Moric** mentioned with accessory dwelling units the driveway area in the front yard could be a little larger. Mr. Fisher felt many of these accessory dwellings would turn into small businesses and VRBO's. Mr. Moric replied that there would be a restrictive covenant where one of the structures would need to be owner occupied.

Vice Chair Fisher wanted to understand what problems the City is trying to resolve here.

Ms. Broberg brought up mother-in-law and next generation units, Ms. Broberg thought if people could have older parents live next to them it would be a nice alternative.

Vice Chair Fisher felt that there was not enough time to analyze the pros and cons before going to Planning Commission.

Mike Maloney wanted to better understand how regulating the short-term rental would be enforced and how expensive it would be to locate an ADU on a property.

Chair Gasparro noted that if there is an ADU on each lot this may inundate the local street with traffic and parking.

Vice Chair Fisher felt the text amendment was drafted in a vacuum and the direct impact by all the neighborhoods had not been addressed, and wanted to know when the stakeholders would be invited in the process.

Mr. Moric explained that there was an information only item brought to the committee and all the Villages.

Clifford Mager asked the date when this text amendment started. **Sarah Stockham**, staff, stated ADU's as part of solution to reduce the cost of housing as part of the Housing Phoenix Plan, and it was approved by City Council 3 years ago.

Vice Chair Fisher felt many details need to still be worked out.

Mr. Moric indicated other communities were researched when creating the text language.

Public Comments:

Ms. Nicole Rodriguez said she was in favor of this text amendment, and it was interesting that it is easier to get a swimming pool than a house in the backyard.

Mr. Neal Haddad from the Neighborhood Coalition of Greater Phoenix referred to a letter that was previously sent out to the Committee. Mr. Haddad thought some items needed to be cleaned up such as special planning districts and overlays and had concerns with parking for ADU's and thought there should be dedicated parking for the units. Mr. Haddad said the neighborhood he lives in is all built out and Mr. Haddad did not think the text amendment has been thought through enough and the city wants to make it easy to have these units. Mr. Haddad identified Flagstaffs requirements for ADU's. Mr. Haddad felt short term rentals and HOA concerns needed to be better addressed and felt HOA's needed to be involved in the process.

Mr. Larry Whitesell from the Peak Neighborhood Association said the issue about public input and almost half of the Village Planning Committees for the first information item had no quorum. Mr. Whitesell added that the public process had not been thorough and the language of the restrictive covenant input was heard and brought into the text amendment. Mr. Whitesell felt the restrictive covenant that no rentals of the ADU's except a 30 day minimum should be added. Mr. Whitesell added

that the increase of parking in the front yard would not be enough to park a car and there is a real issue with parking in front of neighbors homes. Mr. Whitesell felt the ADU should be on a separate meter for utilities.

Ms. Broberg asked how much feedback Mr. Whitesell received for his text changes. **Mr. Whitesell** replied that they have not received feedback except at the VPC meetings where some of the Planners responded.

Mike Maloney asked if someone wanted to build an accessory dwelling today for a family member can he build it now. **Mr. Moric** responded that there are certain zoning categories which allow guest houses, but this would apply to all lots where single family homes could go.

Ryan Boyd from Phoenix Project was in support of the proposed text amendment, this was 3 years in the making and the Housing Phoenix Plan passed at the City Council by a 9-0 vote. Mr. Boyd said they supported this because of the affordability aspect, these would not be affordable without a subsidy. Mr. Boyd said there could be tweaks made to the language but urged the committee to recommend approval.

Vice Chair Fisher said he was concerned that this was not affordable housing and wanted specific examples this would create affordable housing. Mr. Boyd said the ADU's would be more affordable.

Chair Gasparro said this increases the supply out there and by increasing the supply which could catch up to demand and help cause a reduction of the challenge in the Phoenix affordability problem.

Vice Chair Fisher believed ADU's did not cater to the affordability problem.

Chair Gasparro explained that this would not be a final solution but a part of the total solution.

Ms. Broberg emphasized this is a city-wide text amendment and that this may be different in Ahwatukee versus elsewhere in the city.

Chair Gasparro said if 20,000 homes in the city of Phoenix get ADU's it could be a significant amount to increase the housing supply.

Mr. Boyd said had studies could send over to the Committee.

Chair Gasparro thought maybe a good place to start would be ADU's to have at least one parking spot per unit, a cap on the rental time period.

Discussion:

Vice Chair Fisher felt there was a lack of specificity that was brought to them at this time.

Ms. Broberg shared that this proposal has been going on for 3 years. **Vice Chair Fisher** felt this needed to be a more collaborative effort.

Mr. Mager was concerned once it gets approved, it cannot be undone and it could be exploited.

Chair Gasparro felt it would be nice to come back to all the Villages for further discussion on this item.

Motion:

Vice Chair Darin Fisher motioned to recommend denial of Z-TA-5-23-Y. **Clifford Mager** seconded the motion.

Vote:

7-1, Motion to recommend denial of Z-TA-5-23-Y passed, with Committee Members Mager, Maloney, Meier, Pritchette, Sharer, Fisher and Gasparro in favor; and Broberg in opposition.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.

Village Planning Committee Meeting Summary Z-TA-5-23-Y

Date of VPC Meeting	July 25, 2023
Request	Amend Chapters 2, 5, 6, 7, 12 and 13 of the Phoenix Zoning Ordinance to add accessory dwelling units.
VPC Recommendation	Approval with modifications, per the staff recommendation
VPC Vote	10-5

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Committee Member Jamaar Williams joined during this item bringing quorum to 15 members.

Five members of the public register to speak on this item.

STAFF PRESENTATION

Mr. Samuel Rogers, staff, provided a presentation regarding the proposed text amendment, gave examples of accessory dwelling units (ADUs), noted the proposed standards for new ADUs, and provided a timeline for the proposal.

QUESTIONS FROM THE COMMITTEE

Committee Member Jak Keyser asked about two story ADUs. **Mr. Rogers** stated that any portion of an ADU that encroaches into the rear yard setback will be limited to 15 feet in height.

Committee Member Malkoon asked what the rear yard setback distance is. **Mr. Rogers** stated that the rear yard setback would vary by zoning district.

Mr. Rogers clarified that a detached bedroom without a kitchen is already allowed to be built and the proposed ordinance is allowing a detached bedroom with a kitchen to be built.

Committee Member Malkoon asked about the one-foot setback that the packet details. **Mr. Rogers** stated that dedicated alleys can have reduced setbacks and explained that staff had been directed to make ADUs attainable.

Committee Member Pamala Fitzgerald asked about the occupancy rate of apartments in Phoenix and how the square footage of the ADU would be verified. **Mr. Rogers** stated that apartment vacancy rates are approximately 3.7 percent, the lowest it has been in 20 years and explained that the square footage would be verified during the permitting process.

Committee Member Keith Ender asked about the process for converting existing structures into an ADU. **Mr. Rogers** stated that an ADU conversion will require a permit.

Committee Member Tracey Adams asked about ADUs and Airbnb. **Mr. Rogers** stated that ADUs can be used as an Airbnb and explained that the property owner will be required to occupy the primary or accessory unit.

Committee Member Jim DeGraffenreid asked about HOA height restrictions. **Mr. Rogers** stated that HOA requirements will take precedent.

Committee Member Maurita Harris asked about a 30 day lease requirement. **Mr. Rogers** explained that the 30 day lease was not included in the ordinance per advisement from the City of Phoenix legal team.

Committee Member Keyser explained that ADUs built without permits cannot be insured and a mortgage cannot be pursued to finance the structure.

Committee Member Fitzgerald asked how allowing the ADUs to be utilized as short-term rentals will address the housing shortage. **Mr. Rogers** stated that, while some of the units will be used as short-term rentals, providing more housing options within the City will help to address the housing shortage.

Committee Member Martin Shultz discussed financing, short term rentals, the City's need for more housing, and stated that the text amendment should move forward.

Committee Member Solorio stated that 15% to 20% of ADUs are used as short-term rentals, discussed the success of ADUs in other communities, and explained that most housing that is being built is luxury or single-family homes, so ADUs are a needed housing type.

Committee Member Adams stated that the owner should be required to occupy the primary dwelling to maintain the neighborhood and community.

Committee Member Malkoon asked about a time requirement for the owner-occupied requirement. **Mr. Rogers** stated he would have to take another look at the ordinance. **Sarah Stockham**, staff, stated there is no time requirement for the owner-occupied requirement. **Committee Member Malkoon** stated that ADUs will add to home values and make the homebuyers market less affordable.

Committee Member Camp stated that many owners want to live in the ADU and stated that the owner should not be required to occupy the primary unit. Committee Member Camp added that the National Association of Relators and AARP both support ADUs.

Committee Member Solorio referenced several reports that support ADUs, explained that ADUs are typically built in low to moderate income neighborhoods and serve the working poor, and stated that ADUs used to be legal.

Committee Fitzgerald asked if ADU tenants would be expected to park in the street. **Mr. Rogers** stated that tenants can park in the driveway, an additional parking location can be permitted, or they can utilize street parking.

Chair Bryck asked how close to the rear property line an ADU can be if it is in the rear yard setback and asked about fences. **Ms. Stockham** stated that ADUs can have up to a 0-foot setback if adjacent to a dedicated alley. **Mr. Rogers** stated that a fence cannot be used to create a private yard for the ADU tenant.

Committee Member Malkoon asked if the text amendment addresses lot splits on sites with an ADU, stated that the vacancy rates sound too high, and asked if there was any pressure from the Biden administration. **Mr. Rogers** stated that the amendment does not address lots splits, but it could likely be done if minimum lot size requirements are met and stated that he is not aware of pressure from the Biden administration, but there was pressure from the state and the Housing Phoenix Plan calls out ADUs as a method that should be used to address housing shortages.

Committee Member Dina Smith asked about the number of units that had been built to address the Housing Phoenix Plan's goal to add 50,000 units by 2030 and asked why ADUs were outlawed if they used to be legal. **Mr. Rogers** stated he would try to find that information. **Committee Member Solorio** explained that zoning had been weaponized against people of low socioeconomic status and discussed missing middle housing.

Committee Member Keyser stated that homes not being built for upper and lower classes impacts the housing supply for lower income people, spoke about the continuing trend of people migrating from California to Phoenix, and discussed the urban heat island effect.

Committee Member Malkoon spoke about the positive impacts of Homeowner Associations and stated concerns about losing neighborhood organizations.

PUBLIC COMMENT

Neal Haddad stated he would like to complain that the Neighborhood Coalition of Greater Phoenix's (NCGP) letter regarding the text amendment was not sent out earlier and discussed concerns about parking, historic preservation, short term rentals, and not having an HOA supremacy clause as a part of the text amendment.

Jackie Rich stated she has concerns about evidence that short term rentals are associated with shootings, harassment, and trash, stated concerns about the enforcement of restrictive covenants, and stated the ADUs should have 30 day minimum lease.

Sterling Sourk stated he approves of the height and property line separation and stated the ADUs would be great for affordability, and people who want their family/friends nearby. Mr. Sourk spoke about his positive experiences with short-term rentals.

Wes Ballu stated that he would like to build an ADU for his aging parents and stated that the short-term rental market is oversaturated. Mr. Ballu stated that parking should not be required but provided on a case-by-case basis.

Nicole Rodriguez stated that there are many short-term rentals and Section 8 homes near her residence and stated that renters are valuable. Ms. Rodriguez stated concerns about being told what she can do on her property, stated that 0-foot setbacks on lots adjacent to alleys makes alleys safer, stated that parking will not be needed for those who do not drive, stated the importance of stable housing, and stated that the committees have had months to learn how the ordinance will work.

Committee Member Malkoon asked about HOA superiority. **Mr. Rogers** stated that HOAs have superiority and can regulate ADUs how they see fit.

STAFF RESPONSE

Mr. Rogers clarified that the NCGP had sent their letter directly to the VPC on July 14th, but Mr. Rogers had not sent out the letter for a second time until the day of the meeting. Mr. Rogers stated that ADUs would be subject to historic preservation requirements and explained that the City's legal team had advised staff to not include a 30 day minimum lease. Mr. Rogers explained that residents can Airbnb detached bedrooms now, stated that the only difference between a detached bedroom and an ADU is a kitchen, explained that short-term rentals do not need kitchens, and asked why someone would pay all the development fees to add an ADU to their property if they could build a less expensive detached bedroom that can be used as a short-term rental.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE

Committee Member Keith Ender stated that he had just read the NCGP letter and that all the members should read it.

Committee Member Malkoon asked how the other Village Planning Committees had voted. **Ms. Stockham** stated that the text amendment had been approved by 10 villages, denied by two villages, and had not been heard by two villages.

Committee Member Malkoon motioned to recommend approval of Z-TA-5-23-Y with direction to incorporate the changes in the NCGP letter of recommendation with respect to accessory dwelling units. **Committee Member Harris** seconded the motion.

Committee Member Keyser stated that the modifications should be spelt out. **Mr. Rogers** clarified that the motion had been approved with direction to incorporate the changes in the NCGP letter in other villages.

Committee Member Camp asked if there would be an opportunity to vote for the text amendment without stipulations.

Committee Member Solorio explained that a substitute motion could be made.

Committee Member Elizabeth Sanchez made a substitute motion to recommend approval of Z-TA 5-23-Y, per staff recommendation. **Committee Member Solorio** seconded the motion.

Committee Member Keyser stated that the NCGP was too long to be used as legal language.

Committee Member Williams stated the NCGP letter would not accomplish what the NCGP think it will accomplish and stated that the Planning Commission will not be receptive to this recommendation.

Committee Member Keyser stated he would attend Planning Commission if the substitute motion passes and he changes his mind after reading the NCGP letter.

Committee Member Malkoon introduced a friendly amendment to the substitute motion with guidance to staff to state that applicants for ADUs must comply with HOA and Covenants, Conditions and Restrictions and to require owners to live in one of the units for a minimum of two years.

Chair Bryck asked Committee Member Sanchez and Committee Member Solorio if the friendly amendment as recommended by Committee Member Malkoon was acceptable.

Committee Member Sanchez stated she agreed to the friendly amendment.

Committee Member Solorio stated he agreed to the friendly amendment.

Mr. Rogers clarified that HOAs are regulated by the state, so a mention of them had been left out of the text amendment.

VOTE

10-5, motion to recommend approval of Z-TA-5-23-Y with modifications passes with Committee Members Adams, Camp, Harris, Keyser, Mulgado, Sanchez, Shultz, Solorio, Williams, and Bryck in favor and Committee Members DeGraffenreid, Ender, Fitzgerald, Malkoon, and Smith opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION

None.