

**PUBLIC COMMENTS:**

PLAN AMENDMENT 2023-CW-1CP

For-sale Workforce Dwelling Unit Policy

Public Comments Period on Draft Comprehensive Plan Amendment

March 7, 2024-April 8, 2024

**From:** [Vanessa Goold](#)  
**Sent:** Monday, March 11, 2024 9:59 AM  
**To:** [Niebauer, Lia](#)  
**Subject:** Workforce Housing Affordable Home Ownership comments

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**Follow Up Flag:** Follow up  
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Hello,

As an employee of a small non-profit organization in Fairfax County, I make a relatively modest salary compared to the cost of living in this region. Even though I am married and my husband also works, and makes a decent salary, we find home ownership impossible here. As a result we are currently living with my sister and her husband and renting from them. We do not find the prospect of even renting very affordable around here given our financial circumstances. My comment for the Workforce Housing policy is that I believe it should aim to include as many households as possible, so why not expand the qualifying income range from 70% to 120% AMI. I don't believe even people at the 120% mark find housing affordable in the NOVA region. There needs to be much, much more affordable/workforce housing available to public servants, nonprofit workers, wage workers, and gig workers who are not doctors, lawyers, or business owners.

Thanks for your consideration of my comments.

Sincerely,

**Vanessa Goold**

**From:****Sent:** Saturday, March 9, 2024 11:59 AM**To:** DPZ Mail for PD <DPDMail@fairfaxcounty.gov>**Subject:** Low Income Housing Policy comments

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[Last Page Visited: <https://www.fairfaxcounty.gov/planning-development/plan-amendments/for-sale-wdu>]

Message: The considerable effort evident from the "red lined" adjustments to the low income policy statement is a solid "pat on the back" to those who worked so hard to make it possible. The program is a great element to our housing support effort, and I fully support all that is intended. However, I do not see any treatment if a sister policy statement regarding standards and enforcement thereof of upkeep, repair, and/or maintenance of these units. The annals of urban effort to provide "low income housing" nationwide are "littered" with slum lords and/or tax violators allowing concentrated unit complexes to decline such that neighborhood values are decreased, and crime elements increased. You need the support of the property owning citizens across Fairfax; evidence that a failsafe policy is in place to insure both property values and crime problems are protected is mandatory to insure this support continues. My concern is the need for both written policy standards for unit upkeep, and - more importantly - ENFORCEABLE WITH TEETH procedures to go after inevitable violators. Misdemeanor level fines are not enough; felony criminal conviction options for both firm and officers of the firms are necessary. I do not know if the above procedures are in place. But, if not I encourage your organization to work on legislation to provide them as soon as possible. Thank you for the opportunity to comment David Bull

Submitted By: David Bull

**From:** [Donald Pless](#)  
**Sent:** Monday, March 11, 2024 3:42 PM  
**To:** [Niebauer, Lia](#)  
**Cc:** [Braddock BOS](#); [Paul Bjarnason](#); [Nicki](#)  
**Subject:** Affordable Homes for Fairfax County Workers

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**Categories:** Red Category

I am opposed to Fairfax County providing tax payer funds or using proffers to subsidize housing for several reasons.

Fairfax County property taxes are already way too high for elderly long term residents who receive little to nothing in return.

I appreciate the opportunity to comment.

**From:** [Maria Montes](#)  
**Sent:** Friday, March 15, 2024 4:29 PM  
**To:** [Niebauer, Lia](#)  
**Subject:** Support of Homeownership Program for our Workforce

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon,

I read through the (Plan Amendment (PA) 2023-CW-1CP Proposed Revisions to the Comprehensive Plan) and as a resident of Fairfax County, I want to express my support for the proposed changes.

A stable home environment is beneficial to families and those homes create economic growth in the community.

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Maria Montes Villarreal

**From:** [Ann Petrie](#)  
**Sent:** Wednesday, March 27, 2024 10:13 AM  
**To:** [Niebauer, Lia](#)  
**Subject:** Affordable Homeownership Program

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Comments:

1. "One Fairfax" Policy described as the basis for this policy was developed by a socialist oriented entity in California that ignored prevailing Fairfax County culture and values. It legitimized the Democrat- majority Board of Supervisors expanding socialist-leaning policies.
2. Equity Theory is controversial and divisive. The current One Fairfax Policy should be re-evaluated by a legitimate and more neutral entity, such as George Mason University, which participates in the prevailing culture.
3. How can one decide who's more worthy of Equity entitlement programs?
4. Implementation of The Affordable Homeowners Program, as many Board of Supervisors initiatives, will create a permanent county agency, resulting in increased taxes for already tax-strapped Fairfax County property owners.
5. I object to implementing this program.

Ann Petrie



March 26, 2024

Ms. Lia Niebauer, Planner II, Policy and Plan Development Branch  
Planning Division, Department of Planning and Development  
12055 Government Center Parkway  
Suite 730  
Fairfax, Virginia 22035

Re: Plan Amendment (PA) 2023-CW-1CP, Proposed Revisions to the Comprehensive Plan

**via email**

Dear Ms. Niebauer,

The Planning & Zoning Committee of the McLean Citizens Association (MCA) welcomes the opportunity to comment on county staff's proposed revisions to the Comprehensive Plan dated March 7, 2024 that would update the county's Workforce Dwelling Unit (WDU) for-sale policy. We very much appreciate staff's efforts to include a diverse group of stakeholders in the WDU For-Sale Task Force, explain the Task Force's recommendations to our committee, and to seek our input, along with that of other community members.

The proposed revisions will help to address concerns about the lack of affordable for-sale housing in Fairfax County for families with incomes below 100% of AMI. We have a suggestion and a comment to offer for your consideration:

- We suggest that the proposed revision to the Flexibility section (page 16) be reworked to reflect the Board of Supervisors' authority over county programs, as follows:

"In the event that a specific development warrants consideration of an alternative to this WDU Policy to capitalize on either the development of housing or on the incomes of households, such as low income housing tax credits, tax exempt housing bonds, tax increment financing, tax abatement, or other programs, it is the intent of the Policy to consider such variations when the applicant can demonstrate to the satisfaction of the Department of Housing and Community Development that its agency's regulations have been satisfied and can also demonstrate to the satisfaction of the Board of Supervisors that the alternate proposal furthers the WDU Policies set forth in the Comprehensive Plan and offers appropriate controls to regulate, monitor, administer, and manage such units."

- We wish to point out that the MCA recently opposed a rezoning application on the grounds that the applicant failed to justify its proposed substitution of cash for WDUs, (see attached MCA Resolution dated February 7, 2024, regarding Arbor Row Block C2, CDPA 2011-PR-023-23). On page 6, staff recommends that the policy in place regarding the Merrifield Suburban Center be applied to the Tysons plan. That policy, which allows monetary contributions in lieu of WDUs only when the developer can show that the provision of WDUs is not feasible, is consistent with MCA's Resolution. Staff's recommendation that in the future the county reconsider its policy of accepting monetary contributions in lieu of WDUs in any area is also broadly consistent with the position MCA expressed in its Resolution.

We hope that you will consider our input and continue to keep us informed as we work together to expand access to homeownership in all areas of Fairfax County.

Sincerely,

*Robert M. Perito*

Robert M. Perito  
Chair, McLean Citizens Association Planning & Zoning Committee

cc: Tracy Strunk, Director, Department of Planning and Development

Attachment: MCA Resolution, Arbor Row C2





**Arbor Row Block C2  
CDPA 2011-PR-023-03  
PCA 2011-PR-023-04  
FDP-2011-PR-023-06**

**February 7, 2024**

**EXECUTIVE SUMMARY**

MCA opposes this application to replace a previously approved office building with a residential building on the following grounds:

1. The Applicants are requesting an exception to the Tysons Urban Center Comprehensive Plan (Tysons Plan) to allow them to substitute cash contributions in lieu of providing the expected number of Workforce Dwelling Units (WDUs)<sup>1</sup> either on-site or within Tysons boundaries, should they decide to build for-sale condominiums; and the Applicants are seeking to otherwise provide WDUs within five (5) miles of the boundaries of the Tysons Core instead of within Tysons as required by the Tysons Plan; and
2. The Applicants further are seeking an exception that would allow these out-of-Tysons-boundary WDUs to be located up to one-half mile away from public transportation or, if approved by Fairfax County Department of Housing and Community Development, up to one mile, instead of the one-quarter (1/4) mile required by the Tysons Plan.;
3. The Applicants additionally are seeking approval for cash contributions in lieu of on-site WDUs. The Applicants are offering a fixed-dollar amount that they assert equals 3% of the estimate market sales price per square foot of the units. The cash contribution will be subject to an escalation of 2% per year from the date of rezoning approval for four years. Depending upon actual sales prices when the units are sold, this fixed-dollar amount may not conform to the Tysons Plan.

Given the number of office-to-residential conversion applications in process in Tysons, McLean and throughout Fairfax County, agreeing to these exceptions could set in motion other similar exceptions being sought, thereby diminishing availability of affordable housing in the Tysons Core.

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<sup>1</sup> 10% of the rental residential units should be affordable to households with incomes up to 60% of the area median income. Fairfax County Comprehensive Plan Appendix 2 Guidelines for Multifamily Affordable Housing Preservation. March 21, 2023

## **BACKGROUND**

### **Basic Facts of the Proposal**

**Whereas**, the Board of Supervisors approved RZ 2011-PR-023, on November 20, 2012. This approved rezoning of approximately 19.40 acres, known as Arbor Row from C-3 District to the Planned Tysons Corner Urban Center District, subject to proffers dated Oct. 26, 2012 and Conceptual Development Plan dated Oct. 5, 2012.

Arbor Row C-2, LLC (“Developer”) and Cityline Partners (“Managing Agent”)<sup>2</sup> have filed applications<sup>3</sup> for a 2.92-acre portion of the Arbor Row development in Tysons that is identified as Block C-2 (“Subject Property”).<sup>4</sup> The applications would change the currently approved use of the Subject Property from a proposed office building to a high-rise residential building with ground floor retail/service uses.

### **Conformance with Tysons Urban Center Comprehensive Plan**

#### **Square Footage**

**Whereas**, since the Subject Property is located within one-half mile of the Tysons Metro Station, it is designated as “transit station mixed use” (“TSM”) in the Tysons Plan. TSM areas are planned for a balanced mix of retail, office, residential, arts/civic, and hotel uses. The Tysons Plan recommends that the overall percentage of office uses throughout all TSM areas should be about 65%.

The Subject Property is currently approved for a maximum of 275,650 sq. ft. of office and retail/services use in a single building having a maximum height of 180 feet plus a penthouse up to 30 feet in height, for a total of 210 feet in height. A significant portion of the Subject Property is approved for a public park, including an urban plaza and active recreational facilities.

The proposed building would have 277,622 sq. ft. of GFA, with up to 8,500 sq. ft. of ground floor retail/service uses. It would be approximately 23 stories, with a maximum height of 270 feet inclusive of the penthouse. It would have a maximum of 240 dwelling units. The Applicants are proposing to provide, at the Applicants’ discretion, off-site or a cash contribution to the Tysons Housing Trust Fund or as a combination of off-site WDUs and a cash contribution.<sup>5</sup>

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<sup>2</sup> Collectively “Applicants”.

<sup>3</sup> There are three concurrent applications: 1. a Conceptual Development Plan Amendment, CDPA 2011-PR-023-03; 2.a Proffered Condition Amendment, PCA 2011-PR-023-04, and 3.a Final Development Plan, FDP 2011-PR-023-06.

<sup>4</sup> Block C-2 (Tax Map 29-4((7)) 03A1 is located south of Westpark Drive and approximately 440 feet east of its intersection with Westbranch Drive.

<sup>5</sup> Revised Proffers, January 10, 2024, page 48.

## **Affordable and Work Force Units**

**Whereas**, the Tysons Plan provides a bonus residential floor area and number of units (“bonus density”) of 20% for projects within the TSM area that have a residential component if such projects include certain amounts of WDUs and ADUs. The applicant has requested this bonus density. The Tysons Plan offers this bonus density if the number of ADU and WDU rental units are at least 13% of the total number of residential units or if the number of ADU and WDU for-sale units are at least 20% of the total. If the Applicant provides all of the for-sale WDUs on-site, the percentage of WDUs would be reduced from 20% to 14%. If the units are provided as new construction for-sale units but are transferred to another property offsite in Tysons the percentage to be provided would be 16%. The Tysons Plan states that “cash contributions in lieu of providing WDUs are not desired” and “in the rare event that a payment in lieu of affordable units is considered, this payment should be 3% of the total contract sales price for each market rate unit within the building that is subject to the WDU policy.”

In their revised proffers, the Applicants have stated that, at their discretion, they may provide a cash contribution, in whole or in part, in lieu of providing on-site WDUs.<sup>6</sup>

If the Applicants should elect to provide a cash contribution, their proffer is \$4.29 million if no WDUs are provided off-site<sup>7</sup>. Since the total contract sales price for each market rate unit within the building that is subject to the WDU policy will not be determined until the units are sold, this proffer may not conform to the Tysons Plan.

The Applicants have not provided any justification for the substitution of cash for WDUs in this planned development, or explained what is so unique about this project or the circumstances surrounding it that would trigger the “rare event” of considering payment in lieu of WDUs, and the cash amount of their proffer may not conform to the Tysons Plan, as it is premature. In addition, the Applicants have not provided sufficient justification for offsite WDUs that do not comply with the Tysons Comprehensive Plan.

## **RESOLVED**

**Therefore, be it resolved that the McLean Citizens Association (MCA) opposes these precedent setting applications.** The MCA supports the provision of affordable and workforce housing in the region. The Applicants have not provided any justification for their proffering cash equivalents for WDU housing, or for proffering off-site WDUs that do not comply with the Tysons Plan with regard to their location or proximity to public transit. The MCA, therefore, urges the Fairfax County Planning Commission and Board of Supervisors to oppose these potentially precedent-setting applications.

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<sup>6</sup> Revised Proffers, January 10, 2024, page 48.

<sup>7</sup> Revised Proffers, January 10, 2024, page 48.

*Approved by the MCA Board of Directors, February 7, 2024*

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cc: Dalia Palchik, Providence District Supervisor  
James Bierman, Dranesville District Supervisor  
Phil Niedzielski-Eichner, At Large Planning Commissioner  
John Ulfelder, Dranesville District Planning Commissioner  
Jeremy Hancock, Providence District Planning Commissioner  
Clerk of the Board of Supervisors  
Clerk of the Planning Commission  
Ben Wiles, Dranesville District Supervisor's Chief of Staff  
Mike Wing, Providence District, Legislative Aide  
Tracy Strunk, Director, Department of Planning and Development

**From:**

**Sent:** Monday, April 1, 2024 12:16 PM

**To:** Niebauer, Lia

**Subject:** Fwd: Comments on WDU Home Ownership Program

Good Afternoon, Ms. Niebauer:

I am writing to share my opinion and comments concerning the County's initiatives to continue to amend the Countywide Strategic Plan (CSP) and develop affordable housing units. I trust that the comments contained in this correspondence are going to hold some clout in the decision making process, although I don't have any faith that they will.

I receive Supervisor McKay's newsletters. I am disgusted month after month where he contradicts himself and cherry picks information to twist messages to his constituents. Our community has been told that "we need" affordable housing to energize development in the county, yet in the last newsletter he boasts "a vibrant business community of Fairfax County", so which is it? His crime chart (although off-topic for this email) comparing us to St Louis and Philadelphia is even more laughable. More cherry-picked information fed to the unsuspecting constituents who believe they can trust our elected officials.

Over the past few years, I have been paying attention to the contents and proposed revisions of the CSP. My assessment of the proposed revisions of the CSP is that they are all in favor of more development, density and costs, which leads to more spending. NONE of these things make the quality of life for our residents and the politicians' constituents better, they make them worse. After reading about all of these changes in The Patch, we have met with Supervisor Lusk, only to find out that although stating he wanted transparency to the public, he lied to an audience of neighbors. In one of his lies and as an example here, he touted that the folks who were to partake in the affordable housing program were public servants (police, fire, teachers, etc). This is not what the strategic plan states, and nobody in the room would have known any better unless I had read the contents. Even though we called him out, I hear from other HOAs that he continues to state that lie in order to get the members on board with the housing projects.

It is NOT crucial to try and provide affordable housing in Fairfax County in order to help people in outpaced housing prices. Stop trying to control the housing market. This country is based on capitalism and the free market. If the housing market is too high and the salaries too low, then it will correct itself. I am sick of being told that "we" need this. The constituents do NOT need this, we already live here. The county leadership is running this county into the ground financially and otherwise.

As far as the One Fairfax Policy is concerned, it is nothing more than a socialist program which takes from one person (the taxpayer) and gives it to another. It speaks of "gaps in opportunity" which creates financial inequity. There are no "gaps in opportunity" in this country, and the whole concept of "inequity" is false. We are a country made up of freedoms which are backed by equal opportunity laws - both of which should end the "inequality" discussions. Of course there is going to be financial inequity. Trying to eliminate that is communism, and we don't do that here.

My real estate taxes have almost doubled in the nine years I have lived here, and I don't appreciate having to compensate because the "leadership" in this county continues to take from the working class and hand it over to others in the name of "equity". The county should cease and desist any more irresponsible and unnecessary "projects" until they get a grip on the budget and stop taxing us to death.

Changes to the CSP only broaden the opportunity for more spending, and more socialist policies to progress and run our county into the ground financially and otherwise.

Sincerely,

Lauren Nasson  
Franconia, VA

**From:** [Michael Spotts](#)  
**Sent:** Friday, April 5, 2024 4:35 PM  
**To:** [Niebauer, Lia](#)  
**Cc:** [Van Dam, Meghan](#)  
**Subject:** Fairfax County Comprehensive Plan Amendment 2023-CW-1CP  
Comments  
**Attachments:** [2024.04.07 Habitat DC-NOVA Plan Amendment 2023-CW-1CP.pdf](#)

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**Follow Up Flag:** Follow up  
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Hello,

I hope all is well. Please see attached Habitat for Humanity of Washington, D.C. & Northern Virginia's comment letter on the proposed amendments to the County's Workforce Dwelling Unit program. We appreciate the opportunity to offer these comments in support of the proposed changes.

Sincerely,  
Michael A. Spotts

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We build strength, stability, self-reliance, and shelter.

April 5, 2024

Meghan Van Dam, Affordable Housing Development Division Director  
Fairfax County Department of Housing & Community Development  
3700 Pender Drive, Suite 300  
Fairfax, VA 22030

SUBJECT: Plan Amendment 2023-CW-1CP; For-Sale Workforce Dwelling Unit Policy & Programs

To Meghan Van Dam:

Today I write on behalf of Habitat for Humanity of Washington, D.C. & Northern Virginia (Habitat DC-NOVA) in support of [Plan Amendment 2023-CW-1CP](#), making adjustments to Fairfax County's For-Sale Workforce Dwelling Unit (WDU) Policy and Programs. Habitat DC-NOVA (and its predecessor affiliate, Habitat for Humanity of Northern Virginia) have supported the expansion of affordable homeownership opportunities in Fairfax County and throughout the region for more than 30 years. We appreciate the opportunity to weigh in on this proposed policy change, which we believe is consistent with the goal of expanding such opportunities to low- and moderate-income households.

Throughout 2023, Habitat DC-NOVA participated in the Task Force that contributed to the recommendations:

- To shift the program's affordability levels to provide deeper income targeting;
- Expand guidance on unit mixes to encourage more family-sized affordable housing; and
- Extend geographic applicability of the WDU program.

Consistent with our endorsement of these recommendations as part of Task Force process, we recommend adoption of these policy changes. We believe this action will allow the program to reach the households most underserved by the current housing market without jeopardizing the viability of development projects. We applaud Fairfax County for enabling evolution of its core programs to better fit current market realities, and encourage additional efforts that improve predictability and efficiency in the development process.

Sincerely,

Susanne V. Slater  
President & C.E.O.  
Habitat for Humanity of Washington, D.C. & Northern Virginia



**From:** [Debbie Rosenstein NVBIA](#)  
**Sent:** Monday, April 8, 2024 3:06 PM  
**To:** [Niebauer, Lia](#)  
**Subject:** The Northern Virginia Building Industry Association - Letter with respect to: Draft For-Sale Workforce Dwelling Unit Policy Plan Text  
**Attachments:** [NVBIA Letter - Fairfax.pdf](#)

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**Follow Up Flag:** Follow up  
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Good Afternoon Ms. Niebauer. NVBIA respectfully submits the attached letter with respect to the "Draft For-Sale Workforce Dwelling Unit Policy Plan Text". We appreciate your willingness to review and further understand our thoughts and concerns.

Again, thank you for your time to review the letter. If you have any questions please do not hesitate to email or call me.

Debbie Rosenstein Chief Executive Officer, The Northern Virginia Building Industry Association (NVBIA).



**Debbie Rosenstein**  
Chief Executive Officer

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**Via Email**

April 8, 2024

Lia Niebauer  
Policy and Plan Development Branch, Planning Division  
Department of Planning and Development  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035

**Re: Draft For-Sale Workforce Dwelling Unit Policy Plan Text**

Dear Ms. Niebauer,

I am writing on behalf of the Northern Virginia Building Industry Association (“NVBIA”) regarding Policy Plan Amendment 2023-CW-1CP (the “Plan Amendment”), which proposes changes to the for-sale component of the Workforce Dwelling Unit (“WDU”) Program under Fairfax County’s overall WDU policies. The purpose of this letter is to provide comments on the draft Plan Amendment on behalf of NVBIA.

As you know, Fairfax County regulates the provision of Affordable Dwelling Units (“ADUs”) under Section 5101 of the Fairfax County Zoning Ordinance (the “ADU Ordinance”), which the Board of Supervisors (the “Board”) established in 1990 to ensure the provision of affordable housing in residential developments. The Board adopted the Countywide and Tysons WDU Comprehensive Plan (the “Plan”) policy and the Administrative Policy Guidelines (the “WDU Policy”) in 2007 and 2010, respectively, to provide additional opportunities for affordable housing at higher income eligibility levels than provided under the ADU Ordinance. The Board adopted revisions to the policies for rental WDUs in February 2021.

As the organization that represents the homebuilding industry and developers providing new housing in Fairfax County, NVBIA is an important and vital stakeholder in the review process for the Plan Amendment. We understand and appreciate the County’s desire to maximize the potential of the for-sale WDU program, however, NVBIA respectfully submits that changes to the for-sale WDU program should be undertaken in a way that does not inhibit the ability of homebuilders to continue providing new housing opportunities for County residents at all levels of affordability.

NVBIA is a strong and committed partner with the County in seeking to provide additional housing opportunities. In that spirit, we offer the following comments on the draft Plan Amendment, which are intended to ensure the proposed for-sale WDU policy will effectuate the meaningful affordable housing goals the Board is seeking through the Plan Amendment.

## **Cost Impacts on Development Projects**

Historically, one of the foundational concepts of the ADU Ordinance and WDU Policy has been that developers provide ADUs and/or WDUs, per the applicable requirements, and receive bonus density to offset the cost impact on development projects. More specifically, one objective of the ADU Ordinance and WDU Policy is that they be cost neutral for the developer, meaning the implementation of ADUs and WDUs would result in no economic loss to the developer. However, in practice, the calculation for the amount of required WDUs includes the bonus density units (rather than only the base residential units), which means there is an inherent economic loss when meeting the WDU Policy requirements. In addition, there are certain residential development projects where it is challenging to utilize the bonus density provided under the WDU Policy, but the developer must provide the minimum number of WDUs regardless.

The draft Plan Amendment proposes to amend the policy to promote housing opportunities at 60 percent of the Area Median Income (“AMI”) level. The WDU Policy was created to provide additional opportunities for affordable housing at higher income eligibility levels than provided under the ADU Ordinance. As the ADU Ordinance addresses housing needs at 60 percent of the AMI income level, the WDU Policy should be focused on providing affordable housing opportunities at 70 percent of the AMI range and above.

Further, the draft Plan Amendment proposes to reduce the income eligibility tiers to lower AMI levels, while at the same time proposing increases to the minimum size of WDUs to be larger than under the current WDU Policy. The net effect of these changes in combination is to require larger WDUs at lower price points, which necessarily involves a larger cost impact to the developer. This larger financial strain likely will adversely affect the ability of developers to provide the same number of residential units at the same price points as otherwise planned in a particular development project. In certain instances, these changes could affect the overall viability of the development project. Given the significance of these impacts, NVBIA is concerned that the proposed Plan Amendment requires further consideration of the economic impacts prior to public hearings before the Planning Commission and Board of Supervisors.

## **Adverse Impacts on Market-Rate Housing**

NVBIA is concerned the proposed Plan Amendment will have an adverse impact on market-rate housing, and consequently, the amount of new housing stock constructed in the County. Providing housing at varying price points is vitally important so that home ownership opportunities are available to a larger segment of the community. The impact of additional costs on homebuilders consequently results in greater costs for housing at all price points. We also urge the County to consider the impacts to smaller infill projects, which often struggle to provide the open space, amenities, streetscape, and transportation improvements that are expected for residential rezoning applications in the County.

The proposed Plan Amendment seeks to reduce the threshold applicability for the WDU Policy to medium intensity developments at eight dwelling units/acre (“du/ac”). The development industry cautions the County to consider the unintended consequences to medium intensity developments, such as an increase in purchase prices for market-rate units or projects that simply will not be built

due to an inability to secure financing. If projects are not financially viable, then fewer market rate units and affordable units will be built, which is contrary to the County's goal to increase the housing stock. NVBIA recommends a density of at least 12 du/ac with a further provision that the WDU policy only apply to developments of 50 dwelling units or more, consistent with the ADU Ordinance.

### **Transfer of WDUs**

Given the long-standing practice in the administration of ADUs and WDUs, the development industry has relied upon certain transfers of ADUs/WDUs as consistent with the ADU Ordinance and WDU Policy. The permitted transfers generally involve: (i) the transfer from one unit type to another unit type, provided the development includes both types of units, and (ii) the transfer from for-sale units to rental units, provided the development includes both for-sale and rental components. For example, the County allows a developer of a project that consists of multi-family ("MF") units and single-family attached ("SFA") units to provide the ADUs/WDUs generated by the SFA units as MF units within that same development. Similarly, the County allows a developer of a project that contains a mix of both for-sale and rental units to provide the ADUs/WDUs generated by the for-sale units as rental ADUs/WDUs within the rental component of the project.

The homebuilding industry has long relied on this critically important transfer precedent in making decisions about the economics of a project assuming the ability to transfer ADUs/WDUs as permitted by the County. Although the ADU Ordinance and WDU Policy do not explicitly permit these transfers, they also do not explicitly prohibit them either. By interpretation and past practice, the County has always administered the ADU and WDU programs as allowing these transfers where a development has both MF and SFA units and/or it has both for-sale and rental units. NVBIA requests this flexibility be maintained in the Administration Guidelines for the revised WDU policy. The contemplated prohibition on such transfers threatens the viability of mixed-use type residential projects. Rather than achieve more single-family attached units at lower AMI tiers, the County is more likely to see more MF rental units at higher rental rates.

Without reviewing the changes to the Administrative Guidelines, it will be impossible for the development industry to understand the totality of the proposed changes. NVBIA recommends that the revisions to the Plan text and the Administrative Guidelines be reviewed concurrently so that the full impact of the changes to the WDU policy can be evaluated by homebuilders, County Staff, the Planning Commission, and Board of Supervisors.

### **Parking**

It has been the County's policy that one parking space be required as part of the sale of each WDU. This is an additional cost to the developer, which affects the financing of the project. It is also unnecessary to provide one space per WDU in all projects, especially in transit-oriented development projects. NVBIA recommends the parking be offered to the purchaser of the WDU at a reduced cost consistent with the AMI tier of the WDU unit. For example, if the WDU unit is priced at 70 percent of the AMI, then the parking space would be priced at 70 percent of the market rate value for a parking space.

## **Monetary Contributions**

The County's Housing Trust Fund (the "HTF"), created in 1990 uses funds to support the acquisition, preservation, development and redevelopment of affordable housing by the Fairfax County Redevelopment and Housing Authority ("FCRHA"), non-profit sponsors and private developers. Per the County, the HTF is "intended to promote endeavors that will furnish housing to low- and moderate-income individuals in the County by providing low-cost debt and equity capital in the form of loans, grants and equity contributions". The HTF is composed of County contributions, developer contributions, and federal funding. In certain instances, providing WDU units on-site is not practicable.

In these circumstances, the WDU Policy should allow for monetary contributions. The HTF has been a powerful catalyst for the construction of meaningful affordable housing stock, and money contributed to the HTF would be leveraged to fund larger affordable housing projects, such as the Exchange at Spring Hill Station.

## **Incentives**

Staff should consider including incentives in the WDU Policy for instances where an applicant goes above and beyond what is required by the WDU Policy. For example, expedited processing could be offered for going above and beyond the WDU policy requirements.

## **Implementation Timing**

The changes to the WDU Policy should not apply to rezoning applications that have already been filed. Additionally, grandfathering for approved applications should be specified.

To summarize, NVBIA suggests the following changes:

- Revise the AMI threshold for WDU units to a minimum of 70 percent of the AMI.
- Increase the minimum density to 12 du/ac. Do not remove the language regarding development above the baseline as there needs to be a connection between the dwelling units per acre specified in the Plan compared to the proposed development.
- Apply the policy to developments of 50 dwelling units or more, consistent with the ADU Ordinance.
- Calculate WDUs on the base density only, as opposed to the total number of units inclusive of the bonus density.
- Maintain flexibility and allow for unit transfers where a development has both MF and SFA units and/or it has both for-sale and rental units.
- Do not increase minimum unit sizes.

- Do not require one parking space with the WDU purchase price. Instead offer parking to the purchaser of the WDU at a reduced cost consistent with the AMI tier of the WDU unit.
- Allow more flexibility for monetary contributions.
- Include incentives for going above and beyond the WDU Policy requirements.
- Include implementation guidelines and grandfathering provisions that allow all pending applications, including SSPA nominations and rezoning applications accepted by a certain date (such as July 1, 2025), to remain under the prior WDU Policy requirements.

Respectfully submitted,



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