DISCLAIMER

The following questions were submitted by individuals and organizations in response to a request for input on the proposed draft of the Fairfax County Zoning Ordinance Amendment for Residential Studios. Staff has provided the questions and comments as they were submitted, without editing or modification. As such, it should be understood that the views and opinions expressed by the authors of such questions and comments do not reflect the views and opinions of the Fairfax County government or any of its staff or elected or appointed officials. The responses from Fairfax County staff do not offer legal or financial advice and should not be used as a basis for making such decisions.

The following questions were submitted in response to the Fairfax County Planning Commission's request for citizen input in the form of questions or recommendations. The questions represent those that were submitted prior to October 15, 2013. Any questions submitted after this date will be addressed during the course of review by the Planning Commission's Residential Studio Committee.

QUESTIONS FROM PRIVATE CITIZENS

Constituent Question: How long will the amendment be delayed in reaching the Board of Supervisors if it is edited now to eliminate the option for creating RSU's in existing Single-Family Dwelling developments?

Staff Response: The Planning Commission has postponed their Public Hearing until February 2014 (estimated) to allow time for consideration by the Residential Studio Committee. As such, the Board will likely consider this item in the April-May 2014 timeframe.

Constituent Question: Can it be written to specifically exclude permitting in neighborhoods zoned R-8 and under?

Staff Response: Staff believes the use, as defined and as further limited by the proposed additional standards, is appropriate in the RE through R-30 Districts and that such use is appropriately regulated through the special exception process in the same manner as other similar residential uses that are currently permitted in those districts, such as independent living facilities, congregate living facilities, certain school-based housing and certain religion-based housing. Of paramount importance is the fact that just because a property is zoned to a particular district, doesn't guarantee that a specific lot in such district would be appropriate for

a residential studio use. Compatibility of a specific proposal on a specific lot is addressed during the review of a special exception application.

Constituent Question: Where can interested parties find the regulations that affect rezoning commercial & industrial areas for creating mixed-use, including RSU's?

Staff Response: Rezoning and commercial/industrial district information, as well as comprehensive plan information can be found on the Department of Planning and Zoning website at www.fairfaxcounty.gov/living/landuse/

Constituent Question: Could you explain the exception process that each RSU unit will have to undergo before it is approved for building?

Staff Response: An overview of the special exception process can be found at www.fairfaxcounty.gov/dpwes/publications/develop.htm

Constituent Question: What other cities and jurisdictions in Virginia and Maryland have similar types of housing to what is being proposed?

Staff Response: While staff has researched various provisions relating to affordable housing products being constructed and developed in other jurisdictions, the residential studio proposal is unique to Fairfax County. It is in part based on other multiple family special exception uses currently permitted in Fairfax County that are similar in nature to residential studios, such as independent living facilities, congregate living facilities, and assisted living (medical care) facilities.

Constituent Question: What is the incentive for a for-profit developer to take advantage of the RSU Zoning Ordinance Amendment?

Staff Response: In terms of a zoning incentive, the exclusion of the residential studios from calculations of density/intensity limits may serve as a way to help make a development more viable.

Constituent Question: Given the increase in the number of single-person households, why aren't developers building more in Fairfax County at any rent level?

Staff Response: Staff has no data to explain why developers aren't building more efficiency units or voluntarily providing low income rental housing, other than an underlying assumption that the reason is financially driven.

Constituent Question: Who is expected to take advantage of this Zoning Ordinance Amendment?

Staff Response: Any private developer, most likely those with an interest in providing affordable housing.

Constituent Question: What is the estimated cost of converting a single family house to an RSU?

Staff Response: Staff has no data that can determine this cost.

Constituent Question: Have you received any requests from employers of large numbers of low-income persons, e.g., hospitals, colleges, shopping malls, hotels, to allow construction of housing on their site for their workforce?
Staff Response: Staff of the Zoning Administration Division has heard only anecdotal information regarding employers interested in providing affordable housing opportunities for their staff and has not received any specific requests to develop such housing on a particular site.

Constituent Question: Could a developer construct/convert a structure that would include rental apartments other than RSUs? How would this effect parking requirements, etc.? Would these units count toward the density limitations for the lot?
Staff Response: If residential studios were built on a lot that included market rate multiple family dwelling units, the parking rate for those additional units would be as specified in the Zoning Ordinance (1.6/unit if outside the Tysons Area) and the density of those units would count toward the maximum density limits of the district in which located.

Constituent Question: What is the website used to publish information regarding RSUs and the process?
Staff Response: The Planning Commission's website is
www.fairfaxcounty.gov/planning/rsu/rsu.htm
The Department of Planning and Zoning's website is http://www.fairfaxcounty.gov/dpz/

Constituent Question: I was thinking that a great place for the building of RSUs would be on church property or on private school property!! So my question is whether the proposed ordinance would permit such uses? Secondly, if the aforementioned properties used septic for sewage disposal and/or used a well for water supply would this change your answer?
Staff Response: With special exception approval, it is possible to add residential studios to a church or private school property. If that facility is currently served by an on-site drainfield and/or well, then the current provisions of the residential studio amendment would preclude the addition of such use to the lot.

Constituent Question: The Fairfax Times 9-27-29 issue on Page 4 states that community groups fear that single family homes could be converted to apartments. Is this possible?
Staff Response: The amendment will be advertised to include an option for the Board to adopt the amendment to allow such conversions or to adopt a provision that precludes such conversions. In either event, any conversion of any structure must comply with the Building Code requirements for multiple family buildings and no residential studio development can be built utilizing an on-site well and/or drainfield. Furthermore, the establishment of any residential studio has to meet all of the general and additional standards set forth for such use, including those related to compatibility with surrounding uses.

Constituent Question: Also would like to know whether the term "SRO" is generic to RSU, the latter being a specific type of an SRO?? If not, then how is an SRO different from an RSU?

Staff Response: On-line information from other jurisdictions has indicated that their "SRO" term is typically used for the small, efficiency style dwelling unit or small transient occupancy rooms (which may or may not have a kitchen and/or bathroom), which units are typically designed to serve a population coming out of homelessness. The Fairfax County proposal for residential studios could also serve a population coming out of homelessness, but requires that all units include a kitchen and bathroom, be of efficiency design (zero bedrooms) and limited to a maximum size of 500 square feet, and occupancy is intended to be non-transient with a minimum initial lease term of six months.

Constituent Question: How will RSUs work within townhouse developments? The ordinance addresses an option to allow these in single family dwellings served by public water/sewer, but doesn't really address attached vs. detached units. Can a townhouse meet the yard requirements, open space requirements and parking requirements for the district within a townhouse development?

Staff Response: Notwithstanding all of the general and additional standards that have to be met in the review of a special exception for residential studios, staff cannot envision any scenario where a townhouse could meet the parking, open space or yard requirements. The amendment has been written to allow the Board to adopt the provisions with a prohibition on conversions of single family dwellings, should they so choose.

Constituent Question: The RSU Zoning Ordinance Amendment makes provisions for monitoring incomes of residents, but will there be provisions to also monitor the rent level for the units to ensure the rent are targeted to the income limits set for the property?

Staff Response: Rent level reporting will be added to the information that must be submitted to the County.

Constituent Question: What do we know about the impact of buildings with significant percentages of small units for households at/below 60% of the area median income on neighborhoods in other areas of the region or the country, in terms of issues with parking, stress on infrastructure, compatibility with surrounding architecture, quality of life, property values, etc? What is the requirement for developers to address these issues with neighbors when proposing projects in a community?

Staff Response: The special exception process can ensure that the specific use on a specific property is compatible with the surrounding uses on nearby properties, addressing such issues as parking, traffic impacts, compatibility, quality of life, property values, etc. Staff believes the special exception requirement for case by case review gives appropriate opportunity for input from potential neighbors of the proposed residential studio development.

Constituent Question: What is the Zoning Description for Greenspring Village in Springfield, VA, with its 1,409 independent living units, 102 assisted living units, and 180 nursing and rehabilitation units?
Staff Response: The property is zoned R-3, with special exception approval for the independent living, assisted living and medical care development.

Constituent Question: For the following types of facilities built in Fairfax County since 1990, what is the distribution in number and percentages of their Zoning categories: Independent Living Facilities and Housing for the Elderly?
Staff Response: See Planning Commission website, Work Session #2 Presentation resources at www.fairfaxcounty.gov/planning/rsu/rsu.htm

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Constituent Question: Is it possible to get a detailed description of the special exception process from asking for an application to final approval or rejection by the Board of Supervisors? Hopefully including the extra items for RSUs. Does it start with a 34 page application? Is it reviewed by multiple county agencies?
Staff Response: The special exception process can be found here: www.fairfaxcounty.gov/dpwes/publications/develop.htm

Constituent Question: Is it possible to get a detailed description of the differences between residential and commercial building codes? Is it true that one would have to pretty much gut an existing house and rebuild the interior to commercial code guidelines?
Staff Response: The Building Code does not include a summary of the differences between code requirements for different uses.

Constituent Question: Would an RSU application be retroactive? Could someone operating an overcrowded boarding house declare it to be Residential Studio Units?
Staff Response: No. No residential studio development exists unless such use has been specifically approved by special exception.

Constituent Question: Would there be a mechanism in place to relocate those whose incomes rise above the limit, after the 20% of slots available to those with higher incomes are filled?
Staff Response: Tenants who become overqualified in terms of income would have 9 months or to the end of their lease term, whichever is longer, to relocate. The amendment does not address tenant relocation measures.

Constituent Question: Why would anyone want to inflict this divisive and abusive amendment on the citizens of Fairfax County when there are much better ways of doing low income housing?
Staff Response: The amendment specifically addresses a large number of initiatives and directives set forth by the Board of Supervisors regarding the provision of affordable housing for this income population. We welcome all recommendations for ways to incorporate provisions in the Zoning Ordinance that would provide for low income housing.

Constituent Question: Why would anyone be in such a big hurry to inflict this divisive and abusive amendment on the citizens of Fairfax County when there are much better ways of doing low income housing?
Staff Response: The Planning Commission has postponed their Public Hearing until approximately February 2014 to allow time for consideration by the Residential Studio Committee. As such, the Board will likely consider this item in the April-May 2014 timeframe. We welcome all recommendations for ways to incorporate provisions in the Zoning Ordinance that would provide for low income housing. Additional information regarding the Planning Commission's review can be found on their website at:
www.fairfaxcounty.gov/planning/rsu/rsu.htm

Constituent Question: Will RSUs be considered suitable for use as affordable housing units under the county's affordable housing programs?
Staff Response: Residential studios are intended to be an affordable housing product available predominantly to those persons with an income of less than 60% of the Area Median Income, or approximately $45,000/year for a single person household. A residential studio could not substitute for an Affordable Dwelling Unit (ADU) or Workforce Dwelling Unit (WDU) which are separate housing products under the Zoning Ordinance and comprehensive plan.

Constituent Question: Will County plan on building RSUs on county owned land such as in the North County Government center complex.
Staff Response: Residential studios are not public housing, but rather a specific use under the Zoning Ordinance that provides an opportunity for the private development of multiple family apartments to serve a low income occupant. At this time, Zoning Administration staff is unaware of any plans to build residential studios on either private or public land.

Constituent Question: Please explain why County staff believes RSUs are appropriate in residential zoning districts RE through R-20, explaining for each district the basis and research undertaken by staff to support the assessment that RSUs would be appropriate in that district and giving specific examples of locations where staff could envision RSUs. For example, explain why RSUs would be appropriate in RE districts and give examples of possible locations. Do the same for each residential zoning district where the proposed amendment would permit RSUs by Special Exception.
Staff Response: Staff believes the use, as defined and as further limited by the proposed additional standards, is appropriate in the RE through R-30 Districts and that such use is appropriately regulated through the special exception process in the same manner as other similar residential uses that are currently permitted in those districts, such as independent living facilities, congregate living facilities, certain school-based housing and certain religion-based housing. Of paramount importance is the fact that just because a property is zoned to a particular district, doesn't guarantee that a specific lot in such district would be appropriate for a residential studio use. Compatibility of a specific proposal on a specific lot is addressed during the review of a special exception application.

Constituent Question: Please provide the empirical data related to Fairfax County that identifies the following:
a. The County population for each category of individual that might avail themselves of the proposed RSUs, by income level.
Staff Response: Anyone with an income of not more than 60% of AMI will qualify. Zoning staff currently has no empirical data regarding personal income of residents. The following document includes data related to household income for Fairfax County residents in 2012: www.fairfaxcounty.gov/demogrph/census_summaries/acs-1year/acs2012.pdf
b. The collector roads in the County where staff believes RSUs might be located.
Staff Response: The inclusion of a new use in a Zoning Ordinance is done without recommendations for specific parcels on which such use should be located. The proposed amendment makes no reference to which collector roads could be deemed appropriate for such use.
c. The for-profit and non-profit groups/businesses who have expressed an interest in building and running RSUs and the locations in which they have proposed RSU construction.
Staff Response: At this time, Zoning Administration staff is unaware of any plans to build residential studios on either private or public land.
d. The availability of reliable and frequent public transportation along the collector routes and main roads along which County staff would expect RSUs to be built.
Staff Response: Bus routes are available from the Department of Transportation website at: http://www.fairfaxcounty.gov/connector/routes/

Constituent Question: In last night's presentation, Ms. Pesto indicated that RSUs would serve a very diverse population whose only unifying characteristic is that they individually or together would make 60% of less of the AMI for Fairfax County. The needs, however, of the different segments of the population that would be served are quite different. A substantial number of individuals in many of the proposed segments – the elderly, physically or mentally disabled, single parents with children – are likely to require social and health services in situ to function effectively as well as ready access to frequent and reliable public transportation. Young people starting out in entry- level jobs and those in the service sector working minimum wage jobs would not likely need these services. It is inappropriate to create an ordinance that lumps these groups, each of which has different needs, together. It would appear to make more sense to amend existing ordinances that address housing for the different types of groups – e.g., the Independent Living zoning provisions for the former and ADU and workforce housing provisions for the latter– to provide more housing for low income residents. Why are you not taking that approach? Please enumerate the concrete benefits and also identify the downsides of the approach that staff is recommending of lumping all categories of low-income individuals in one group.
Staff Response: It is not the intent of the proposed Zoning Ordinance amendment to segregate housing into different kinds of units for different characteristics of people, but rather to provide for an affordable housing product that will predominantly serve a single person household with an income of not more than 60% of AMI. If services are proposed by the owner/applicant, then space for such services can be approved if such space is specifically requested as part of the

application. If a certain population requires special accommodations in the physical structure of the building, then those features could also be requested by an owner/applicant.

Constituent Question: Based on the briefing provided to Providence District, it was my understanding that RSUs would not be rented to two or more non-related individuals. However, in last night's presentation, reference was made to the possibility that two or more non-related individuals might live together in a single RSU. Any zoning amendment needs to specify that RSU occupancy is limited to related individuals. Otherwise, RSUs become permitted boarding houses.
Staff Response: At the Providence District Council meeting, it was noted that the Building Code provides for occupancy limits for efficiency units, which limits are 2 people if the common room of the unit is less than 320 square feet in size or 3 people if the common room of the unit is 320 or more square feet in size. (Common room is used to reference the living/dining/sleeping room.) Staff continues to work toward finding ways in which to address occupancy concerns. Boarding houses are a specific use set forth in the Zoning Ordinance and they are limited to special exception approval only for older structures or when housing those persons associated with an institution of higher education. It is noted that boarding houses has been the generic term used for describing over-occupancy of a single family dwelling unit. The limits on occupancy of a single family dwelling unit are set forth in Sect. 2-502 of the Zoning Ordinance. http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art02.pdf

Constituent Question: In last night's presentation, Ms. Pesto indicated that failure by an RSU resident to abide by occupancy limits for his/her unit would be handled through the existing procedures for governing such matters. Why wouldn't the leases stipulate that failure to abide by the occupancy limits would result in nullification of the lease and removal from the building?
Staff Response: Compliance with the applicable occupancy regulations will be enforced through existing zoning violation processes. Rental tenancy is subject to tenant/landlord laws regarding leases and eviction, which is outside the purview of the Zoning Ordinance.

Constituent Question: The RSU proposal proposes permitting the construction of RSU buildings that would contain anywhere from 3-75 units. Please explain the rationale for this wide spread (i.e., 3-75 units) and provide supporting empirical data for Fairfax County. Why the huge spread? Why are you proposing permitting 75 units per building when elsewhere in the Commonwealth the limit is 60? Please provide all empirical data that supports this spread, and identify locations where, for example, you would expect 3-unit buildings and 75-unit buildings.
Staff Response: The minimum of 3 units is set forth in the current definition of a multiple family dwelling unit development, which residential studios are required to be of that unit type. Zoning staff believes the use requires a maximum number of units, so some number had to be selected. The maximum of 75 units was established to accommodate a known housing model used in other parts of Virginia for homeless housing (60 units), in recognition of the anticipated maximum bulk of a building housing 75 units, and in recognition that the density essentially functions as a bonus in some cases. With regard to other jurisdictions, staff is unaware of Zoning Ordinance regulations that specify a 60 unit maximum, but is aware that some specific proposals were approved for 60 units.

Constituent Question: In a presentation to the Providence District Council, Ms. Pesto seemed to indicate that access to reliable and frequent public transportation was essential for the population whom the RSU amendment was intended to serve. Yet, at the September 25 hearing, she seemed to back away from that proposition. It would appear, however, that without reliable and frequent public transportation, this population would not be well-served. Further, not requiring that buildings be located along major transportation routes would be contrary to Fairfax County's policy to encourage use of public transportation and would increase traffic congestion along our already congested roads. Ready and easy access to reliable and frequent public transportation must be requirement, not a "nice-to-have."
Staff Response: The proposed amendment includes an additional standard that provides that the residential studio use must have frontage on and have direct access to a major thoroughfare or collector street. An applicant must also demonstrate to the Board's satisfaction that the application has considered the transportation needs of the intended tenants as an essential element of the application, to include information regarding proximity to transit (rail or bus) or the provision of transportation services provided by the residential studio development, where appropriate.

Constituent Question: In last night's presentation, in response to a question, Ms. Pesto indicated something along the lines that, "we are required to treat similar uses similarly," thereby suggesting that since County regulations permit Independent Living Facilities in R zones, they would also need to permit RSU buildings in R zones.
a. If this rationale were further extended, it would appear to set the precedent for or require that non low-income apartment buildings of up to 75 units also be permitted in all single family and townhouse zoning districts in which low income RSUs were permitted. This would upend existing zoning even further.
Staff Response: Staff does not concur with this assessment, as the establishment of affordable housing for all income levels is a goal set forth in the State Code, Fairfax County Comprehensive Plan and Zoning Ordinance.

Constituent Question: County staff has eschewed following the practice followed elsewhere in the State relating to RSUs – with respect to narrowing the targeted population for RSUs and the number of units in any one RSU building, and – I suspect – in other respects. Strongly suggest that we not try to be trend-setters in this instance, but hew more closely to the rules and approach that have worked elsewhere in the Commonwealth regarding size, location, and population served. Once we are confident that we have a working model, we can consider broadening the approach.
Staff Response: Such other jurisdictions appear to include regulations to address the housing needs of a person coming out of homelessness. The goal of the Fairfax County Zoning Ordinance amendment is to address all of the Board's directives regarding the provision of affordable housing for an income population of not more than 60% of AMI, which includes but is not limited to addressing the needs of the homeless population.

Constituent Question: The proposed Article 20 definition of a Residential Studio is problematic as it includes provisions on the percentage of affordable and market rate units, and the qualifying AMI level. These are provisions or regulations that would more appropriately be defined in Article 2 under a new section titled Residential Studio Program.
Staff Response: The income qualifications are an important element of the use and are included in the definition so that they are universally applied without modification.

Constituent Question: The definition further states RSUs are not subject to the Affordable Dwelling Unit Program in Article 2. There are 50 pages of regulations governing affordable units and none of them apply to RSUs, even though this ZOA is being advertised as providing affordable housing stock. Instead, the ZOA inserts a few provisions on affordable housing as SE additional standards. It's appropriate to have some provisions as SE additional standards for flexibility, but for clarity and uniformity there should be separate sections in Article 2 for the Workforce, Affordable and RSU programs. Look how clean the ADU definition is.
AFFORDABLE DWELLING UNIT DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program set forth in Part 8 of Article 2.
A Residential Studio Development should be similarly defined. Indeed, workforce housing has its own Article 2 section although, strangely, Article 20 does not define a Workforce Dwelling Unit. It would be helpful if the, soon to be three, affordable housing programs were each elucidated in Article 2 with Article 9 enumerating the addition standards for RSUs.
Staff Response: Affordable dwelling units include a covenant that runs with the land and provides long-term benefit to the County, including a profit sharing requirement at the end of the term of price control. Residential studios have no such regulations, are not specifically managed by the County, and do not include a covenant that runs in favor of the County. ADUs are a housing program, while residential studios are intended to be a housing product that is made affordable to the target income population.

Constituent Question: The proposed RSU SE use is far too broad. In my view, the best way of providing RSUs for the elderly and handicapped is to extend the coverage of the Independent Living Facility (ILF) Special Exception from 50% to 20% of the AMI.
a. ILF units are already required to have a kitchen, and efficiency units (0 bedroom) are specifically permitted.
b. Co-locating a certain number of low-income studios in an ILF would result in synergy and economy of scale for providing the needed support services.
c. IFLs are permitted by SE in residential districts R-E and higher, C1-C4 commercial and all Planned districts.
d. The IFL SE allows care providers to reside in the facility.
e. The definition of an ILF specifically references the federal definition of elderly/handicapped housing. *INDEPENDENT LIVING FACILITY: A residential development that is primarily limited to occupancy by elderly persons and/or by persons with handicaps (disabilities), as defined in the Federal Fair Housing Amendments Act of 1988. Such a facility shall provide: (a) dwelling units with complete kitchen facilities, (b) supportive services, such as meals, personal emergency*

response systems, recreation and transportation services, and (c) design features, such as wider doorways and hallways, accessible-ready bathrooms and lower light switches.
Staff Response: The proposed residential studio use is specifically intended to be affordable housing for an income population of not more than 60% of AMI. There are no additional standards to limit such housing to an elderly or handicapped population, as the proposed use is specifically intended to provide for a broad spectrum of occupants, in the same manner as occupancy occurs in other multiple family rental developments.

Constituent Question: The RSU program would then function to provide low-income affordable and market rate studios as a Category 3 quasi-public use Special Exception, with the appropriate additional standards for mitigating impact and ensuring compatibility with nearby uses.
a. As multi-family units, RSUs would be accommodated in the R-12 through R-30 residential districts, as well as commercial, industrial and planned districts, as appropriate.
b. The additional standards for the ILF SE that mitigate impact should inform the additional standards for RSUs, such as complying with the FAR and density standards for the respective zoning district.
c. Access to high quality transit is of the essence. RSU developments should be located near Metro stations or transit hubs that provide all-day transit connections to employment centers, retail and services.
d. Even without the requisite services for the elderly/handicapped, the proposed parking requirement of 1.0 space per unit is problematic. Although a developer could possibly demonstrate reduced automobile ownership at SE application time, after 3-4 years tenant turnover could result in a large number of residents with automobiles. The fact remains these are multi-family units and the use must be parked on-site. Given the ZOA would allow up to 3 occupants in 20% of the units, even a requirement of 1.4 spaces/unit would be insufficient. Until such time as the County can empirically demonstrate a reduced need for parking, RSU parking requirements should comply with the Ordinance regulations for a multi-family use. Putting RSU developments near Metro stops would qualify them for reduced parking and possibly a shared-parking arrangement with an adjacent use.
Staff Response: The current parking rate for independent living facilities is one space per four units, plus such spaces necessary to accommodate accessory uses. Staff believes that the amendment, as proposed, provides for low-income affordable and market rate studios as a Category 3 quasi-public use Special Exception, with the appropriate additional standards for mitigating impact and ensuring compatibility with nearby uses.

Constituent Question: If the Area Median Income were to fall, residents close to the 60% income threshold might suddenly become unqualified. Perhaps the ZOA should provide some guidance.
Staff Response: Staff will investigate the history of AMI and provide additional information during the Planning Commission's committee review of the amendment.

MOUNT VERNON COUNCIL OF CITIZENS ASSOCIATIONS (MVCCA)

MVCCA Question: How will this zoning change be reconciled against the current parking district ordinance which restricts the types of vehicles that can be parked within residential neighborhoods?

Staff Response: The amendment doesn't impact parking districts in terms of what kinds of vehicles can be parked within a designated district.

MVCCA Question: How will this ordinance ensure that only Fairfax County residents are living in these units?

Staff Response: There is no requirement that residential studios be occupied only by persons currently living in Fairfax County.

MVCCA Question: Since this ordinance is believed to cure the Fairfax County low income housing shortage and homeless problem, how will the county monitor who actually gets to live in these units?

Staff Response: There is no requirement that residential studios be occupied only by persons currently living in Fairfax County.

MVCCA Question: How does the County intend to ensure that this ordinance is not abused when it comes to the creation of these types of studio units in single-family residential neighborhoods? (ref. past problems and NOV with substandard boarding houses)

Staff Response: Enforcement is handled by the Department of Code Compliance, including any specific regulations and conditions that are imposed by the approval of a special exception. With regard to location of these units in single family neighborhoods, please refer to the general and additional standards proposed for the use. The general standards for all special exception uses are set forth in Sect. 9-006 of the Zoning Ordinance. http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art09.pdf

MVCCA Question: Will the county keep the current task force in place that monitors illegal boarding houses or will this new ordinance, if passed, just assume that all multifamily studio units are complying with the new ordinance?

Staff Response: Enforcement is handled by the Department of Code Compliance, including any specific regulations and conditions that are imposed by the approval of a special exception.

MVCCA Question: Accessory units could lead to the building of storage sheds in the rear of the apartment structure. How will the county ensure that these structures are not recurring issues and eyesores?

Staff Response: No structures are permitted on a property that is subject to a special exception unless that structure is specifically approved by the County and shown on the special exception plat.

MVCCA Question: The current RSU proposal allows for many variables, (i.e. accessory uses, washing machines, parking stalls), that are to be determined in the special exception process. Will this process be uniform across the county?
Staff Response: The special exception review process and the general and additional standards by which a residential studio proposal will be reviewed are uniform across the county, but that does not mean that the approvals will be uniform because each property and each proposal is different.

MVCCA Question: How will the base amount of parking be determined?
Staff Response: The parking standard is proposed at one space per unit and any additional spaces that are deemed necessary to serve any accessory uses the applicant may propose. The actual amount will be determined upon a case by case review of a specific application at a specific site, whereas, the Board can require more or permit fewer parking spaces based on a review of the application.

MVCCA Question: How will allowing the conversions of existing single family dwellings to residential studio units promote neighborhood stability? Please enumerate reasons.
Staff Response: The amendment has been written to allow the Board to adopt the provisions with a prohibition on conversions of single family dwellings, should they so choose. Neighborhood stability is a consideration in the review of a specific special exception application, at which time the general standards for all special exceptions and the additional standards for residential studios would be considered during the review.

MVCCA Question: Why should RSU's be excluded from the current calculation for maximum density or intensity (FAR) provisions?
Staff Response: Staff believes that the residential studio use is better regulated as a specific housing product that is not tied to the underlying zoning in terms of density, but rather is regulated on a case by case basis, dependent upon the application property and the specifics of the development proposal. Additionally, because of the strict regulations governing rent limits, exclusion from the underlying density, whether in terms of a maximum floor area ratio or a maximum number of dwelling units per acre, may serve as a way to help make a development more viable.

MVCCA Question: Will there be uniform restrictions, such as no pets or no smoking?
Staff Response: These issues are outside the purview of a Zoning Ordinance and would be left up to the entity operating the residential studios.

MVCCA Question: Are above garage apartments or accessory use out building allowed for conversions?
Staff Response: No additional principal uses are permitted on a lot that contains a single family dwelling unit, therefore, residential studios would not be permitted in a converted garage or other accessory building on such lot.

MVCCA Question: Why is this proposal to be administered as a Special Exception only? (reference page 2, Staff Report)
Staff Response: The special exception process can ensure that the specific use on a specific property is compatible with the surrounding uses on nearby properties. Staff believes that this use requires a case by case review, given its proposed use characteristics and the broad range of zoning districts in which it can be located.

MVCCA Question: Excluding the additional density and intensity use could create incentives for developers to build these units. Why can this amendment not be treated the same as ADU and WDU requirements, as just another tool and product, part of the Zoning Ordinance? Has this been pursued?
Staff Response: The ADU and WDU programs are housing programs that include equity sharing, recorded covenants, rights to purchase or rent and many other features that are not included in the residential studio proposal. ADUs and WDUs require an underlying residential use, for which a certain percentage of bonus density is granted.

MVCCA Question: How does building RSUs enhance property values and typical activities in Revitalization Districts? Does an RSU fit operationally within the defined boundaries of a Revitalization District?
Staff Response: During the review of a specific special exception application, the general standards for all special exceptions and the additional standards for residential studios would be considered during the review. If the property is also located in a Revitalization District or any other specialized geographic area of the County, any standards and regulations applicable to those areas will also apply and be considered during the review of the special exception.

MVCCA Question: Will the five recognizable low income areas in Fairfax County be exempt from building these units in accordance with HUD requirements limiting concentrations of poverty, as per the HCD/RHA subsidized housing maps?
Staff Response: The proposed amendment addresses affordable housing on a County-wide basis.

MVCCA Question: The proposed amendment allow up to three people in the 500 square foot RSU. What happens when there are no more vacant units but all are not occupied to the limit of the ordinance, three per unit? Will 4 member families be split apart?
Staff Response: The three person limit for occupancy of an efficiency unit is set forth in Section 404.6 of the Virginia Property Maintenance Code. This matter continues to be studied by staff to determine what additional regulations could be imposed. Residency in a residential studio development is by the choice of an individual, just like any other dwelling unit in the County, so there is nothing in the provisions that will "split apart" a family.

MVCCA Question: Is the allowable 60% AMI limit applicable to one or the sum of all tenants living in an RSU? The MVCCA Planning and Zoning Committee was told that rents for County administered RSUs will be between $600- 900 a month, per resident or per studio unit?
Staff Response: The income limit is the total income of all occupants of the residential studio. Based on the Department of Housing and Community Development's rent calculations formulas using a one person household, the maximum rent at the 60% AMI level would be $937/month.

MVCCA Question: Currently there are many one, two and three bedroom units for rent in the MV District. Why can these units not be accessed to accommodate the persons Fairfax County wants to house?
Staff Response: Housing choice exists today and will continue to exist with the adoption of the proposed Zoning Ordinance amendment, however, it should be noted that residential studios are not public housing, but rather a specific use under the Zoning Ordinance that provides an opportunity for the private development of multiple family apartments to serve a low income occupant.

MVCCA Question: Included in briefings from officials and commissioners, this proposed amendment links RSUs with other County administered health and social programs. Would the County be building RSUs as informal institutions, the Commonwealth closed a number of years ago?
Staff Response: Residential studios are a specific type of multiple family dwelling unit use under the Zoning Ordinance which provides an opportunity for the private development of multiple family apartments to serve a low income occupant.

MVCCA Question: With a 60% AMI eligibility, does the Planning Commission/ BOS feel it fair to ask home-owning, taxpaying residents to support the 60% eligible to County subsidies for their basic living expenses?
Staff Response: Residential studios are a specific type of multiple family dwelling unit use under the Zoning Ordinance which provides an opportunity for the private development of multiple family apartments to serve a low income occupant.

MVCCA Question: Recently an article about Mondlach House was published in the MV Gazette. It reported that a renovation costing $3.5M was performed. There are 20 planned residents to live there. This is a cost of $175,000 apiece. What will be the approximate and expected cost to taxpayers per unit should this proposed amendment pass? What are the recurring expected expenses involved with County owned RSUs?
Staff Response: Residential studios are a specific type of multiple family dwelling unit use under the Zoning Ordinance which provides an opportunity for the private development of multiple family apartments to serve a low income occupant.

MVCCA Question: Is this appropriate/fair for Fairfax County agencies to influence and participate so widely in the Real Estate Markets on speculation of one regional study (reference page 2 Staff Report), stating the need for 30,000 low cost units by 2025?
Staff Response: The need for affordable housing at all income levels in Fairfax County is well documented in various publications, including those that can be found on the Planning Commission's website dedicated to residential studios. The amendment proposes a new housing product that is not public housing, but rather an opportunity for the private development of multiple family apartments to serve a low income occupant.

MVCCA Question: Other than transportation availability requirement, does this proposal require economic viability (available jobs) for where the RSUs are located?
Staff Response: Residential studios do not require a connection to available jobs; however, as an additional standard, the Board can consider proximity to employment.

MVCCA Question: How does this Zoning Ordinance amendment compare to what is offered in adjacent Virginia Counties, Towns and Cities?
Staff Response: While staff has researched various provisions relating to affordable housing products being constructed and developed in other jurisdictions, the residential studio proposal is unique to Fairfax County. The proposed use is in part based on other multiple family special exception uses currently permitted in Fairfax County that are similar in nature to residential studios, such as independent living facilities, congregate living facilities, and assisted living (medical care) facilities.

MVCCA Question: What additional public safety resources would need to be added for these areas? Who will pay for them?
Staff Response: Staff does not anticipate any additional public safety resources needed for the development of the multiple family residential studio use.

MVCCA Question: What happens should this concept just not work as intended?

Staff Response: The amendment can be adopted with a provision that staff report back to the Board in a certain number of years to assess how the changes have been implemented and to recommend any additional changes.

MASON DISTRICT COUNCIL (MDC)

MDC Question: In the past 10 years, what specific efforts has Staff made to consult homeowners in low density residential neighborhoods in Fairfax who will be affected by this ordinance?

Staff Response: Staff has addressed a multitude of groups regarding residential studios, including citizen associations. However, in recognition of the fact that some homeowners have indicated they were unaware of the amendment efforts, the Planning Commission has postponed their public hearing to allow time for additional input.

MDC Question: Please state specifically why citizen associations, district councils, and the Fairfax County Federation of Citizen Associations have not been consulted in the 10-year deliberation/study of this new land use proposal for Residential Studio Units?

Staff Response: Staff has addressed a multitude of groups regarding residential studios, including citizen associations. However, in recognition of the fact that some homeowners have indicated they were unaware of the amendment efforts, the Planning Commission has postponed their public hearing to allow time for additional input.

MDC Question: According to the August 27, 2013 Staff Report, page 3, "…staff has worked with representatives from many agencies who represent persons with disabilities/handicaps who have the skills necessary to live independently, …" Why can't the County share those planning documents with the public? This should be public information.

Staff Response: See documents page on the Planning Commission's website for a compilation of links to documents and information. www.fairfaxcounty.gov/planning/rsu/rsu.htm

MDC Question: Why does RSUs have to become a new land use category? Why can't it remain in the general land use development process or be revised to be under the Affordable Dwelling Unit (ADUs) Program set forth in the Zoning Ordinance. The ADU program could be required to accommodate 20% of income 60% of AMI or less, like Tysons Corner. Why was there an "inability to accommodate low income rental units as an incentivized voluntary commitment" (see page 2, Staff Report, 8/27/13) in ADUs, but instead Staff had to create a specific use? If the County was able to create ADUs, it is creative enough to figure out how to include low income housing below 60% of AMI. The county does not have to completely relinquish all responsibility (to developers) for the creation of this type of housing!

Staff Response: The ADU program is a housing program that includes equity sharing, recorded covenants, rights to purchase or rent and many other features that are not included in the

residential studio proposal. We believe the residential studio proposal appropriately addresses the need for affordable housing at the 0-60% AMI level for single individuals and the special exception process ensures that the County can achieve all of the goals of the use.

MDC Question: Name the specific organizations (located in in Fairfax County or otherwise) invited by Staff to participate in one or more discussions concerning RSUs in low density residential neighborhoods when Staff was formulating and developing the RSU policy that would affect **low density** residential neighborhoods, which groups have as their primary constituency property owners who own property in residential neighborhoods?
Staff Response: Residential studios have been consistently reviewed as a County-wide zoning use and various iterations of staff's proposal have been discussed with the Board's Housing Committee and Development Process Committee, as well as a number of citizen groups over the years. No specific meetings were conducted with Fairfax County organizations or other organizations to specifically discuss residential studios in low density residential neighborhoods. However, in recognition of the fact that some homeowners have indicated they were unaware of the amendment efforts, the Planning Commission has postponed their hearing to allow time for additional input.

MDC Question: What other RSU ordinances from what other jurisdictions in the United States were found, considered and/or evaluated by the Staff, which ordinances specifically permit RSU's in low density residential districts similar to Fairfax's R-1 through R-12 residential zoning districts?
Staff Response: While staff has researched various provisions relating to affordable housing products being constructed and developed in other jurisdictions, the residential studio proposal is unique to Fairfax County. The proposed use is in part based on other multiple family special exception uses currently permitted in Fairfax County that are similar in nature to residential studios, such as independent living facilities, congregate living facilities, and assisted living (medical care) facilities.

MDC Question: What other RSU ordinances from what other jurisdictions in the United States were found, considered and/or evaluated by the Staff, which ordinances specifically permit homes in low density residential zoning districts (akin to Fairfax's R-1 through R-12) be converted into RSU's.
Staff Response: Staff has not identified any jurisdiction that includes the same use proposed by residential studios.

MDC Question: State which of the RSU programs/ordinances referred to on pages 3-4 of the August 27 Staff Report (New York City, Seattle, Boston, Tidewater area, Charlottesville, Richmond, Virginia Beach) allow RSU's to be built in low density residential zoning districts akin to Fairfax's R-1 through R-12.

Staff Response: Staff has not identified any jurisdiction that includes the same use proposed by residential studios.

MDC Question: Please post/provide public access to any study or analysis the Staff consulted in evaluating other programs in other jurisdictions, which programs specifically permit RSU's in low density Residential zoning districts akin to Fairfax's R-1 through R-12. Where is the Appendix to the Amendment that Staff points to in the proposal?
Staff Response: Staff has not identified any jurisdiction that includes the same use proposed by residential studios. Staff is unaware of a referenced Appendix in the amendment, however the attachment referenced on Page 4 can be found at the end of the Staff Report on the Zoning Ordinance amendment website.

MDC Question: Please provide any analysis the Staff itself did concerning the zoning ordinances in other jurisdictions , which ordinances specifically permit RSU's in low density residential zoning Districts akin to Fairfax's R-1 through R-12.
Staff Response: Staff has not identified any jurisdiction that includes the same use proposed by residential studios.

MDC Question: What studies or evaluations did the Staff do itself, request to be done by another organization which had as its subject the issue of destabilization (or lack of destabilization) of low density residential neighborhoods resulting from the influx of low income high density multifamily housing?
Staff Response: Staff has not conducted or commissioned studies to address this matter, as the proposed Zoning Ordinance amendment only establishes a new use and specifies the zoning districts where a residential studios development may be permitted with special exception approval. Staff's proposal is based on other residential type uses permitted as special exception uses, including independent living facilities, congregate living facilities and assisted living (medical care) facilities, which are all permitted in low density residential districts with special exception approval.

MDC Question: At pages 7-8 of the Staff report it says: "Staff believes that the 75 unit maximum will generally satisfy a **threshold minimum number of units that would be needed for a development to effectively and efficiently deliver any social, medical, training or other services to tenants**." Where is the requirement in the ordinance that "services" be provided to the tenants? What are the services and who is providing them?
Staff Response: Services are not required in any residential studio development, but could be proposed as part of a special exception application.

MDC Question: By definition, all RSU's will be handicapped accessible (per building code). Given the 75 unit threshold minimum stated by Staff, if that is the **"minimum**" needed for "services" the residents in the RSU's built to look like houses on residential lots (3 units to 15 units) by your own definition will not get "services." Why are these Units being permitted if these people need services? Is someone screening tenants and determining who will live in "service free" RSUs and who will live in RSUs with services? Why is the **July 2005 SRO** Task Force final report, entitled **"An Affordable Housing Solution for Low Income Single Residents,"** mentioned in the Staff Report at page 1 NOT available on Fairfax County's website? Can you please make it available?

Staff Response: All units within a residential studio development are not required to be compliant with the Americans with Disabilities Act (ADA) and services are not required for any of the occupants who choose to live in a residential studio unit. The SRO Task Force report is on the Department of Housing and Community Development's web page; however, staff has published a compilation of information available on the County's website related to residential studios, including the SRO Task Force Report, on the Planning Commission's website dedicated to residential studios. www.fairfaxcounty.gov/planning/rsu/rsu.htm

MDC Question: Given the overpopulated houses in Mason District where the actual occupancy limit (as opposed to the "legal" occupancy limit) is governed primarily by the floor space an air mattress occupies, please provide the basis for the statement in the Staff report, at page 6: "However, given the maximum size of the studio unit (500 square feet) and the availability of only one parking space per unit, single person households will likely be more inclined to occupy these units." If the basis for the statement is merely "anecdotal," please so state.

Staff Response: This amendment has always been proposed with the intent of residential studios being designed and utilized for single occupancy. However, it is acknowledged that under the Building Code, if the common room of the unit is less than 320 square feet in size, the occupancy is limited to not more than 2 people or 3 people if the common room of the unit is 320 square feet or more in size. (Common room is used to reference the living/dining/sleeping room.) Through self-selection and effective property management, staff continues to believe that residential studios will be predominantly occupied by a single tenant. This matter continues to be studied by staff to determine what additional occupancy regulations could be imposed.

MDC Question: Please state what is meant by the statement on page 4 of the Staff Report that RSUs have to be "designed to be harmonious with the development on neighboring properties." Specifically, please state on what basis a building containing RSUs built to applicable multifamily code and built on a single lot would NOT be considered harmonious with

the neighborhood, if that building meets the height, bulk, setbacks and the FAR limits of the R-district and looks like every other house in the neighborhood?
Staff Response: During the review of a specific special exception application, the general standards for all special exception uses and the additional standards for residential studios would be considered and evaluated for conformance.

MDC Question: On page 6 of the Staff Report it says: "Further, it is noted that Sect. 9-003 of the Zoning Ordinance provides the Board with the authority to modify the standards for a special exception where deemed necessary as long as the resultant development will not adversely affect the use or development of adjacent properties." In light of this statement and the Zoning Ordinance quoted by Staff, which of the following "requirements" of RSU's outlined in *9-315 Additional Standards for Residential Studios* are NOT modifiable (i.e. changeable/waiveable) by the Board under Zoning Ordinance 9-003: one kitchen per unit? One bathroom per unit? One parking space per unit? Minimum of 3 units? Maximum of 75 units? If they are all modifiable by the Board under 9-003 please so state.
Staff Response: Under Sect. 9-003 of the Zoning Ordinance, the Board may modify the additional standards for a special exception, but may not modify the definition of a residential studio. Therefore, the Board could modify the provisions regarding one parking space (to require more or fewer), but could not allow anything other than one kitchen per unit. In theory, there could be more than one bathroom for the efficiency unit, but there cannot be less than one bathroom per unit. The Board cannot modify the 3 unit minimum or the 75 unit maximum, but they could approve any number of units from 3 to 75 on any application property.

MDC Question: Ms. Pesto told the group in attendance at the PDC meeting on Sept 17th that it would be up to a "property manager" to make sure the occupancy limits were being enforced. The "property manager" would call the county's Code Compliance department to help enforce the RSU regulations, but Code Compliance is already understaffed. How will county staff handle the anticipated issues that RSUs will produce? How will they work with property managers of the new "home products" to ensure they will not be out of compliance or occupied with people who are not eligible for the RSU?
Staff Response: Enforcement is handled by the Department of Code Compliance, including any specific regulations and conditions that are imposed by the approval of a special exception. Staff does not anticipate any additional public safety resources will be needed for the development of the residential studio use.

MDC Question: What qualifications will a property manager have to have to be designated the RSU property manager?

Staff Response: Staff is working to provide additional information related to property management and the essential elements of a property management plan. Additional information will be forthcoming during the Planning Commission's review of the amendment.

MDC Question: What county office will be handling the applications? What type of oversight will be in place to make sure the applicant is income eligible?
Staff Response: The Zoning Evaluation Division of the Department of Planning and Zoning will review the special exception applications. Income eligibility will be determined by the property manager/owner and verification will be submitted to the County on an annual basis or upon any request by the Zoning Administrator.

MDC Question: What is the financial incentive to the County in promoting the construction of Residential Studio Units?
Staff Response: The proposed Zoning Ordinance amendment establishes residential studios as a special exception use within the Zoning Ordinance and specifies those zoning districts where the use may be permitted with special exception approval by the Board of Supervisors. It is anticipated that a residential studio development will be proposed through a private development arrangement and there are not specific financial incentives specified in the proposed Zoning Ordinance provisions.

NEW GUM SPRINGS CIVIC ASSOCIATION (NGSCA)

NGSCA Question: Since the proposed amendment is "specifically intended to primarily serve single occupant households whose income is 60% of AMI or less," why not consider better clarification or modification to current zoning language that would include housing for a "single person" instead of duplicating certain zoning processes particularly during a time the County is reassigning and/or eliminating duplicate efforts to include staff/vacancies?
Staff Response: The Building Code provides for occupancy limits for efficiency units. If the common room of the unit is less than 320 square feet in size, the occupancy is limited to not more than 2 people or 3 people if the common room of the unit is 320 square feet or more in size. (Common room is used to reference the living/dining/sleeping room.) This matter continues to be studied by staff to determine what additional occupancy regulations could be imposed.

NGSCA Question: As the County's finances continue to be "guarded" because of sequestration and other budget impacts, how will the County fund and sustain services for current and additional clients in need of certain social services housed in RSUs?
Staff Response: Services are not required as part of a residential studio development, however the provision of services would be addressed during the review of a specific application for a development that has specific needs for services.

NGSCA Question: Should the County move forward with RSUs, what is the County's plan of action to comply with the Comprehensive Plan?
Staff Response: As part of the review of a special exception application for a residential studio development, in addition to the specific standards proposed for the development, all applications will also be reviewed in accordance with the general standards for all special exception uses set forth in Sect. 9-006 of the Zoning Ordinance. http://www.fairfaxcounty.gov/dpz/zoningordinance/articles/art09.pdf Standard 1 requires that the proposed use at the specified location be in harmony with the Comprehensive Plan.

NGSCA Question: How will RSUs revitalize the Route One Corridor?
Staff Response: As part of the review of all special exception applications, the proposed use at the specified location shall be in harmony with the provisions of the comprehensive, including any specialized geographic area plans.

NGSCA Question: How will it ensure residential communities along the Route One Corridor that future housing requirements will be equitably distributed to other areas of the County without having to pit district supervisor against district supervisor or community against community?
Staff Response: As part of the review of a special exception, the Board can consider the proximity of the residential studios to other multiple family and other residential studio developments. Additionally, the general standards for all special exceptions require that the proposed use at the specified location be in harmony with the Comprehensive Plan.

NGSCA Question: Since an age requirement has not been determined for occupants of a RSU, what are the accommodations for individuals under the age of 18-years as an occupant of a RSU?
Staff Response: The Zoning Ordinance does not address the age of a tenant of residential studios. That said staff believes that standard lease procedures require that the tenant must be legally able to enter into a legal lease agreement, which may include a requirement for adulthood. Under the Federal Fair Housing guidelines, a child under the age of 18 may be permitted to occupy a residential studio with a parent or guardian.

NGSCA Question: How will the County enforce its current and/or future guidelines that impact the County's housing to include but not limited to illegal boarding houses and overcrowding in SFDs that are often experienced in certain neighborhoods and hard to prove?
Staff Response: Compliance with the applicable occupancy regulations set forth in the Zoning Ordinance are currently and will continue to be enforced through existing zoning compliance processes through the Department of Code Compliance.

NGSCA Question: (Citing an example of the Murrygate development) If the County is subjecting low income tenants to live under such conditions, how can it evaluate the management of properties not under its management control but have a financial interest particularly RSUs whose tenants may need special services? How will the County prevent such living conditions while providing services to tenants housed in facilities not owned by the County?

Staff Response: As a special exception use, compliance with the approval and any conditions that may be imposed by the Board will be enforced through existing zoning compliance processes through the Department of Code Compliance. This includes addressing circumstances where there is non-compliance with the applicable Building Code requirements related to health, safety and welfare.