

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 2, 2013**

PRESENT: Peter F. Murphy, Chairman, Springfield District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Ellen J. Hurley, Braddock District
Jay P. Donahue, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Janyce Hedetniemi, Commissioner At-Large
James R. Hart, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:16 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced that this would be the last Planning Commission meeting for Barbara J. Lippa, who would be leaving after 35 years as the Executive Director of the Planning Commission Office. On behalf of the Planning Commission, he commended her for her service and wished her well.

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Chairman constituted the Planning Commission's RSU Committee, and announced its members as follows:

- Timothy J. Sargeant, At-Large Commissioner, Committee Chairman
- Janyce N. Hedetniemi, At-Large Commissioner
- John A. Litzenberger, Jr., Sully District Commissioner
- Kenneth A. Lawrence, Providence District Commissioner
- Ellen J. Hurley, Braddock District Commissioner
- James R. Hart, At-Large Commissioner (Alternate)

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Chairman Murphy introduced Commissioner Sargeant to begin the second of two workshops on the Zoning Ordinance Amendment (Residential Studios), which to follow-up the Workshop held on Wednesday, September 25, 2013. It has been fully transcribed below.

ZONING ORDINANCE AMENDMENT (RESIDENTIAL STUDIOS)

– The second of two public workshops will be held to review this proposed Zoning Ordinance Amendment with particular emphasis on ensuring that the proposal will maximize the compatibility and harmony of the use within each Zoning District. At this workshop, County staff will provide additional clarification on the proposed Amendment. Citizens will be given an opportunity to ask staff questions or seek clarification about the proposal and responses will be given either immediately or prior to the scheduled public hearing. Testimony in support or opposition to the proposed Zoning Ordinance Amendment will not be allowed until the public hearing, currently scheduled before the Planning Commission on Wednesday, November 20, 2013. WORKSHOP.

CHAIRMAN MURPHY: Before I recognize Mr. Sargeant, I want to do one thing. I want to -- without objection, I want to constitute the RSU Planning Commission Committee that was not ratified by the Board, but part of the part of the Board package when the Board was discussing it at its last meeting how this particular Zoning Ordinance would be handled. We're going to structure it the same way we did for our Tysons Committee. We asked commissioners at the last meeting who was interested in serving on the Committee, we wanted to restrict it to five members to make it workable. And therefore the members of the committee are: Tim Sargeant, who will be chairing the committee, Janyce Hedetniemi, John Litzenberger, Ken Lawrence, and Nell Hurley, with Jim Hart as an alternate. And without objection, so ordered. We now have constituted this Committee and now I will recognize its Chairman, Planning Commissioner at-large, and the honcho of this Zoning Ordinance Amendment, Mr. Tim Sargeant.

COMMISSIONER SARGEANT: Thank you, Mr. Chairman. Thank you for constituting the Committee. And I'm only a little concerned that Barbara is leaving as I take over this particular Amendment, but we will soldier on as much as we will miss her every day. Mr. Chairman, tonight we are moving forward with the second of two workshops - two work sessions. The format for this particular meeting will involve a review of the written questions that were submitted at the last meeting, the September 25th meeting. We had questions, not only submitted - some submitted at that time, but many submitted by email before and after the meeting. And we have a plethora of questions. That's a plethora. Note the word plethora. So we have many to go over. We will not be

-- we will get - get as much information out as possible through this process. After that review of the written questions we received, we will be going over the questions and comments that we received at the September 25th workshop from our Planning Commissions - Planning Commissioners. Followed by that will be an opportunity for members of the audience to come down and ask questions - those who are attending the workshop - to come down to the microphone and ask questions. This will not be open mic night. There will be limitations in terms of time, but we will get as much information and questions provided by the audience as possible. So sir, with that I would like to begin the review of written questions. We'll start with Donna Pesto from our staff and we received, as I noted, many questions regarding the studio Zoning Ordinance Amendment. And we really thank you very much for all the public participation we have received, as well as the excellent questions we received by Planning Commission members on September 25th. Now, we are not going to be able to go over all of these questions in detail tonight. We received that many, and many of them require detailed answers, and some will be answered during the forthcoming RSU Committee process. So it did seem appropriate, though, to group these questions into categories and ask a few questions or parts thereof that have broadly captured the essence of what was asked, and giving staff an opportunity to respond to those questions, and we will cover as much of the information. And as you might expect, some of the questions that we received throughout the process so far are similar. We will try and get those answers in within these categories. And then we will then post information for everybody on the website that's - the website and the web link that's been established for the RSU process. I'm going to start with the first category of questions, and this relates to the origin of the Amendment. Some of the questions we received come down to three issues. Basically, will RSUs be considered suitable for use as affordable housing units under the County's Affordable Housing Program? The question that we have most followed up with on that one is that everybody understands that this RSU proposal is to provide for people - one way of putting it - camping or living in the woods as a place to live. Is this the target population? And would they be required to live in an RSU? The third category in this - the third question in this category is, given the increase in the number of single person households, why aren't developers building more in Fairfax County at any rent level? Donna Pesto's going to cover those first two and then I'm going to come back with a response to the last one.

DONNA PESTO, ZONING EVALUATION DIVISION (ZED), DEPARTMENT OF PLANNING AND ZONING (DPZ): Could we start with, maybe, a response to the Planning Commission questions from last session? I wanted to make sure I got the answers. You all had specifically asked for some - some data at the last meeting and I just want to make sure I got that out there for you all. Some of it we might refer to as we go through the rest of the questions, but would it be okay to start with the Planning Commission responses?

COMMISSIONER SARGEANT: Since that's the way the agenda reads, yes.

MS. PESTO: And then we'll get to that. That would be good, because that's how my mind's working here. I have that on my first page.

COMMISSIONER SARGEANT: And I have it on the second agenda item, so thank you.

MS. PESTO: Very good. Thank you very much for that. So, as I mentioned, the Planning Commission had requested some information at the last meeting, some of which was related to jobs in various income tiers, as well as companies' need for affordable housing at the price limit that we're talking about, which is 60 percent of AMI. And on the overhead projector, and I hope on your screen, we got this data from the George Mason University study. It's a pretty concise assessment - oh that's big, isn't it? Sorry. It's a concise assessment of the various employment sectors and then the percent of employees working in that sector that make the various tiers of income. And you can see, like, accommodation in food services; 37.7 percent of people in that - in that profession earn less than 50 percent of AMI. So it's a real - this chart is a real good indicator. You know, construction trades - 20 percent of the employees in construction make less than 50 percent; you, know, 22 percent in educational services - teachers and whatnot. So there are some pretty high percentages who make at the 50 level. Their next tier up is 50 to 80. Of course, our program goes to 60, so somewhere in that range there will be some additional percentage that would qualify under our proposed income level, but this is - this is kind of telling, this - this chart from the George Mason University study. On the second overhead, it's also important to look at the assessment of the housing needs and, again, George Mason provided this information for us. This table is actually from a 2008 study. We had previously given you information from 2006. And unfortunately the projected need for rental housing did not improve for -- with the 2008 study. We had previously reported that there was a need for 16,000 new homes - rental homes serving an income population under 50 percent. And with the 2008 data we got, you can see there's - under 50 percent it's 20,413 and the 50 to 60 is another 6,775. So, you know, we got

27,000 new rental units needed to serve an income population that meets the 60 percent test. There is a lot of data out there. There's a lot of information, a lot of studies that indicate the need for affordable housing at this level, based on what we project, what we know the jobs are and what we project the jobs to be. We are developing an extensive list that will be links that people can click on and go to all of these various studies, including all the ones that I mentioned last time; the SRO Task Force Report and the Forging a Path Home, and all of the things that, sort of, brought us to this Amendment. So we're going to have just, you know, hopefully, a pretty conclusive list that we can eventually put up on the Planning Commission's website at your direction. We're also trying to explore other avenues to get specific information from actual companies. We don't have that yet, but as we move through the planning committee process, we're hoping we can - we can get some Fairfax businesses to supplement our - our data so that we can give you some actual numbers from some of our larger employers. On number 3, in terms of verifying the need at the 30 percent level, I conducted really just a not-overly-scientific survey of information that was available online in terms of what rents are being offered in units that have efficiencies today. It's from rent.com and it was basically just trying to get a cross section of the County that showed a number of places; of course just looking for efficiencies, some buildings don't have any. And I noticed the lowest published rent and the lowest unit size. Some had a range of rent and unit size, but I identified the lowest. From there, I calculated what the need would be. Twenty-five percent of your income is the rule of thumb for affordability, so I calculated what income you would have to have to pay that amount of rent, and then also what income level that would put you in. So out of the 19 that are listed there, there's only one that is at 60 percent, and that's actually participating in an affordable housing program. All of the rest are market rate rents. They go up to \$1,795, you know, which is pretty significant. That's 115 percent of AML. So there was a broad range. All of these are efficiencies. You can see the range of unit sizes, with the smallest one being 432 and the largest one being 742 square feet. So there is a broad range of sizes as well. And then the two at the bottom are basically the, you know, long-term stay hotels, which is often used as housing. So one of those is \$1,995. That's actually the highest. We were also asked about management plans. By what standards would a management program be evaluated if somebody wanted to propose one onsite and -- as well as from an offsite perspective, what would be the guidance for management plans. In a prior version of this Amendment we did include some guidance for what needed to be submitted. We actually had a requirement for a submission of a

management plan. Some of the guidance in the submission, you had to address rental procedures, safety and security plans, parking management, maintenance plans. And after more consideration of that idea, it was removed because these are intended to just be like every other multifamily development except for the income and the rent limits. And we don't require those other developments to submit their management plans. These are intended to be managed just like every other multifamily management. What we did do is make the provisions state that if you had onsite management you didn't have to submit anything, but if you wanted to do it offsite you had to submit a plan. And we can revisit this if the Commission wants to. We can get additional information about how the multifamily industry manages properties and what's involved in that and we can address this in one of the committee meetings as we move forward. I have a map. We also had a request for maps of major thoroughfares and collector roads. That's going to serve you no use because it's so small, but we wanted to show that we do have maps on a countywide basis, which is that we were also able to get district maps hot off the press that are broken down by magisterial district. We had copies for you passed out. You'll have a copy of the overall map, the district map, and then in Appendix 8 of the Zoning Ordinance, there is a list of the major thoroughfares in the County. We'll have this information again. We're going to try to post this online. That map's not particularly useful because of its scale but we wanted to give you an idea of what - what the road classification systems are. Let's see. We also had a question about the size of bathrooms and kitchens, pursuant to the Building Code. We found that the International Residential Code provides that a bathroom is defined as a group of fixtures, including or excluding a bidet, consisting of a water closet, lavatory, and a tub or shower. And also in the Virginia Property Maintenance Code, Section 404.6 states that efficiencies shall be provided with a separate bathroom containing a water closet, lavatory, and a bathtub or shower. So they are definitely three-piece bathrooms. They all have to have a toilet, sink, and a tub or a shower in order to meet Code. In terms of a minimum size, unless the bathroom is designed to be an ADA compliant bathroom, which has minimum size specifications, there is no minimum specified for the bathroom. So essentially it has to fit in a room -- these three pieces have to fit in a room. With regard to the kitchens for an efficiency unit, that same section of the Virginia Property Maintenance Code, 404.6, states that the units have to be provided with a kitchen sink, a cooking appliance, and refrigeration facilities, each having a minimum clear working space of 30 inches in front. Light and ventilation conforming to the Code shall be provided, and it goes on to say that all

spaces occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve food in a sanitary manner. So essentially, you have to have a sink, a refrigerator, and - and some sort of, you know, stove/cooking appliance, and you have to have counter space and cabinetry. You have to have 30 inches out from that as clear space that's designated as part of the kitchen - not as part of the common room - but as part of the kitchen. So that defines the space required for a kitchen. It doesn't talk about how much cabinetry and how much counter space you need; it simply says that it has to be suitable space. That's what we found out about the Building Code requirements. Also, along that line, we were asked a question about drain fields and wells, and we are still tracking down that information. It was whether or not there was some sort of limit, a threshold, if you got above that, you could no longer, under any circumstance, develop using an onsite system. And we're still having to try to find that information. So hopefully we'll have that and we'll get it out to you as soon as possible. Let's see, the last slide, I think. We also had a question regarding the numbers of applications that we've had for, specifically, group housekeeping unit, congregate living facilities, boarding and rooming houses, and independent living facilities. Our searchable database goes back to the early 1990s, so this may not represent everything that's ever come in under these categories, but it's a good 20 years of data. So the numbers you see on your screen indicate that we've had one application for a group housekeeping unit; seven - congregate living; there were no rooming and boarding house applications; and we had 77 applications for independent living facilities. And I've broken out the zoning categories in which those uses were primarily built. And you, know, R-1, -2, and -3 are the big ones, mostly for the independent living facility use. And then the last slide, as I mentioned, we - you know, there's a lot of information. There's a lot of information to review. Some people are asking about, you know, what's already in the Ordinance. Where can I find information about things that are in the Ordinance? We're going to put this information on the website as well, but we wanted to make sure and actually - you know, we can leave it up if people want to try to get this information - but the Planning Commission has a website. There's a proposed Ordinance Amendment website that we maintain. There's a website to sign up for notifications. Anybody who wants to get notifications from our office about proposed and adopted amendments, you can sign up for that and it comes right to your in box. There's a website that will get you to the Comprehensive Plan, and a different one that will get you to the Zoning Ordinance. And then of

course our general County website is fairfaxcounty.gov. At the bottom is just the Planning Commission committee schedule for moving forward with this. So now on to the origins of the -

CHAIRMAN MURPHY: Excuse me, just a minute. I think that's important, that list, if you can put that up again, for those who are here or watching on tv. As we've constituted this committee -- bring it up a little bit.

MS. PESTO: The committee schedule?

CHAIRMAN MURPHY: The committee schedule, yes, thank you. You'll see that we have one, two -

COMMISSIONER SARGEANT: Five.

CHAIRMAN MURPHY: - three, four, five committee meetings scheduled for discussions with public and public input. Is that -

COMMISSIONER SARGEANT: That's correct.

CHAIRMAN MURPHY: Okay. Thank you very much. Thank you, Donna.

MS. PESTO: So let's see. Origins of the Amendment. Essentially the housing product will help the Board achieve their achieve their goal of providing affordable housing opportunities at every income level. This in an important element - this 0-to-60 percent - because that is not an element that's currently represented by our Planning and Zoning policies. We have an ADU program - affordable dwelling unit program - that deals with the 70 percent AMI level and we have a workforce dwelling unit program that addresses the tiers at 80, 100, and 120. We do not have a program in our zoning ordinance that addresses the tier of 0 to 60. This isn't a program, per se. This is a housing product that a private developer would come in and build. The ADU program is a specific program. It has covenants that run in favor of the RHA. The WDU program is a program that runs in favor of the Board. those covenants run to the Board. they have very specific timeframes, lots of restrictions on resale. There's only a 30-year term to those. Our residential studios are in perpetuity. So we basically are creating a housing product that has some layers on top of it that will keep it affordable. So it isn't a program, it's just a housing product. In terms of the need, again, you know, what we mentioned before, but also we did the County survey from 2012 that showed that only two percent of units in the County were efficiencies. Out of 67,000 rental units - that is, like 1,300 and something units were efficiency units. We do think there is going to be an increase in that number as we get more urbanized, as Tysons Corner -- areas like Reston and Merrifield, the revitalization areas - as those become more urbanized, that is a housing

product that people look for in those areas. You know, we think the reason we don't see people voluntarily providing these units at 60 percent is - is simply there's very little return on the financial side of it. If you can market it for \$1,700 a month, why would you market it for \$900? So that's, you know, it isn't a product right now at 60 percent that has a lot of appeal to a commercial developer to do under today's circumstances. In the staff report I mentioned a lot of Board initiatives that had brought about the Amendment and it may have started with the residential studio proposal, which was for a population coming out of homelessness, but all of the additional Board initiatives and directives really shaped this - this use into the housing product that it is today in terms of serving just an income population. People can tailor this to meet a specific population if that's what they want to do, but it isn't required or limited to - to just that. The 50+ Plan, the Forging a Path Home, the Plan to Prevent and End Homelessness; all of those things can be satisfied with - with this Amendment. Again, it's not public housing. This is not a public housing proposal. It's a privately developed multifamily residential use. You know, the strict income and - and rent will likely require some sort of participation in federal programs. We have low income housing tax credits and community development block grants. There's all sorts of things available that will help somebody want to - to do this. But that doesn't create, you know, a tax or a subsidy or anything else that's being paid for by Fairfax County.

COMMISSIONER SARGEANT: Donna, if I could interject -

MS. PESTO: Sure.

COMMISSIONER SARGEANT: Have we gone into the questions from citizens?

MS. PESTO: Yes, absolutely. That was from the -

COMMISSIONER SARGEANT: Smooth transition. I completely missed it. Okay. Very nice.

MS. PESTO: That was my answer to all or you origin-of-the-use category.

COMMISSIONER SARGEANT: So we've covered all the questions that we had heard from fellow Planning Commissioners at the last work session?

MS. PESTO: Yes. Yes.

COMMISSIONER SARGEANT: Good. All right.

MS. PESTO: Couple we're getting back to you on, but yes.

COMMISSIONER SARGEANT: Okay. I'm sorry, go ahead.

MS. PESTO: Well, that essentially addresses the origin of the Amendment and I think the next category you wanted to talk about was outreach, and timing, and information.

COMMISSIONER SARGEANT: Let me go back to one of the questions on why you don't see more of these and why developers aren't using this model -- to kind of piggyback on what you said. One of the things we do indeed hope to explore during the committee process is what makes them viable units, if so, to the commercial development field. So we know - we know there's a nonprofit market. We want to see if and how that's a viable product for the commercial field. So can we get into that category? And I'll start off with the issue of outreach of outreach and information. A lot of questions about this, and I think I'm going to kind of give an overarching answer and then go into some of this. And I want to emphasize to everybody either watching or attending here, we've had a lot of questions about why didn't I hear about this sooner? What's been going on? Who have you been outreaching to for the number of years? I'm just learning about this. We understand. That's one of the reasons we're doing the process that we have done. One of the reasons -- initially this process would have seen somehow a Planning Commission - possibly - a Planning Commission conclusion last month. We have extended that process by several months to make -- and increased and encouraged additional outreach to make sure that citizens from all parts of this County have an increased opportunity, more opportunity, for outreach, for the outreach from County staff, from the Planning Commission, as well as from your input, outreach from the citizens' perspective. So we can talk about, as much as we talk about why didn't I hear about this before, one of the things we want to emphasize is what you're going to hear about it now and how much opportunity and how much invitation the public has at large to provide input during this process. And we will make sure we get as much as we possibly can before the Planning Commission is ready to make any kind of recommendation. So we've talked about that a little bit, you know, but there has been a lot of outreach during the last 10 years that you've referenced too.

MS. PESTO: Yes, absolutely. You know, you know, granted, I do this every day and we understand that people aren't always aware of what we're doing until it ends up in a public forum and that is actually the process for a Zoning Ordinance Amendment. We prepare the Amendment; we prepare the staff report; and we advertise it for public hearing. We get authorized for public hearing and then advertise it, and the Planning Commission and the Board hearings are conducted in accordance with our regulations. You know, most of the meetings I've attended in the last ten years, you know, I've been an invited guest to come and speak at the groups about this Amendment. And it is fair to say that most of the groups that I've spoken with are groups that

have as their mission or their desire to provide affordable housing. You know, on the other hand, we've been through the Housing Committee and the Development Process Committee, and I've been to the Mount Vernon Council. I used to go on an annual basis to give them an update of affordable housing initiatives. So we have been out, and that doesn't mean that everybody know that. So we do recognize that that's the reason that this process is being extended to give people more of an opportunity to address these issues.

COMMISSIONER SARGEANT: Absolutely. And you referenced the web link that we've established - the County has established, in terms of information. That's extremely important. And obviously these meetings are not only televised but recorded. Now the committee meetings we do not anticipate will be televised but obviously we'll have summaries of those meetings as well that will be available, I'm assuming. So I think we'll get as much written and recorded information for everyone, as is possible, along with the opportunity for more input. Donna, if we could, I think we've covered that pretty well. Can we - let's go to the next category of questions and, as I mentioned earlier, we're looking at a lot of these questions. We have several pages' worth and we've put them into categories so we can -- so Donna and everybody can address them as efficiently as possible in this meeting. The other category we looked at is lower density residential districts and the conversion of single family dwellings and the issue of compatibility. A lot of questions; a lot of comments on these particular issues. So let's talk specifically about the question we received regarding the Amendment permitting the residential studio use in neighborhoods zoned under R-8. Can that Amendment specifically exclude those categories under R-8?

MS. PESTO: Well, the quick answer is no. This particular use cannot be excluded in those districts. In terms of the residential districts we're proposing this as a Special Exception use in the R-E through R-30 Districts. There are differences of opinion about what low density is. We've heard anything under R-4, anything under R-8, anything under R-20. So there's - you know, people have different ideas about what's meant by - by low density, but the answer is essentially the same regardless of what the number is for the district. When we are looking at a new use - to put a new use in the Zoning Ordinance, part of the Comprehensive Plan - comprehensive review that we go through when we look at the appropriateness, the need for the use, the benefits of it, and how it fits, we have to evaluate it against the similarities and the differences for uses that are already in the Ordinance. It is a principal tenet of the Ordinance that similar uses have to be treated similarly. In the case of a residential studio, there's a multifamily housing product. We

also believe that it was something that needed to be administered by a Special Exception. So we come through the Ordinance, we looked for housing products, we looked for Special Exception products that were housing, and tried to identify those that were most similar to the residential studio use. And of course what we came up with was the independent living facility; congregate living facilities; medical care facilities, which is nursing - includes the nursing home; dormitories, fraternities, sororities, and other kinds of housing that's associated with a university setting. And we also found that in ADU developments, you can actually do multiple family by-right in an ADU development if you're R-5 and above. So there are a number of precedents already set in the Ordinance for multifamily in any variety of R-Districts - of residential districts. That is precisely the reason why we are proposing this use in the districts that we're proposing them. These are uses that are permitted in the R-E through R-30. They are very similar in terms of their form and function to the residential studio use multifamily housing product. There wasn't an identifiable reason to make them different and to call them out. So that is why they are - they are where they are in the Ordinance.

COMMISSIONER SARGEANT: Okay. Going on to the next group; the issue of compatibility; a lot of questions on that as to -- and one of the questions we got on - refers to page 4 of the staff report, and we heard this word emphasized quite a bit - the staff report saying designed to be harmonious with the development on neighboring properties. How does that - how do we define that? How is that - how do we respond to that issue?

MS. PESTO: I can give you a lot of information about compatibility. That is the hot topic. Without a doubt, that is what most people are interested in, is how in the world will this fit into, you know, the areas that I'm thinking about - or not fit, as the case may be. As I mentioned, it's a broad range of zoning districts from all of the residential to all of the industrial to all of the commercial to the planned development districts. That is pretty much our entire Ordinance. And they are very different as you go from one district to the next. But that doesn't mean that because a residential studio is allowed in a particular zoning district that it's going to be allowed on every lot that happens to be zoned to that zoning district. And that's where the compatibility comes in. That is the primary provision that guides the review of an actual application. It is not a coincidence that you don't see veterinary hospitals, childcare centers, churches, colleges, congregate living, independent living, medical care, private schools, commercial recreation uses, funeral chapels, kennels, animal shelters, telecommunications, offices, and countless other uses

that are currently allowed in the residential districts - in a lot of these R-1, -2, -3, -4 Districts - that we've heard about. It's not a coincidence, it's by design. That's how the Ordinance is written, and we believe the design works. It is a very specific application process for a specific use, including all of its features, on a specific lot. The guidelines for review include standards about compatibility and harmony with the Comprehensive Plan, the Zoning Ordinance, and uses and activities on nearby properties. Some examples in the Zoning Ordinance, that are already in the Zoning Ordinance with regard to compatibility: it talks about harmony with the Comprehensive Plan; harmony with the purpose and intent of the zoning district; harmony and not adversely affect [sic] the use of the development on the neighboring properties in accordance with the district regulations and the Comprehensive Plan; the location and size and height of the buildings, walls, and fences, and extent of screening, buffering, and landscaping; that the use won't hinder or discourage appropriate development and use of adjacent and nearby properties or impair their value thereof; pedestrian and vehicular traffic will not be hazardous or conflict with existing or anticipated traffic; open spaces required by the zoning district; adequate utility; drainage, parking, loading, and other necessary facilities to serve the use, and signs are regulated by the Ordinance unless the Board wants to be more stringent. So those are all the things that help define what compatible is that are included in the Zoning Ordinance. In addition to that, there's a lot of compatibility components identified in the Comprehensive Plan, and as a Special Exception use, all of those apply as well. They are that multifamily should be centrally located with respect to community services such as libraries, houses of worship, parks, recreational facilities, and schools. A transportation analysis with approval may be contingent upon satisfactory resolution of any issues. Environmental concerns like EQC - environmental quality corridors - airport noise, and Comprehensive Plan-designated low density areas should be avoided, transition to abutting and adjacent uses, and the bulk and mass of the proposed buildings - those are the factors that the Comprehensive Plan currently indicates are things to look at when you're judging a Special Exception application for compatibility. So in addition to all that we are proposing our entire list of additional standards that deal with the, you know, 500 square-foot size limit, fronting on a major thoroughfare or collector street, the transportation needs of the occupants, the 75-unit limit, or however the Board wants to modify that downward; that accessory uses have to be shown and approved on the plans; again, the compatibility issues; proximity to other multifamily uses or other residential studios, predominant architectural style, availability of pedestrian access, trip

generation rates - we have two sets of standards -- standard options: one that would allow a conversion of a home and one that would not allow a conversion of a dwelling; the drain field issue, you can't be built on a drain field and a well; no employees with a home occupation; the parking rate of one; the resident manager; and the recordation of a notice in the land records for the County that establishes that this is a residential studio use. And it's subject to all of these conditions and limitations that would be in the land records indicating the perpetuity of these controls. So that is how the review of the Special Exception gets at whether or not a particular proposal on a particular lot is compatible with what is around that lot. Those are the reasons you do not see those uses I named earlier in the midst of a, you know, residential subdivision. We've had a lot of fear that, you know, the people saying the house next door would convert to one of these uses. These are the reasons that you have not seen that. And the ability to do that has been in the Ordinance. It's a '79 ordinance. A lot of it's been in there since then.

COMMISSIONER SARGEANT: Donna, since you are the one doing about 95 percent of the talking, when you need some water, please let us know. One of the questions we've received more than once is the issue of the legal approach here. Basically under this - this issue of compatibility questions why did County staff pursue such a broad approach for this one, as opposed to a more targeted approach related to individual segments of the population.

MS. PESTO: Well, again the housing need for that income population - 0 to 60 - is not being met elsewhere. You know, there isn't a use or program that we have in the Zoning Ordinance that meets the need. And as time went on from the original SRO Task Force study and the Board looked at workforce housing and directed us to continue to try to find a 0-60 housing product that, you know, that we could do for people who work and - and earn that income - and the Forging a Path Home for individuals with disabilities, I mean, there were any number of other initiatives that the Board had us look at. And rather than limit a population to just one group, to isolate just one group in each housing product, probably the housing product that we would propose for each of those groups would be exactly the same. I don't know what would be different about a housing product for each of those groups. Efficiency's probably a good unit for a lot of those groups, so it would probably be the same. So the only difference would be if there was a personal characteristic, and that's not really how the Zoning Ordinance regulates that. So we thought one housing product; we'd check the box next to all of the Board's initiatives and we do believe that this can do that.

COMMISSIONER SARGEANT: Okay.

COMMISSIONER LAWRENCE: Mr. Chairman?

CHAIRMAN MURPHY: Yes.

COMMISSIONER SARGEANT: Yes, Commissioner -

COMMISSIONER LAWRENCE: Thank you, to all the Chairmen there are.

CHAIRMAN MURPHY: Well, yes, it's like the Vatican.

COMMISSIONER LAWRENCE: I - I'm not sure - I may be in violation of your plan for the evening, but you've been talking, and the presentation by our highly skilled and knowledgeable staff representative here has been very data heavy. That is in no way meant in any negative sense. It is a rich, factual presentation. One little piece of that presentation said that similar uses to this have covenants. And you moved on from there and went into other kinds of areas. And I got to thinking about, well what do covenants do? Why do you have covenants? Do covenants in any way control the use of a development? So I'm wondering as we get into our dialogues and into our further meetings, are we going to have a chance to go more deeply into any of these subjects and see whether or not any of them and do us any good in what we're trying to do? Thank you.

COMMISSIONER SARGEANT: Absolutely. Mr. Chairman, I think that's - that's a very appropriate question. And I would invite my fellow Planning Commissioners to identify those types of issues that we can further explore. More than welcome to that. I think covenants and that kind of clarification of what is and what doesn't work are very appropriate for the committee discussion. So, you're right. It's a broad data dump, because one of the things we've got tonight are a lot of community questions. So we wanted to get as much information out as possible in this initial stage and also identify those areas for further -- those areas for further exploration. I think that's a perfect - a perfectly qualified category to further expand on. So I couldn't agree with you more.

COMMISSIONER FLANAGAN: Mr. Chairman? And that - I'm referring to Commissioner Sargeant -

COMMISSIONER SARGEANT: I'm going to tell you, I'm not used to it.

COMMISSIONER FLANAGAN: - who's the Chairman of the subcommittee. We have a lot of people sitting out her patiently listening. And they don't know whether the questions Donna Pesto is answering were questions they previously proposed or not, because the handout that we have

doesn't say whether this is -- these are questions received by citizens by September 25 or October 2. Do you have any idea what questions these are that we're -- are being answered by staff?

COMMISSIONER SARGEANT: These are the questions we have received up to the 25th or up until this week.

MS. PESTO: No. I got some this week that are included in here, that got sent over from the plancom address probably Monday, I want to say, was the last batch that I got that were incorporated into -

COMMISSIONER FLANAGAN: Okay, so these are all questions we have received by October 2?

COMMISSIONER SARGEANT: Yes.

COMMISSIONER FLANAGAN: Okay. The people in the audience might want to, you know, if they previously had submitted questions, your questions are now being answered by our staff.

COMMISSIONER SARGEANT: What we - we - we invited written - written questions at the September 25th Planning Work session. We - we invited questions to be submitted even prior to that, or after that, through the email addresses for the Planning Commission. We have received so many questions in various categories - some of them very similar, some of them very broad - we are attempting to get as much information out and as many answers as possible. Having attended a few meetings here and there from the northern part of the County to the southern part of the County, many of the issues and questions and concerns are the same. Your district is not alone, raising some of the same issues as other magisterial districts in the County. So to Commissioner Flanagan, these are indeed those questions submitted. You're absolutely right. And many of them are - are -- the categories we've provided are an attempt to make sure we get as much information out as is possible in an efficient manner that allows the citizens who are here tonight to come down and ask some questions. So we're trying to do that as efficiently as possible. And we'll get some written responses posted as soon as possible as well so they can go back and look. And if somebody says well that's not -- that's not the exact answer I was looking for, we'll address that as well as we can going forward. Some of your questions are not answered, and those are the questions that we may, as Commissioner Lawrence has pointed out, refer to the committee process. So we anticipate that this is not, by any means, the last opportunity for questions.

COMMISSIONER FLANAGAN: But if they are here tonight and they have previously submitted a question, they needn't repeat the question tonight.

COMMISSIONER SARGEANT: They are -- we're not going to tell people what they can't do, but certainly they don't need to if they feel they've heard the answer they were looking for.

COMMISSIONER FLANAGAN: Okay.

COMMISSIONER SARGEANT: Anything further from my fellow members? Okay. Going on to the issue of compatibility, we - obviously we've heard a lot of questions about wanting the data. And Donna, you've referenced some of that earlier in response to Planning Commissioners' questions and we'll have more data that will be posted on the web link for this as we move forward. The legal basis, I think you - you've addressed that one, that we've heard pretty much. Did you have further -

MS. PESTO: You know, we based our review on what our Zoning Ordinance process is, and it does get vetted through the County Attorney's Office.

COMMISSIONER SARGEANT: And it's also what you were not allowed to exclude, and it gets into the equal housing process.

MS. PESTO: The - the location of the - the location of residential studios in the Ordinance is based on the - the uses that are already in the Ordinance. And that is our practice for inserting a use. And we do think that that is a legitimate proposal.

COMMISSIONER SARGEANT: Moving on to the issue of conversion - and this is an issue we've heard from one end of the County to the other - of conversion of a single family home. Tremendous amount of concern regarding this issue. The question in its most base form is, is it possible to convert a single family home into these RSU units or apartments?

MS. PESTO: Right. We are - the - the Amendment is offering an option to allow that and an option to exclude it at - at, you know, you could make a recommendation and the Board could - could go either way. We'll advertise to include those options, so if the option exists to convert a building then - then the answer is yes. But the conversion has to be a building that is a multiple family structure under the Building Code. It includes fire walls between floors, ceiling walls, you know, side unit to unit. It includes also sprinkler systems, compliance with the Americans with Disabilities Act (ADA). There are differences in hallway and doorway and stair tread and riser heights. There's a lot of physical differences in the building. So if there were enough money to do that, certainly that is something that could be accomplished. In terms of the physical structure, all of the things that we just talked about in terms of compatibility are still there. The use on that lot in that building still has to meet all of the compatibility tests. So it's not just -- I mean, changing

the physical part of the structure is what's reliant on the Building Code, and that is an expensive process, not insurmountable if you have enough money, but it can be done. But the conversion part of it is still subject to the compatibility factors that we talked about. So maybe there's a house somewhere that can meet all of the compatibility tests and maybe it makes sense for some reason to have the outside look like a single family home. So that is - that is possible. If the Board approves the Amendment without that conversion then somebody would not be allowed to take a house structure and convert it to a multifamily structure. That would not prevent them from knocking it down and building a new structure. So it doesn't take the lot off the table it just takes retention of the building off the table.

COMMISSIONER SARGEANT: One of the other issues we've seen -- or questions we've heard is the issue of RSUs in townhouse developments. Does that work? How does that work?

MS. PESTO: Well, technically- I mean, that's a single family dwelling under the Ordinance, so there's no way to say somebody couldn't apply, but you have to provide your parking onsite. So the opportunity to do that -- I mean, I don't think physically that's ever going to be a possibility. And probably in a townhouse - if it's a townhouse that has, you know, garage parking or something - that doesn't even count. I mean, there are so many things associated with this use that I don't think you could ever possibly do it in a townhouse. Whether or not somebody is allowed to apply, the answer is probably yes; whether or not it would ever get approved, the answer is probably no.

COMMISSIONER SARGEANT: Okay. One of the other issues is getting -- and this gets to the level of why we're going through this data dump, for example. We've asked -- we've received questions for down-to-the-details of the differences between the residential and commercial building codes. We're not going to go through them tonight, but we will indeed, you know, make that type of information available and help people understand where it is so they can find it as they review how that - how that relates to this particular Zoning Ordinance Amendment. One of the big questions, too, we've heard is the issue of comparing this Zoning Ordinance Amendment to other jurisdictions. How does that work? It's referenced in the staff report about where you looked for comparative - comparative products of this type, and you didn't find them really.

MS. PESTO: No, we didn't find any use that was proposed the way that we are proposing our use. We did find buildings and that's what's referenced in the Zoning Ordinance. There's a discussion in there that is meant to address the unit type. We were looking at whether or not an efficiency

unit of this size is something that makes sense. So we looked -- we looked to other jurisdictions. We looked in Virginia. We looked across the country to see what we could find. Timing-wise we were fortunate that Bloomberg in New York was doing his bid for proposals on a micro-unit building there, so we learned about that. We learned what's going on in Seattle. We learned about San Francisco and other places. We also learned about these jurisdictions in Virginia that are building what's essentially a micro-unit, as they're marketing it, small units - they build 300/350-ish units - in square footage. And we looked at those in terms of the building, not the - not the zoning use and not that it would serve the same population. What we found in the Virginia jurisdictions - the company that's built those is Virginia Supportive Housing - and they build for a population that's coming out of homelessness. So their products are all geared toward a population that's coming out of homelessness - SROs, as most people know them. And then the jurisdictions that they went into -- a lot of the tidewater jurisdictions and Richmond and Charlottesville -- some of the provisions in their Zoning Ordinance are not at all what we're proposing. Some of them have requirements that you have to be somebody who's coming out of homelessness. That's the only person who could live there. Some don't require kitchens or bathrooms, so they aren't even dwelling units. You know, it's sort of shelter, congregate living, would be our most equivalent category. A number of them had an opportunity for transient occupancy. We don't have that. Ours intended to be permanent occupancy with a minimum six-month lease. So there - there are a number of differences. There was one or two that required -- you had to have onsite counseling and training. And that's not a provision of our Ordinance as well. So we would have liked to have found other people who were proposing this use so we could have learned from them, but we did - we did not find anybody who's proposing efficiency buildings and multifamily with the density provisions that we have and all of the income controls that we have. That was not something that we found. So we think it's an apples-and-orange comparison in terms of the - the use, not in terms of the unit, the physical building. And that's what we were trying to convey in the - in the staff report. That's why we looked at those units.

COMMISSIONER SARGEANT: I'm going to cover one more category of questions and then turn to my fellow Planning Commissioners to see if they have any questions or comments. As I'm often wont to say at the start of a PowerPoint presentation, the first 45 slides are the most important. So, we've got a - a few more pages of questions after this. I'm going to cover one more category and then turn to my Planning Commission to see if they have any questions or comments

preliminarily as we move forward. We'll do the rest of the questions and then we'll ask members of the audience if they have questions. So the issue of accessory uses -- and this has come up frequently; a big concern. The staff report had stated - and this is -- I'm going with one of the questions -- a 75-unit maximum will generally satisfy the threshold minimum number of units that would be needed for development to deliver any social medical training or other service to tenants. Where is the requirement in the Ordinance that services are to be provided to the tenants? And what are the services? And who is providing them? It's a very lengthy question but -- and we're going to delve into that more through the committee process as well -- services versus the - the non-public product that it is. But go ahead and give that a shot.

MS. PESTO: There are no requirements for services at all. This is - this is not a product that is reliant on having service providers on the property for the benefit of the tenants. The accessory uses that could be accommodated are at the discretion of the - of the developer. And if a developer is building a product that's specifically for a population that they think requires services, they are likely to provide office space on the first floor, which we see. Other kinds of accessory uses, you know, sometimes there's a common laundry room; sometimes there's a community room that has, you know, just sort of maybe a computer or a television or, you know, whatever they - they have. Other multifamily buildings, of course, have far more elaborate kinds of things like health clubs and swimming pools and things like that. In this particular case we - we have no requirement for any of those kinds of things, including -- we have no requirement for services. But if they're proposing them, they have to be requested as part of the application and shown on the plans that accompany the application.

COMMISSIONER SARGEANT: Okay, thanks. Mr. Chairman, if I could, I'd like to see if my fellow Planning Commissioners have any questions or comments at this moment on what they've heard so far in terms of these responses to the questions that have been submitted. Questions, comments at this point? And I am definitely looking for your input, similar to Commissioner Lawrence, to help us shape what we will cover in the committee process. So, Commissioner Hurley.

COMMISSIONER HURLEY: I was hoping you'd start at the other end again. Okay, you keep talking about, there's no identifiable need to make these houses - this housing different and that we're not requiring it, but I've been thinking about this for a while now and I see three basic categories of people we're trying to serve. They're all people that have low income. Got that. But

there are those who do need assisted living; just released from prison; recovering from drugs and alcohol; emotional challenges, that they're okay if they're on their medications; intellectually challenged - I keep thinking about what are we going to do about the Northern Virginia Training Center. Homeless would probably fit in that category. And in each of these - in most of these categories, they might or might not have children with them. Even emancipated minors, those teenagers who have been kicked out of their houses, and we need a place for them to live until they hit 18. In all of these cases, we need to have that -- those onsite services of some sort -- an onsite manager. A second category is the true independent living which you keep trying to compare this to. In independent living, they don't happen to be making much money at the moment, but they might be mobility impaired or visually or hearing impaired. They might even be looking for shelter from domestic violence. Now it's not that they need to have onsite services but, you know, I think that's a separate group of true independent living. They just happen not to have much money. So... and then the third category you've mentioned a couple of times is the congregate living which, from reading through the zoning rights, we're basically talking about college students. Is that correct? Dormitories, fraternities, from what I could read.

MS. PESTO: Not - no, not exactly. I mean, congregate living is a use in the Ordinance. That is, the individual units do not have their own kitchen cooking facilities. They might have a bathroom, but they don't have their own cooking facilities. That's done in a congregate manner and there is a requirement in that use for some sort of service, either some sort of care provision or training provision or something else. This is required of that use. That's how congregate living is in the Ordinance today.

COMMISSIONER HURLEY: Okay, but that does include the dormitories, fraternities, sororities -

MS. PESTO: That's actually a separate category under the Zoning Ordinance. It has to be affiliated with a university, but that's a separate category, a separate use. So if somebody wanted to build -- if they thought they were going to build a residential studio that was just going to serve university students and it was associated with a university, we would direct them to the other use. That's what they would apply for.

COMMISSIONER HURLEY: Bedrooms with private bathrooms, but no cooking facilities.

MS. PESTO: Our use, the residential studio use, has to have a kitchen.

COMMISSIONER HURLEY: No, I mean congregate -- that's what I'm talking about three different types of housing.

MS. PESTO: Congregate living -- congregate living doesn't have a kitchen.

COMMISSIONER HURLEY: So there's assisted living, meaning they need assistance onsite; independent living, meaning they don't need assistance onsite, they just need decent housing; and the congregate living, which is kind of getting... Okay, do I have a general concept here of the three different types that we're looking at?

MS. PESTO: Well, those are three uses that already exist in the Ordinance, so we would redirect people.

COMMISSIONER HURLEY: Right. And each one of them that we would -- we're looking for RSUs for different types of people. When you say we're not going to require onsite management or onsite services, that first category -- yes, we do need onsite services and onsite management.

MS. PESTO: Well hopefully, if that's the population -- if somebody comes in with an application for a population that specifically would require services, hopefully they'll be addressing that in the course of the Special Exception. I mean, that would be the direction that the Special Exception should go. What the Ordinance doesn't do is require that you provide services. We aren't speculating about the characteristics of the individuals living there, only what their income is. So we - we haven't delved into the individual people's characteristics, only that they make a certain population and through the course of the Special Exception review it can be tailored appropriately to - for... I mean, there may be populations that don't drive. It is incredibly important to deal with the transportation issues for whatever reason that they don't drive. So those kinds of things would be addressed during the review of a proposal.

COMMISSIONER HURLEY: That's my next question. Are these RSUs only supposed to be on arterials and collector streets?

MS. PESTO: Correct, and major thoroughfares.

COMMISSIONER HURLEY: So even if they have cars, these RSUs are still restricted to collector streets and arterials.

MS. PESTO: Correct.

COMMISSIONER HURLEY: I was just looking at the map and there's -- inside of Braddock District there's only three arterials: Braddock itself, Shirley Gate, and Burke Lake Road. So we're not talking about a whole lot of streets in there - seven collector streets - and then just about all the roads surrounding Braddock District. So we're not really talking about a whole lot of places that they could possibly go.

MS. PESTO: Well, I don't know for sure on that scale of map, but basically it's as is designated. It has to be on a collector street or a major thoroughfare. That's one of the criteria.

COMMISSIONER HURLEY: All right. So all of these other housing areas aren't impact by any of this.

MS. PESTO: Individual subdivision streets that serve people's houses, those are not typically in those categories, no.

COMMISSIONER SARGEANT: Commissioner Hurley, if I could I'm going to take a few more questions and I want to make sure we get to the audience too. Commissioner Hart, you had some questions?

COMMISSIONER HART: Yes, let me just -- I'll take one. Thank you, Mr. Chairman. Following up on Commissioner Hurley's question, I think that the handouts tonight helped illustrate the terms of the yellow, red, and blue and, you know, and what - what roads these could be on; that it's a relatively small subset of the - of these R-Districts. Commissioner de la Fe has pointed out on other cases sometimes that we have a lot of waivers and modifications requested and what I wondered is, is it possible for someone to come in and ask that those standards about, it's got to be on a thoroughfare or a collector or something like that -- could someone request that those standards be waived? And if so can we make that an unwaivable standard so that the only lots that -- it can be in these - these R-Districts, but the only lots it could be on are these lots that have access to and are fronting on these collectors or thoroughfares.

MS. PESTO: Under the -- the way the Zoning Ordinance is structured, it does allow the Board to modify provisions that are included as additional standards. So the overall answer is yes, things that are included under the additional standards can be modified upon request and justification to the Board's satisfaction, they can modify those things. Things that can't be modified are things like the definition. That - those are -- the factors that are included in the definition. We have income in the definition. That can never be modified. It can never be anything other than a 60-percent program. So - so that's the structure of the Ordinance as it exists today. So the - the quick answer is yes, they can request it.

COMMISSIONER HART: Is there a permissible way for us to make those kinds of - or certain additional standards if we wanted to, whatever they were, unmodifiable or unwaivable so that there aren't, you know, people just don't apply for everything and just, you know, say well it's

less than five acres, you know, so let's have our P-District anyway because it's a good idea, whatever it is.

MS. PESTO: We - we need to look into that because of the - the way the Ordinance is structured today. We - we'll need to look in to see whether or not there's a way to fashion it differently.

COMMISSIONER HART: I think that would help reassure people because if we're saying it's only going to be on the main streets we don't want to say it's only going to be on the main streets unless somebody asks to do something else and the Board says it's okay. Thank you.

COMMISSIONER SARGEANT: Thank you. Commissioner Flanagan, you have a question?

COMMISSIONER FLANAGAN: Yes, thank you, Mr. Chairman. I asked the question previously about the date - the cutoff date for your response to questions because on the 25th of September, the Mount Vernon Council sent in a list of 26 -- they had 26 questions. And on the 26th, the Gum Springs Association also added another 15, for a total of 41 questions. Now you have -- I'm taking you at your word you have consolidated those into 12 responses, so the 12 responses take care of those 41 individual questions.

MS. PESTO: Not necessarily, no.

COMMISSIONER FLANAGAN: Okay. And of course I want the people from Mount Vernon to know that I will probably be calling you tomorrow to find out which questions are not, you know in your responses so far. The second question I have -- I only have three -- one is that the street definitions that you have included in the information this evening is from the Zoning Ordinance.

MS. PESTO: Correct.

COMMISSIONER FLANAGAN: But there's also a similar - or maybe it's exactly the same - list in the Comprehensive Plan and the Policy Plan - the Transportation Policy Plan. There's an appendix that also lists the categories of streets and is -- so I'd like to know are those - what you distributed this evening from the Zoning Ordinance exactly the same definitions that are in the Comprehensive Plan?

MS. PESTO: I believe they are but I'll have to compare them. For exactness, I'll have to compare them, but yes, we believe they are, because we do use the same standards and definitions here.

COMMISSIONER FLANAGAN: All right. I don't want anybody later on to get into a tussle about, you know, which definition - which definition they have relied upon.

MS. PESTO: Right.

COMMISSIONER FLANAGAN: And the last thing is the ADA aspect of this - of the criteria here. You gave income levels of the -- you know, that you think are the percentages of the people who qualify for this type of unit-- I mean, as far as their income goes. But among those, I suspect a great deal of those are qualified for ADA units. In other words, that the units should be designed, you know, with kitchen facilities that are for people in wheelchairs and the bathroom facilities the same, and that sort of thing; and even access to the units, you know. So our- our - is that going to be a requirement that's a proportion of these units have to be ADA?

MS. PESTO: There is a requirement in the Building Code that a percentage of all multifamily buildings have to be fully ADA compliant. What our Zoning Evaluation Division does during the course of a review of a rezoning, or Special Exception, or anything that's coming through their office is to strongly encourage additional percentage and to encourage that up to 20 percent to be what's called universally designed; so to include some of the elements, maybe not all of the elements. It's a lot easier in a multifamily product because you're not dealing with different -- you know, you're not going upstairs to the bedroom, it's all in one room and one floor. So in this particular case we do hope that many will be -- many more than the minimum requirement can be made accessible.

COMMISSIONER FLANAGAN: And you just don't off-the-top-of-your-head happen to know what that percentage -- you said up to 20 percent.

MS. PESTO: Up to 20 percent is what we typically try to get developers to - to proffer to or agree to in a condition for universal design.

COMMISSIONER FLANAGAN: Is there a minimum -- minimum as well?

MS. PESTO: No. There - there is no actual requirement for universal design. It's all voluntary. The ADA compliance is in the Building Code. It's a low percentage. I don't know the exact number but I think it's less than five percent of the units. But that's a standard for any multiple family product.

COMMISSIONER FLANAGAN: We indeed have a tough time generating universally designed units. You know, the - the developers have to see some benefit for that extra expense. And so I just - I think I should-- want to take a look at that here because generally those units don't generate the profit, you know, that developers would be looking for. Thank you.

COMMISSIONER SARGEANT: Mr. Chairman, if I -

CHAIRMAN MURPHY: Let me just make one suggestion on -- Earl, what you asked staff to do with -- you've got the list from -- that you referred to with all the questions. You saw the questions on the sheet?

COMMISSIONER FLANAGAN: Right.

CHAIRMAN MURPHY: - which ones are going to be deferred to committee. You heard her answers on the group thing. Why don't you go through those two lists and check off which ones were not answered.

COMMISSIONER DE LA FE: Not now.

CHAIRMAN MURPHY: Not now -- and then send it in. I'm trying to get some of the load off of Donna because she's still going around doing missionary work to the different homeowners associations -

COMMISSIONER FLANAGAN: Oh, okay.

CHAIRMAN MURPHY: - and civic associations.

COMMISSIONER SARGEANT: Mr. Chairman, I might note that we have approximately 20 pages of questions. In the interest of letting you leave before Saturday, we thought we would try and add categories. Does Commissioner de la Fe...? And then I can go to Commissioner Hedetniemi and Commissioner Lawrence.

CHAIRMAN MURPHY: And then we're going to open for questions.

COMMISSIONER SARGEANT: Yes.

COMMISSIONER DE LA FE: I just had a point of clarification, since we - we seem to be getting into all sorts of issues. What we're trying to do with this Ordinance is address a specific income level that we feel is not being met or, you know, could be met better - and opening up what in effect is a residential use into commercial. Are those the two basic functions of the Ordinance change? I mean, there are a lot of Special Exception requirements, but those are the two -- we're not looking for special populations other than income level.

MS. PESTO: It is exclusively to facilitate the construction of a low-income housing product and inserting them into the commercial and industrial districts. That's a first for us. And that will help encourage - hopefully encourage and incentivize commercial and industrial owners to - to want to provide this product as well -- and maybe in association with their employment.

COMMISSIONER DE LA FE: Thank you.

COMMISSIONER SARGEANT: Okay, Commissioner Hedetniemi. Oh, Commissioner Litzenberger, I'm sorry. Go ahead.

COMMISSIONER LITZENBERGER: Thank you. I agree with you, 100 percent, the importance of transportation. And last week I asked if you could look at whether we could have these units in the TOD areas near Metro stops, because if you just put them on a collector road and they're out in the hinterlands, they're not going to stand at a bus stop for 10 minutes to ride a bus for 30 minutes to take the train for an hour. That's just not going to happen. So for this to work, you know, we need to have them within the half a mile, or quarter mile, of Metro stops. And the Housing Authority, I believe they tried an RSU program in 2004 to 2006 when I was on the Housing Authority as a Commissioner there. And one of the problems was the bus rides were too long when they just stuck them next to any random bus stop in the County. Thank you.

COMMISSIONER SARGEANT: Thank you, Mr. Chairman. Commissioner Hedetniemi.

COMMISSIONER HEDETNIEMI: I want to follow up a little bit on this transportation issue too. I think that there's a concern about open space and recreational space that was addressed the last time with reference to the requirement of parking spaces; one per unit. There are some income groups for whom the parking spaces are superfluous. They're not going to be used because they're not going to have cars. And I also want to talk about my concern that among the services that could be offered, if there are services as Commissioner Hurley has kind of referenced, there's shuttles to provide a way for people to get to either Metro or a bus transit because transit in -- throughout the County is not in every district uniformly, but buses are. And while I think it's concerned, it is true that a person is not going to spend a half an hour on a bus to get to a Metro stop for another half an hour of a drive. Shuttles that provide quick -- quick access in the morning and in the evenings may be something that we want to encourage. And I also want to have us revisit this whole issue of requiring one parking place per unit. Thank you.

COMMISSIONER SARGEANT: Thank you. No further questions from the Commission?
Commissioner Lawrence.

COMMISSIONER LAWRENCE: Yes. Just one follow-up on -- I think Commissioner Hart hit the nail on the head by saying if we had two have really iron-clad criteria that would relieve a lot of angst. I wonder if there might be a third, and it might have to do with transportation. I'm not 100 percent sure whether it should be no more than half a mile from a Metro station, but I am very sure that it needs to be a major transit stop so that people aren't standing around waiting for a half

an hour interim to go by to get on -- to get on the bus, particularly if they don't have much in the way of cars. I think the more we can do to make that a -- almost a precondition, I think the better off we'll be because there are only so many locations that fit that bill. Other stuff that I've seen over and over again where we have screening and peripheral landscape requirements and so on and so on, it gets waived almost routinely, so...

COMMISSIONER SARGEANT: Okay, thank you. Commissioner Lawrence, good points. We're going to finish with the lists of questions and then we're going to get to the audience to see if they have questions that they'd like to add to our list or reinforce questions they've heard.

CHAIRMAN MURPHY: How many more questions are there?

COMMISSIONER SARGEANT: A few more. We'll get to just a few more minutes of questions. I know we have a lot and we told folks we would get to as much as, you know, get as much information as possible to them. We're going to make sure we get as, you know, as much written information posted as quickly as possible. So we will try and what's not covered here tonight we'll certainly get as much out as possible and, obviously, the committee process has more information to uncover as well. So let me go back to the -- one of the key issues that we've heard from citizens all over and which we've received several questions; is the issue of the Special Exception process. Once again, why are these RSUs proposed only as a Special Exception use? And the approval process, what would it be? So I'm going to start with that one, if we could. We'll kind of -- and I think what we may end up doing is we're going to do that and touch upon one other which is enforcement and then we'll get to the questions from the audience for the night. So let's start with what -- the issue of the Special Exception, you know, why are these proposed as a Special Exception and what would the process be?

MS. PESTO: Well, our choices in the Zoning Ordinance are basically by-right or by special approval. And we did not find it appropriate for this use to be located by right. So we are proposing this as a Special Exception use so that we can have all of the additional standards reviewed on a case-by-case very specific basis. It has to be a specific use on a specific lot, not just something speculative. So that - that is the - the basis for making this a Special Exception use; that, in addition to our most similar uses are all Special Exception uses as well. So it fit right into the same category. The category is called quasi-public, which is kind of a misnomer because I think a lot of people think it's a public use and it is definitely not. It just means that it's providing

a service that may otherwise have been provided by the County; in this case, affordable housing. But it's not a public use, it's a bit of a misnomer of a category.

COMMISSIONER SARGEANT: Would - would an RSU application be retroactive? In other words -

MS. PESTO: Never.

COMMISSIONER SARGEANT: Never?

MS. PESTO: Never, never, ever. If you do not have a Special Exception approved, you do not have a residential studio.

COMMISSIONER SARGEANT: And why aren't these part of the Affordable Dwelling Unit Program?

MS. PESTO: That program is really very specific. There is a requirement in our Zoning Ordinance as well as the State Code that says that they are an economically neutral venture. We have to give enough density bonus in order to get a percentage of - of ADUs. It's a program that lasts for 30 years. There's a lot of restrictions on the units. There's a lot of resale involvement and re-rental involvement. There's a minimum size of the unit, not a maximum. So they're actually larger - considerably in some cases - larger, than what we think our residential studios will be, and it's a program that we have to administer. What we wanted to do was create a product that the - the industry would create and run just like they're running any other multifamily management.

COMMISSIONER SARGEANT: Okay. I'm going to go on to the issue of enforcement; a big concern. We've heard it at just about every meeting we've been to so far. How does the County intend to ensure that this Ordinance is not abused when RSUs are created? There's concern, obviously, if they are created, that these types of units in single family residential neighborhoods, where does enforcement come in, a lot of people say, given past issues of non-enforcement and notices of violation for substandard boarding houses.

MS. PESTO: Well I think certainly, you know, the sting of over-occupancy issues is very real, living in a community that has had those experiences is not easy to overcome. And while we hope that the provision of affordable housing may help alleviate some areas of concern, in this particular case the occupancy limits are as established by the Building Code. The management of the multifamily buildings are responsible for enforcement of all of the Codes. And it would follow basically the process through Code Compliance, if there's a reported violation, it gets pursued. The added beauty of this particular use is that it is a Special Exception use and the Board has the

authority to rescind it for cause. So if there is a history of noncompliance and an inability to gain compliance, there is an - there is at least the opportunity to - to rescind the Special Exception approval. Did you want -

COMMISSIONER SARGEANT: You referenced property managers, and this is a question that's come up before. How will the County and Code Enforcement work with the property managers at these new units of these new products to ensure that they will not be out of compliance or that they will be occupied with people who are not eligible for these units?

MS. PESTO: The - the additional standards require that the property manager is responsible for verifying income, and we did have a suggestion that we should add to verify that the rents are the appropriate amount of rents. And that's a good suggestion. We do want to add that. But they are responsible for monitoring all of that at the initial lease signing and for every subsequent lease renewal. So that information is required to be provided to the County on at least an annual basis, but we can get it any time as requested if we are looking at a potential violation that needs to be pursued. And in terms of, you know, compliance these are rented units. The people in them don't own them. So the ultimate responsibility is on the owner of the building to maintain compliance at all times.

COMMISSIONER SARGEANT: As a new product -- and I know even as we've addressed this issue before, the -- it didn't address the concerns, so this is an issue that will come up during the committee process for further discussion and further - further - further ways of addressing those concerns as appropriate. Mr. Chairman, we have numerous questions. We've gotten to as many to -- as we could this evening. It is 9:35 and with your permission I'd like to turn to the audience to begin asking questions if they have some. If we don't receive a bundle of questions, I'll try and finish a few more that we receive from other citizens, but if you have questions and you would like to come down to the podium we'd be happy to accept them now. We'd like brevity to rule the evening, but we hope you will be -- feel free to come down and make - make some -- provide some questions for us.

CHAIRMAN MURPHY: As you come down, let me redefine what this is. This is not a public hearing. This is a workshop, a Planning Commission workshop. This is not a night for speeches. We would like you to come down. Let's envision this as a press conference. I'd like you to come down to the microphone, identify yourself for the record with your full name and address, and ask a question. Yes, ma'am.

DEBORAH SMITH, 3127 JUNIPER LANE, FALLS CHURCH: Hi, I'm Deborah Smith; 3127 Juniper Lane in Falls Church. I would just like clarification of the retroactivity. On page 5 of the staff report comments, I see residential studios can be approved as part of the zoning or as an amendment to a previously approved rezoning development plan, or by Special Exception if not specifically shown on an approved development plan.

CHAIRMAN MURPHY: Okay, thank you. Donna?

MS. PESTO: That actually came up at one of our prior meetings and it is absolutely not the intent and we did talk to Zoning Evaluation that none of these are to be approved unless they've been through the Planning Commission and they've been through the Board. We recognized that that -- that that is the provision that's in there, and for some uses you can be deemed to be substantially in conformance with a previously approved rezoning. And in our discussions with Zoning Evaluation, the idea is that these would never be deemed to be substantially in conformance, so you wouldn't be able to just submit a development plan. You'd have to go back through the rezoning process. But we recognize that that has caused a lot of uncertainty and discussion and we are thinking along the lines that all of these uses would be made Special Exception uses in all of the P-Districts so that we eliminate that problem completely. We never have to rely on a substantial conformance determination, and you get an SE for everything.

MS. SMITH: So this will be clarified?

MS. PESTO: We are -- yes, we will be clarifying that. It has never been our intent that there will ever be one that doesn't go through the Planning Commission and the Board.

MS. SMITH: Thank you.

CHAIRMAN MURPHY: Thank you very much. Yes, ma'am.

MS. PESTO: Thank you.

DORIS RAY, 6001 ARLINGTON BOULEVARD, APT. 604, FALLS CHURCH: Good evening. My name is Doris Ray. I live at 6001 Arlington Boulevard, Falls Church, apartment 604, Falls Church, 220--

CHAIRMAN MURPHY: That's okay, I don't know mine either.

MS. RAY: 22201 -- anyway. I mean, 22044. But I'm also here representing the Independent Center of Northern Virginia, which has a constituency of all persons with disabilities in our service area, which includes Fairfax County. And there are -- what I wanted to ask first is whether - if it could be clarified what portion of units in the building that this ordinance will apply -- apply

to -- will be the SRUs. Because I've heard it might be 80 percent or, if this was triggered or it's 80 percent of the bonus density, or something else. And then the other question relates to accessibility to put this in a frame of the Fair Housing Act Amendment of 1988, require all units an elevator building and all units on the first floor ground level of a garden apartment to be Fair Housing Act accessible, called adaptable. And the Section 504 if there are federal monies involved require them to be UFAS [Uniform Federal Accessibility Standards] fully accessible. Also if VHDA [Virginia Housing Development Authority] tax credits are involved, ten percent of the units must be -- must be UFAS fully accessible and they must be -- have roll-in showers, if it's a nine percent tax credit. So, what I'm wondering is how this Ordinance with its space constraints for the units are truly going to meet not just the letter but the spirit of accessibility requirements in these statutes and the state Building Code. Because if you look at the units that were built, for example, at Ollie Glen for seniors, yes, they have the proper maneuvering space and kitchens and bathrooms, but the living area and bathroom area are so small that somebody in a full sized wheelchair, a power chair, or a scooter is not able to maneuver if you put any furniture in there at all. Also, the many apartment units have features that include Murphy beds that pull down, shelving that pull down. How's that going to be made accessible for people with disabilities so that they can use those units -

CHAIRMAN MURPHY: Okay -

MS. RAY: - and will reasonable accommodation be made if they can't be in the properties that will have these units so that somebody needing a fully accessible full unit who is financially eligible and eligible in every other way will be able to get the affordable rental rate if they need - and one is available - one of the larger -- regular size units. Thank you. Thank you for allowing me to ask those questions.

CHAIRMAN MURPHY: Okay, thank you. Donna?

MS. PESTO: On the first question, the entire project is a Residential Studio project, so all of - all of the units in the development are subject to the residential studio standards. But only 80 percent of those units have to be provided for the 60 percent income or below. So in terms of the unit sizes and all of the other things, that applies to the entire -

MS. RAY: All the units will be ADUs, but 80 percent will be SRUs?

MS. PESTO: All of the units will be residential studios. All of the units will be. Only 80 percent have to be up to 60 percent of income.

MS. RAY: Eight zero?

MS. PESTO: Eight zero.

MS. RAY: Eighty. Okay.

MS. PESTO: In terms of the other question, a lot of that has to do with, I mean, the Building Code is where the ADA compliance requirements come in, so I don't have a specific answer to that. We can get additional information as we can. But a lot of it is tied also, as you mentioned, to additional requirements for special funding programs that some of these may participate in. Anything that we do in -- anything we, the County does, in the approval of these, doesn't get the developer out of complying with additional regulations if they partake of federal money or anything else. They agree to participate in those programs by taking the money. So that's all on top of what we do. but we can get additional information about some of the compliance issues as well.

MS. RAY: Those answered my questions... but I wanted to note too, Mr. Chair, that this room was not made accessible for this workshop. I came down to use the accessible entrance here and here, and it's not -- and they were locked. This is a violation of the Americans with Disabilities Act. If this room is in use and there's a public meeting, it should be accessible. Thank you.

CHAIRMAN MURPHY: Thank you for calling that to our attention. I don't know why they weren't open. They're always open.

JONATHAN CLARK, 7227 AUBURN STREET, ANNANDALE: John Clark, 7227 Auburn Street in Annandale, Virginia. My question is about residential densities under R-20 and -30. The -- I understand that they have to be included in this proposal, but other jurisdictions managed to exclude them. How is that possible that they can do that and we can't?

MS. PESTO: We have not found any other jurisdictions that are proposing the same use that we're proposing. They have other uses. They have SROs in some jurisdictions. They have different regulations. We did not find any use that is the same as or residential studio use.

MR. CLARK: Can we conform ours to theirs so that we can do that?

MS. PESTO: If that was the wish of the Board, we could. I mean, that is only one very small component of what income population -- or what population we're intending to serve by this income product.

MR. CLARK: Thank you. Also, on the exclusion of private sewer and water systems, there must have been some information that you had gone on to base the exclusion on. I haven't heard any of

that yet. Can you help me with that now? What information did you use previously to now to base your justification for that exclusion?

MS. PESTO: I don't have an answer to that right now. I mean, it's -- essentially, it's a 75-unit multifamily building and we don't typically have multifamily buildings by drain fields and wells of any variety, whether it's income controlled or not. But that is part of what we're looking for, for, I believe, Mr. Hart had asked, information about what is the official cutoff for what can and cannot be built on individual onsite wells and drain fields. And we are hoping to have that information for him.

MR. CLARK: I'm not sure I've heard the reason why the exclusion was -- what it was based on before now.

CHAIRMAN MURPHY: Okay, thank you very much.

MR. CLARK: Thank you, sir.

CAROL TURNER, 3223 SARGENT DRIVE, FALLS CHURCH: Carol Turner; I live in Falls Church, Virginia. I just want to emphasize what Commissioner Hart said, and Commissioner Lawrence, about what we need to specify, you know, to protect. It needs to be transportation - major transportation and, you know, for the -- we need to have R-20, not -- I don't - I don't understand why that would exclude somebody on that. You said if you - if we contour this particular use we would -- and limit it to housing, you know, R-20 and above, why that would limit people. You just said that.

MS. PESTO: I'm not sure what you mean by limit it, but we are including this use in all of the residential districts that also include other multifamily uses. That is why this use is in R-E through R-30. Other multifamily uses are allowed and we don't have a reason to exclude -

MS. TURNER: Multifamily would mean all your - multifamily just -- multifamily is -

MS. PESTO: It could be independent living. It could be congregate living, dormitories.

MS. TURNER: Yes. So if we could figure out a way to make this one for RSUs that type of living, and specify it for that and limit it to R-20 and above, it's possible you said.

MS. PESTO: Are you saying if all of those uses were not allowed in R-1? Is that where you're going?

MS. TURNER: No, I'm not saying that.

MS. PESTO: I'm sorry.

MS. TURNER: I'm saying this specific use, RSU specific. And that's what I'm asking is to contour it to that particular use, with transportation so people can get around and this can be a viable option for people. So, thank you.

CHAIRMAN MURPHY: Thank you very much.

COMMISSIONER HART: Mr. Chairman?

CHAIRMAN MURPHY: Hello? Yes, Mr. Hart.

COMMISSIONER HART: If I could just ask -- it's not a question, but just for my benefit -- if the speakers coming down to the microphone, please don't turn away from the microphone because we can't hear what -- we can't hear what you're saying unless you're talking into the microphone. Just try and remember that. Thank you.

JOHN J. LISANICK, 3442 GUNSTON ROAD, ALEXANDRIA: Hello, my name is Jeff Lisanick. My address is 3442 Gunston Road, Alexandria, Virginia 22302. I am the Chairperson of the Consumer Advisory Council and a member of the Governors' Board and, as a former consumer of Fairfax homeless services, this issue is very dear to me. So to my question. There seems to be a broad-based perception, erroneous I would submit, that the RSU Zoning Amendment is designed to address homelessness, but as Donna said and, as also Commissioner de la Fe alluded to, this is an income proposal. Veterans, retirees, students, and others are all acutely and adversely affected by the chronic shortage of affordable housing in Fairfax County. So my question is, what safeguards are the Commission employing to ensure that this Amendment is not characterized especially by skeptics as specifically a homeless proposal but, instead, is presented as a proposal that addresses the broad swath of the socio-economic spectrum which needs affordable housing? Thank you.

CHAIRMAN MURPHY: Thank you very much.

COMMISSIONER Sargeant: If I could answer that.

CHAIRMAN MURPHY: Yes, Mr. Sargeant.

COMMISSIONER SARGEANT: Sir, to your question, a fair one. That's one of the reasons we have the committee process, so that we can delve into those issues that relate to the other aspects of this particular Zoning Ordinance Amendment. How does it work? How does it relate as a commercially viable product? How does it fit into, you know, what are issues related to transit for those of income who rely -- of that lower income who will hopefully rely on transit? So I think it's -- we want to - we want to explore that and in the process see how we make this, you know -- how

we can address those concerns that citizens have raised and see how viable it is in those other categories that you referenced. Thank you.

CHAIRMAN MURPHY: Thank you very much. Yes, ma'am. Come on down. If there's anyone else that - who can let us see you come down the stairs and we'll recognize you please. Yes, ma'am.

REVEREND KATHLEEN KLINE MOORE, 6165 LEESBURG PIKE, FALLS CHURCH: Hello - I'm sorry. My name is Reverend Kathleen Kline Moore. The address of my faith community, my church, is 6165 Leesburg Pike, Falls Church, Virginia. My -- this is kind of a question and a comment. Transportation, as I understand it, includes more than buses and cars. Many of my constituents ride their bicycles and I know my daughter, who's just out of college, uses a bicycle to get from one place to the Metro. So I'd like that included in the - in the understanding that for many people of especially lower income, bicycles are a significant use. There's lots - lots of money has gone into making bicycle paths, ways that people can people can drive on roads -- I mean, ride bikes on roads. So I hope that enters into the discussion as well. Thank you.

CHAIRMAN MURPHY: Thank you very much. Is there anyone else? Okay, thank you all. Mr. Sargeant. Did you have -- oh, come on, Mark. Don't rush. Mark Zetts, isn't it? Take your time, Mark. We don't want anybody tumbling down the stairs.

MARK ZETTS, 6640 KIRBY COURT, FALLS CHURCH: Thank you. Mark Zetts; 6640 Kirby Court, Falls Church, Virginia. Just a quick question. I thought I had read the staff report said the units would be primarily a single occupancy use. I thought I read language saying that at least 80 percent of the units would be single occupancy. But now I can't find that language. So I'd just like Ms. Pesto to clarify that. What percentage of the units -- if it's advertised as primarily single occupancy, what percentage would be single occupancy?

CHAIRMAN MURPHY: Okay.

MS. PESTO: There is no requirement in the Zoning Ordinance about occupancy. That's all governed by the Building Code. The 80 percent is in relation to the income levels. Eighty percent of the units have to be for 60 percent AMI, but occupancy is regulated by Building Code, not the Ordinance.

MR. ZETTS: But in the narrative of the staff report it did say it would be a primarily -

MS. PESTO: Definitely.

MR. ZETTS: - a single occupancy use.

MS. PESTO: Definitely, that - that's the intent of the unit, is that it --

MR. ZETTS: That's the intent.

MS. PESTO: - would be single occupancy.

MR. ZETTS: Thank you.

MS. PESTO: That's -

CHAIRMAN MURPHY: Thank you, Mark.

MS. PESTO: - the intent.

CHAIRMAN MURPHY: Going once. All right. Could have come down earlier, you know, then you wouldn't have to run. Anyone else?

MOLLIE LOEFFLER, 4104 JEWEL STREET, ALEXANDRIA: Sorry. Okay, my name is Mollie Loeffler and I live in Alexandria, Virginia, in Mason District. And I have a McMansion next to me, which I would hope would not turn into an RSU, because it already was at one point something like an RSU, or similar. It had a lot of people in there. Anyway, my question is, if these are single occupancy units and they're meant for single occupancy units, and you think that Code Compliance would be actively -- and the property manager would work with Code Compliance on, you know, making sure these are single occupancy. My question is, if they weren't and if they only get one parking space, and if they're right on - in someone's neighborhood, where are these other folks if there's, like, three people in these -- which apparently is they're allowed to have up to three people in there. Where are the other people going to park and how would - would you all expect to deal with this?

CHAIRMAN MURPHY: Okay. Thank you.

MS. LOEFFLER: -- in the neighborhoods.

CHAIRMAN MURPHY: Yes. Donna?

MS. PESTO: I think in terms of the occupancy, again, the unit is intended to be occupied by a single - a single person. The parking rate is at one. That's the proposal. And the Board could actually reduce that if that were a request from the applicant and they could justify a reduction. In terms of parking management, the Ordinance doesn't speak to parking management. We did talk earlier about a management plan and what we might do along the lines of a management plan, and certainly parking would be a consideration that we should cover in that discussion. But also the Board can place a condition on the developer about parking and - and they have in other - in other kinds of applications. And we can try to find some examples, but there are ways for the

Board to impose conditions that help with - with parking management. I guess the, you know, the sad fact is that people are people and sometimes they do what they want to do and there are parking issues in a lot of places. And to the extent that we can address that through residential parking districts and other things we can do that, but this particular case we may be able to have a parking management plan as part of the management plan and some conditions from the Board on the - on the use.

CHAIRMAN MURPHY: Okay, thank you. Yes, I mean, I think we have to look at the parking because I understand what Ms. Hedetniemi was saying, but people have cars. They have automotive devices. They may not be cars, but they drive them. And we have to make sure that a neighborhood is not burdened by a lot of parking for an RSU unit that can be handled some way. And I'm not sure I know what that way is going to be. But I think it's sort of part of our culture that we're automobile oriented.

COMMISSIONER LAWRENCE: Mr. Chairman?

CHAIRMAN MURPHY: Yes.

COMMISSIONER LAWRENCE: I'd like to align myself with Mr. Chairman. The people who go -- let's say they go to Wegman's to bag groceries. That's not necessarily on a transit stop either way, whether it's a bus or a Metro or anything. Bicycles are great, and I'd like to see as much use of those made as we possibly can. But everybody's got a hoopty, and they'll drive the sucker to work, because that's how they get to work. Thank you, Mr. Chairman.

CHAIRMAN MURPHY: Okay. Anyone else? Mr. Sargeant.

COMMISSIONER SARGEANT: Thank you, Mr. Chairman. I want to go back to a few questions that we had received as well and then just kind of wrap up the evening and talk about the next phases of this. And some of the questions we've heard earlier had been covered by - by some of the members tonight. One of the - one of the categories in which we've received a lot of questions involves income rent limits -- income and rent limits. We touched - and Donna I think you touched upon this a little bit earlier in your responses to some questions from the Planning Commissioners, but I'd like to go back to a few of them now just to make sure we have further clarification of what these units are or are not. One of the questions we had received said is the allowable 60 percent AMI limit applicable to one or the sum of all tenants living in an RSU? You kind of indicated that rents were County administered RSUs and that's -- these are not County administered.

MS. PESTO: It is the sum of all.

COMMISSIONER SARGEANT: You used a \$600 to \$900 a month reference earlier. Is that a per resident or per studio unit?

MS. PESTO: That's per studio unit rent. The income limitation applies to everybody living in the unit, so it's 60 percent, whether they have one person or three people at 60 percent. That is the limit. That range of income is an estimate. I think if you look at the one person income - who pays 25 percent, it works out to something like \$930 or something. So that - that's sort of the high end for one person at 60 percent, so that's sort of the approximate range. Individual developers can establish different tiers - lower tiers - if they like.

COMMISSIONER SARGEANT: And how is this income level monitored?

MS. PESTO: Under the additional standards, it is up to the management company, whoever owns and rents the building, to verify income with - with the initial lease signing and every renewal. And that information is provided to the County.

COMMISSIONER SARGEANT: The issue of there's no -- no provision -- will there be provisions to monitor the rent level for the units to ensure the rents are targeted to the income limits of the property?

MS. PESTO: Yes, I did mention that. We should -- probably should add that. That's a good suggestion because we do monitor the income. We want to make sure they're only getting charged the right amount of rent too. So that will be something that we can add as we work through this.

COMMISSIONER SARGEANT: Okay. One of the categories here you've referenced that about a certain percentage of these units would be at the 60 percent AMI level and others would not. And I think that gets to this question of a mechanism in place to relocate those whose incomes rise above that 60 percent AMI level.

MS. PESTO: The idea with the 20 percent that would be market in the building that - that wouldn't be limited to the 60 percent, so they could charge more -- the idea is that if a person is living in a unit and they suddenly make 61 percent, that that unit can actually be designated as one of the market units as long as they have, you know, that percentage available. Otherwise the Ordinance would provide that there are nine months or the end of your lease term, whichever is longer, before you would be relocating.

COMMISSIONER SARGEANT: And the final question for this evening I think is the one that I just wanted to highlight the overlap we've heard in some questions. You had a question

responding to Planning Commissioners earlier in terms of the types of these -- of units - built since the 1990s in Fairfax County. You provided that chart that was put up. And that was indeed one of the questions we had received - or the County had received during this process from citizens, quite simply following types of facilities built in Fairfax County since 1990. What's the distribution in numbered percentages of their zoning categories, independent living, houses for the elderly, etcetera. I think you had covered that in that earlier chart.

MS. PESTO: Right. Yes, that chart was our complete analysis of the database that goes back to the early 1990s, so it's a good 20 years of information that indicates that, you know, obviously independent living is the popular one. That was 77 applications for that use.

COMMISSIONER SARGEANT: Okay. Thank you, Donna. Mr. Chairman, I'd just like to summarize, unless there are other questions or comments from members of the Planning Commission. Commissioner Flanagan?

COMMISSIONER FLANAGAN: Just on that point. In the data that you presented, was there a percentage of efficiency units - the number of efficiency units versus single family homes?

MS. PESTO: That wasn't spelled out in our database. Potentially -- I don't think that we could get that from the actual application for the Special Exception. We'd probably have to find building plans for that.

COMMISSIONER FLANAGAN: Oh really?

MS. PESTO: I don't know that they have to tell us that information as they're going through the process for those kinds of uses, except the dwelling unit per acre type of use.

COMMISSIONER FLANAGAN: I would just like to know how short a resource we have in single dwelling units -- you know, single room dwelling units, which efficiencies, of course are, having been built for years.

MS. PESTO: Well, Countywide the percentage is only two percent of the rental stock is an efficiency unit. The Government Center property where actually the proposal I think is for 14 percent, so we're definitely seeing an increase. And hopefully Tysons will bring about an additional increase.

COMMISSIONER FLANAGAN: One of my concerns, of course, is that some of the older motels, you know, may find a benefit in turning their -- just sleeping units, you know, into full single room dwelling units. And I don't know whether some of those aren't already -- you know haven't been converted already.

MS. PESTO: They've been functioning that way, a lot of them.

COMMISSIONER FLANAGAN: Thank you.

COMMISSIONER SARGEANT: Mr. Chairman, I'd like to ask as we conclude tonight's work session if I could ask Michele to put back the slide that has all the web links on it as well as the dates for the RSU Committee's meetings as they are coming up. I think that's an appropriate way to end, on that note, so people, one, know where to look for the information on the web link that's out, if we have that up there. All right. And if you see the Planning Commission website and you see the proposed -- there it is -- and you see the proposed amendment website and how to get to it www.fairfaxcounty.gov/dpz/zoningordinance/proposed. This also gives you the other information sites. And then if you just scroll up briefly, you see the dates of the Planning Commission committee schedule: October 28th; November 20th; December 9th; January 6th, 2014; and January 22nd, 2014. So that's where we are, Mr. Chairman.

MS. PESTO: And we can have that up online.

COMMISSIONER SARGEANT: We'll have them all up online.

MS. PESTO: We can put that up online tomorrow.

COMMISSIONER SARGEANT: And we'll -- for those -- regarding the responses here, we'll continue to work on that and get written responses up and go back and get as many questions that were not specifically addressed as possible. But I think we have a wealth of questions, some that overlap from various, you know, from various citizens we've heard that -- looking at as much information at this possible -- as quickly as possible. Mr. Chairman, thanks very much.

CHAIRMAN MURPHY: Thank you very much, everyone, for your attendance here this evening and your kind attention. Please drive carefully on the way home. And without objection, we are adjourned as of 10:01.

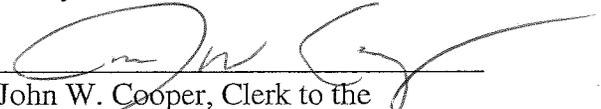
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The meeting was adjourned at 10:02 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: July 17, 2014



John W. Cooper, Clerk to the
Fairfax County Planning Commission