



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** July 28, 2014

**TO:** Residential Studio Committee of the Fairfax County Planning Commission

**FROM:** Donna Pesto  
Senior Assistant to the Zoning Administrator

**SUBJECT:** **Proposed Zoning Ordinance Amendment Regarding Residential Studios**

The proposed amendment was authorized by the Board of Supervisors on July 31, 2103, with the directive that the Planning Commission conduct additional public outreach on the proposal. The Planning Commission subsequently established a Residential Studio Committee to lead the public outreach and discussion on the proposed amendment. As set forth in Attachment 1, the Planning Commission held two public work sessions and the Residential Studio Committee held an additional nine public meetings. In addition, staff conducted 15 citizen input meetings since authorization. On June 9, 2014, the Residential Studio Committee passed a motion to report back to the Planning Commission with a recommendation to discontinue consideration of the proposed Zoning Ordinance Amendment regarding Residential Studios. A copy of that motion is provided as Attachment 2. The motion acknowledges that it is unlikely that the Committee will reach consensus on the residential studio use in light of a number of outstanding concerns related to the districts in which permitted, the scale of the use, and the potential for impact on surrounding properties. Additionally, the Committee asked that staff prepare a summary report that outlines the issues that were discussed by the Committee, the public outreach efforts, and identification of comments received on the proposal.

On July 24, 2014, the Planning Commission's Residential Studios Committee met to consider staff's Summary Report of the review process. The Committee indicated a desire for some modifications to that report, which changes have been incorporated into the Summary Report dated July 30, 2014 set forth in Attachment 3. Topic areas of the discussions were varied and broad and, as such, the summary should not be considered to be an exhaustive list of all of the comments made or issues discussed and it does not make an assessment of the degree of importance or Committee member support for each of the issues and topic that were discussed. In addition, staff was asked to prepare a draft motion for the Residential Studio Committee to forward their recommendation to the full Planning Commission, a draft motion to disband the Residential Studio Committee, and a draft motion to forward the recommendation from the Planning Commission to the Board of Supervisors. These draft motions are set forth in Attachment 4.

Residential Studio Committee

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**Attachments:**

Attachment 1 – Summary of Outreach Activity

Attachment 2 – June 9, 2014 Residential Studios Committee Motion

Attachment 3 – Summary Report

Attachment 4 – Draft Motions

cc: Fred Selden, Director, Department of Planning and Zoning (DPZ)

Leslie B. Johnson, Zoning Administrator, DPZ

Michelle M. O'Hare, Deputy Zoning Administrator for Ordinance Administration,  
Branch, DPZ

Jill G. Cooper, Director, Fairfax County Planning Commission

Laura S. Gori, Office of the County Attorney

**Activity/Outreach Summary**  
**Zoning Ordinance Amendment Regarding Residential Studios**

August 1, 2013 –Mount Vernon Council of Citizens Associations

**September 25, 2013 – Planning Commission Work Session.# 1 in the Board Auditorium**

**October 2, 2013 – Planning Commission Work Session # 2 in the Board Auditorium**

September 16, 2013 –Reston Planning and Zoning Committee

October 7, 2013 –Northern Virginia Association of Realtors

October 21, 2013 –Governing Board of the Fairfax-Falls Church Community Partnership to Prevent and End Homelessness

**October 28, 2013 – Planning Commission Residential Studio Committee meeting**

October 30, 2013 –McLean Citizens Association

November 6, 2013 - North Springfield Civic Association

November 12, 2013 - South County Federation

November 14, 2013 - Northern Virginia Building Industry Association and National Association of Industrial and Office Parks

November 14, 2013 – Mason District Council

November 14, 2014 – The Planning Commission, at its regularly scheduled public hearing, recommends that the single family districts be excluded from consideration in the proposed amendment

November 17, 2013 – Providence District Council

November 19, 2013 – The Board, at its regularly scheduled public hearing, directs staff to remove the single family residential districts from consideration of the proposed amendment

**November 20, 2013 - Planning Commission Residential Studio Committee meeting**

December 4, 2013 – Springfield District Council

**January 6, 2014 - Planning Commission Residential Studio Committee meeting**

January 8, 2014 – Braddock District Council

**February 11, 2014 - Planning Commission Residential Studio Committee meeting**

February 21, 2014 – Northern Virginia Building Industry Association

March 18, 2014 – Fairfax County Fair Housing Task Force

**March 26, 2014 - Planning Commission Residential Studio Committee meeting** *(note: 3 meetings previously cancelled due to inclement weather)*

March 28, 2014 – Affordable Housing Advisory Committee

**April 9, 2014 - Planning Commission Residential Studio Committee meeting**

**May 27, 2014 – Planning Commission Residential Studio Committee meeting**

**June 9, 2014 – Planning Commission Residential Studio Committee meeting**

**July 24, 2014 – Planning Commission Residential Studio Committee meeting**

(Planning Commission Committee meetings in Bold)

**FINAL****Motion to Forward Recommendation of the Planning Commission Residential Studio Committee to the full Planning Commission and Board of Supervisors****June 9, 2014**

The Board of Supervisors authorized a proposed Zoning Ordinance Amendment for residential studios in July of 2013, with a directive that additional outreach be conducted to receive more public input on the topic prior to conducting public hearings. Since October of 2013, the Residential Studio Committee of the Planning Commission has been considering the proposed amendment for the new residential studio use. Through the efforts of staff and the Planning Commission, more than fifteen public meetings were held in a wide variety of locations and venues across the County and the Planning Commission's Residential Studio Committee conducted seven committee meetings to consider the proposal.

At this point, however, it is unlikely that the Residential Studio Committee will reach consensus on the proposed use, as there remain a number of concerns about the districts in which the use should be permitted, the potential scale of the use, the special exception process and the potential for modifications and waivers of the standards, the nature of services which may be provided at the development and the potential for impacts on surrounding properties. In addition, it is recommended that there be a broader community dialogue about affordable housing, including a discussion on how best to provide for a range of housing opportunities, including residential studios, that will serve the County's current and future residents at all income levels.

As a result, I MOVE that the Residential Studio Committee report back to the Planning Commission with a recommendation to adjourn the Committee and their review of the currently proposed Zoning Ordinance Amendment regarding residential studios. I further move that staff be directed to prepare for the Committee a report for the Planning Commission and the Board that summarizes the public outreach and the issues raised by the community and the Commission.

- END -



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** July 30, 2014

**TO:** Residential Studio Committee of the Fairfax County Planning Commission

**FROM:** Donna Pesto  
Senior Assistant to the Zoning Administrator

**SUBJECT: SUMMARY REPORT - Residential Studios**

Pursuant to the Residential Studio Committee of the Planning Commission's review of the proposed Zoning Ordinance Amendment regarding Residential Studios, the following sets forth a summary of comments and discussion. Topic areas of the discussions were varied and broad and, as such, the summary should not be considered to be an exhaustive list of all of the comments made or issues discussed and it does not make an assessment of the degree of importance or Committee member support for each of the issues and topic that were discussed. Attachment 1 sets forth a detailed list of public and Committee comments regarding this proposal. Major discussion areas were as follows:

- Impacts on Single Family Residential Districts – Many comments were specifically directed at the original proposal that would have permitted residential studios in most residential, commercial, industrial and planned development districts. Subsequent to authorization, both the Planning Commission and the Board directed staff to amend the proposal to exclude the single family residential districts from further consideration in the amendment. Regardless of the removal of the use from single family districts and certain P-Districts, the impacts on existing single family areas remained the focus of many of the individuals who commented. Multiple issues associated with compatibility were noted. There were also comments primarily from individuals associated with a variety of non-profit housing groups who supported the amendment in the single family residential districts.
- Parking – Varied comments were received, predominantly indicating that the use would exacerbate parking problems in neighborhoods and that the current multiple family rate of 1.6 spaces/unit would be more appropriate than the proposed minimum of 1.0 space per unit. Individuals in support of the amendment favored the 1.0 parking space rate, as the cost of parking was cited as a primary obstacle to the development of affordable housing.

- Proximity to Transportation Opportunities– The proposed use included a standard that addressed proximity to public transportation and access from roadways other than local streets. However, some comments reflected a desire to specify a maximum distance from light rail service and some stated that land within walking proximity to Metrorail would be far too expensive and, thus, would prevent development of any residential studios. Some comments reflected a desire to base the parking rate on the distance from a Metrorail and/or bus stop, indicating that a further distance should have a higher parking rate. Other comments noted that the collector street roadway classification was insufficient to preclude residential studios in established single family subdivisions.
- Occupancy, Enforcement and Property Management – Many individuals stated that the maximum permitted occupancy allowed under the building code of three people per unit would be standard and that over-crowding beyond three people would likely also occur with regularity. Further, it was stated that current over-occupancy complaints are neither adequately investigated nor resolved. Substandard property management was stated as a potential problem for surrounding properties/residents, given the perceived characteristics of the occupants.
- Modifications of Additional Standards – As is the case with all special exceptions, unless expressly precluded, the additional standards may be modified on a case-by-case basis by the Board upon adequate justification by an applicant. It was indicated that modifications would eliminate any assurance that the use would meet the minimum standards and, thus, would negatively impact surrounding areas. There was considerable discussion regarding whether there should be limits on the Board’s ability to modify the additional standards, with those opposed to the amendment preferring that no modifications should be allowed. Those in favor of the amendment preferred that case-by-case modifications should be considered.
- Income Limits and Mixed Income – Some individuals in support of the amendment stated that the income limit of 60% of the Area Median Income was too high and some individuals in opposition to the amendment believed that the income limit was too low. Many comments suggested that a more mixed income development would better serve the need for affordable housing and would enable higher priced units to help offset the lower priced units. Staff addressed this concern by recommending that not less than 80% of the units be subject to the 60% AMI income limit and allowing that not more than 20% of the units could serve a higher income bracket.
- Housing Needs – Some individuals stated that there is no demonstrated need for affordable housing of this type and that the market will provide whatever housing is required, such that if units are not being built, then the units are not needed. Other individuals stated that the need for affordably priced housing goes well beyond the proposal for just efficiency units at the proposed income limits. Some individuals, as well as several guest speakers representing organizations in the businesses of providing affordable housing, providing support services to persons with special needs, and by

demographic/economic analysts, stated that multiple studies have indicated an urgent need for more affordably priced housing in Fairfax County over the coming decades to address the projected incomes of future citizens. Some individuals stated that the proposed housing product should be broken down to specifically serve tenants with specific characteristics (elderly, handicapped, mentally ill, etc.) and that each category of housing should include the respective appropriate limitations on location and operation. Some comments related to whether or not services, including counseling, mental health care, employment training, etc., should be a required component of the use. Other comments indicated a pressing need to provide affordable housing options and that the residential studio proposal was a step in the right direction.

- General – There were a variety of comments regarding the proposed maximum unit size of 500 square feet. Some stated that the unit would be too small, particularly given the Building Code standards for minimum unit sizes (which could permit a unit of approximately 300 square feet.) Some individuals stated that the zero bedroom/efficiency unit size was too limiting and would not serve families. Other comments included that the use should be by right; that developments should not be located too closely together or too far from retail/medical/recreational/employment uses; that schools could become overcrowded; and/or that revitalization efforts might be compromised if older buildings, such as hotels, were converted to residential studios. The Committee heard from a variety of supporters of the proposal, including several affordable multiple family housing developers, support service providers, individuals with a personal interest in such housing (for themselves or for family members); however, I was the sense of the Committee that there remains considerable opposition to the proposed use, perhaps reflective of misperceptions regarding the residential studio use and affordable housing, in general. For some, the opposition is directly related to their dissatisfaction with the special exception process in that they believe it does not adequately address compatibility issues between a proposed use and adjacent existing uses or ensure that development conditions will be met and enforced. Some individuals noted that the proposed use could still have a place in association with a place of worship and other non-profit organizations and others noted that residential studios may be more appropriate if confined to commercial and industrial districts.

Attachment: A/S

cc: Fred Selden, Director, Department of Planning and Zoning (DPZ)  
Leslie B. Johnson, Zoning Administrator, DPZ  
Michelle M. O'Hare, Deputy Zoning Administrator for Ordinance Administration,  
Branch, DPZ  
Jill G. Cooper, Director, Fairfax County Planning Commission  
Paula Sampson, Director, Department of Housing and Community Development  
Laura S. Gori, Office of the County Attorney  
Dean H. Klein, Director, Office to Prevent and End Homelessness

## **SUMMARY OF PUBLIC AND RESIDENTIAL STUDIO COMMITTEE COMMENTS REGARDING RESIDENTIAL STUDIOS**

### **Residential studios in single family residential districts**

- Use should be excluded from low density districts. "Low density" was variably identified by commenters as any zoning district below R-20, R-16, R-12, or R-8
- Compatibility concerns regarding traffic on subdivision streets, crime, change in neighborhood character, negative impact on property values, and overcrowding.
- As believed by several commenters, other jurisdictions in Virginia have excluded residential studios from low density residential districts and have limited the unit count to 60, so Fairfax should also.
- Conversions of single family houses should be precluded. Additions or attachments to existing houses should also be precluded.
- The conversion of accessory buildings, like garages, to residential studios will negatively impact neighborhoods.
- Developers should just use housing types that are already permitted in the various zoning districts to provide housing for the homeless, elderly and persons with disabilities instead of creating a new use.
- The density of the residential studios should be subject to the density limits of the applicable zoning district.
- Allowing multiple family buildings in the low density residential districts contradicts the land development recommendations of the Comprehensive Plan.
- The use should only be allowed where there is a walkable rail transit station in proximity. Some commenters specifically noted that residential studios should be within ¼ mile to a transit stop. Some indicated that transit should only imply light rail and not buses, since bus stops and routes are more subject to change.
- A good opportunity might exist to add residential studios to an existing non-residential use in a low density residential district, such as a church or public use.
- Excluding residential studios from low density residential districts in areas that do not have public water and sewer service is the same as excluding them from the higher priced housing areas of the county. This concentrates the use in already low to moderate priced areas.
- Some subdivisions have main roads running through them that are designated as collector streets, so any lots that front on those streets would be eligible for application for a residential studio building, which should not be permitted.
- Residential studios should not be permitted on any lot that is part of a residential subdivision.



- Single family residential districts present the best opportunity to develop residential studios because of the relatively lower cost of land.
- As is currently the case, the special exception process will ensure compatibility of any proposal with any surrounding uses. Other commenters expressly stated that the special exception process is insufficient, as there was an expressed distrust of the Board to consider neighborhood impacts of proposed development.
- Proposal was amended to delete districts R-E through R-8; however, public concern regarding neighborhood impacts remained.

### **Parking**

- Parking issues already exist in many neighborhoods, including overuse of on-street parking.
- Parking should be the regular multiple family rate of 1.6 spaces/unit.
- The minimum parking standard should not be modified by the Board in conjunction with special exception review.
- Reductions from the recommended 1.0 spaces per unit should be permitted to allow for populations who do not drive and to reflect public transportation opportunities.
- Parking for multiple family units should be higher than 1.6 spaces/unit and/or should be based on occupancy, not type of unit.
- Concerns that residential studios will impact existing parking districts.
- Parking is a large expense when constructing multiple family buildings and excessive parking contradicts the intent of affordable housing.

### **Occupancy, Enforcement and Property Management**

- Unit occupancy should be limited to only one person. No unit should be occupied by more than two people, regardless of Building Code regulations.
- Occupancy should be subject to various factors, including current Fairfax County residency, proper immigration or citizenship status, appropriate credit check, prohibition of individuals with a criminal history, and other appropriate screening practices.
- The County currently either doesn't do any or doesn't do enough enforcement of overcrowding violations.
- Allowing only single person occupancy works to deter or preclude people from getting married.
- Concerns regarding how income and rent levels be monitored and enforced.
- Occupancy is appropriately regulated by the Building Code for multiple family units based on unit size and no additional limitations can be placed on residential studios simply because they are designed as affordable efficiency units.
- Residents should be carefully monitored and should have to sign a Code of Conduct agreement.

- Extensive concern expressed about safety in light of the perceived characteristics of individuals who might live in these units, believed to be inclusive of sexual predators, pedophiles, other criminals, alcoholics/drug addicts, persons with anger management issues, mental ill individuals, etc.
- Property management and prevention of blighted buildings should be addressed with each application.

### **Modifications**

- Multiple concerns regarding which of the additional standards and/or characteristics of the use the Board would be able to modify, citing that some should be un-modifiable. Comments identified unit size, parking, occupancy, income levels, number of kitchens, number of bathrooms, minimum or maximum number of units, efficiency design, collector street/major thoroughfare frontage and access, yard requirements, open space and building height.
- Complete distrust of the Board of Supervisors to appropriately review a specific application in light of any impacts on the surrounding neighborhoods.
- Modifications permit the Board to appropriately tailor a use to the specific circumstances of the property and proposed development and, as such, should be allowed.

### **Income Limits and Mixed Income**

- The income limit of 60% of AMI is too high.
- The income limit of 60% of AMI is too low. Units with higher rent and market rate units are needed. More than 20% of the units should be allowed to be higher than 60% AMI.
- Residential studios should not be located in neighborhoods with significantly higher priced homes.
- Developments should allow a full mix of incomes so that people don't have to move out of the community once their income goes up, to allow higher priced units to help subsidize lower priced units, and to create a mixed income community.

### **Housing Needs**

- Some parties believe there is no need or demand for these units, or the market would have already addressed the issue.
- Some parties believe that there is already sufficient land zoned to permit multiple family housing and no additional property should be rezoned or subject to a special exception for the use.
- Units are essential to address housing issues faced by homelessness individuals, adults with disabilities, low-wage earners, etc.

- Regional studies indicate a future need for tens of thousands of new units to serve future populations that will earn in the lower income brackets (in the fields of service, health care, retail, etc.)
- There are no practical benefits derived from the proposal to address affordable housing.
- The proposed use doesn't address family housing needs.
- The amendment proposes to address the housing needs of too many categories of tenants and should be divided into housing for low income workers, housing for low income workers requiring services of any kind, housing for low income elderly, etc.
- The amendment only addresses housing affordability and does not make distinctions regarding the characteristics of the tenants, as is appropriate under Fair Housing laws.
- Creating affordable housing will encourage low income individuals to come to Fairfax. If a person cannot afford to live alone in Fairfax, such individual shouldn't move here or should live in a roommate situation.
- The future employment sectors will predominantly include lower income wages, so housing should be commensurate with such wages.
- Residential studios offer the opportunity to accommodate the Housing First model for housing formerly homeless individuals.
- Persons with disabilities who are of low income want to live in residential settings, not in institutions. Parents with adult children with disabilities want safe, appropriate, affordable housing for their children.

### **General**

- Use should be by right, as special exceptions are too expensive and onerous.
- Residential studios should be located proximate to retail, medical, recreational and other uses necessary to support the residents.
- Residential studios should be located at least 1000 feet from any other building with a studio unit.
- Proposal nullifies protections for residential districts currently provided by law.
- Concerns regarding how HOA regulations could impact the location of residential studios.
- Concerns regarding overcrowding of neighborhood schools.
- Concern that revitalization areas could be targeted areas for residential studios, which may impact the long-term revitalization efforts for the area.
- Units with one or two bedrooms should be allowed.
- Units of 220 square feet (plus kitchen and bathroom) as permitted by the Building Code are too small.

**DRAFT Motion #1 – Forward the Recommendation of the Residential Studio Committee to the Planning Commission**

On June 9, 2014, the Residential Studio Committee voted to forward a recommendation to the Planning Commission to discontinue the consideration of the proposed Zoning Ordinance Amendment regarding Residential Studios, citing the unlikelihood that the Residential Studio Committee will reach consensus on the proposed use, as there remain a number of concerns about the districts in which the use should be permitted, the potential scale of the use, the special exception process and the potential for modifications and waivers of the standards, the nature of services which may be provided at the development and the potential for impacts on surrounding properties. In addition, it was recommended that there be a broader community dialogue about affordable housing, including a discussion on how best to provide for a range of housing opportunities, including residential studios, that will serve the County 's current and future residents at all income levels.

Based on the Summary Report dated July 30, 2014 and the June 9, 2014 recommendation of the Committee, **I MOVE** that the Planning Commission endorse the recommendation of the Residential Studio Committee to discontinue consideration of the proposed Zoning Ordinance Amendment regarding Residential Studios.

**DRAFT Motion #2 – Disband the Residential Studio Committee**

**I MOVE** that the Planning Commission disband the Residential Studio Committee.

**DRAFT Motion #3 – Forward the Recommendation of the Planning Commission to the Board of Supervisors**

Based on the Summary Report dated July 30, 2014 and the recommendation of the Residential Studio Committee, **I MOVE** that the Planning Commission forward

a recommendation to the Board of Supervisors to discontinue consideration of the proposed Zoning Ordinance Amendment regarding Residential Studios.

**I FURTHER MOVE** that the Planning Commission recommend to the Board of Supervisors that there be a broader community dialogue about affordable housing, including a discussion on how best to provide for a range of housing opportunities, including residential studios, that will serve the County 's current and future residents at all income levels.