

**County of Fairfax, Virginia  
Planning Commission Meeting  
January 27, 2021  
Verbatim Excerpt**

**PA 2020-CW-2CP - HOUSING ELEMENT AND WORKFORCE DWELLING UNIT**

***POLICY - A Countywide plan amendment to consider changes to the Housing and Land Use elements of the Policy Plan; the Glossary; and the Area Plans volumes of the Comprehensive Plan related to rental Workforce Dwelling Units (WDUs). The plan amendment considers revisions to the text based on the policy adjustments recommended by the WDU Policy Task Force and would revise WDU levels and the income tiers served under the rental WDU program. Proposed countywide policy changes include a reduction in the rental WDU commitment level from 12% to 8% of the total dwelling units, and a reduced maximum household income tier for rental WDUs from 120% to 80% of the Area Median Income (AMI). Additional revisions may be considered to guidance regarding the income tiers and/or bonus density associated with wood and masonry building construction types (Type V construction) in rental developments subject to the provision of both ADUs and WDUs.***

***Proposed changes to the Area Plans include removing assisted housing tables from the Planning District text, editorial changes, and changes to the WDU recommendations for Tysons Urban Center, Annandale Community Business Center (CBC), and Seven Corners CBC. Changes to the Tysons Urban Center and the Annandale CBC plans would reduce the rental WDU commitment level from 20% to 13% of the total dwelling units provided in a development, and reduce the maximum household income for rental WDUs from 120% to 80% of the AMI; or a 10% commitment level if the maximum household income is 60% of the AMI or less. Changes to the Seven Corners CBC plan would reduce the rental WDU commitment level for Sub-units A3 and Land Unit B from 15% to 10% of the total dwelling units, the rental WDU commitment level for Land Unit C from 12% to 8% of the units, and the maximum household income for rental WDUs (Sub-unit A3, Land Unit B, and Land Unit C) from 120% to 80% of the AMI.***

***The amendment also considers other updates to the Housing element of the Policy Plan to ensure consistency between this policy with other related Board policies, including the 2015 Strategic Plan to Facilitate the Economic Success of Fairfax County, the 2017 One Fairfax Policy, and the 2018 Communitywide Housing Strategic Plan. Revisions to the Board of Supervisors' WDU Policy Administrative Guidelines and Tysons Corner Urban Center WDU Policy Administrative Guidelines will also be presented to ensure consistency between the Administrative Guidelines and the Comprehensive Plan recommendations. (Countywide)***

After close of the Public Hearing

Commissioner Bennett: Thank you, Mr. Chairman. I'm happy to bring this plan amendment forward to the Planning Commission. Quite a bit of effort has been put into the plan amendment by the community, the Planning Commission, and staff. I appreciate all of the thoughtful testimony provided by members of the community. I want to also make sure to thank all of the staff who have contributed to this plan amendment, including Tom Fleetwood, of the – who is Director of the Department of Housing and Community Development; Barbara Byron, who is the Director, Department of Planning and Development; Teresa Lepe, Leanna O'Donnell, Judith Cabelli, Meghan Van Dam, Graham Owen, Abdi Hamud, William Mayland, and Kelly Atkinson. Improving access to affordable and workforce housing has been a critical goal for the County for many years, and the need only increases as property values and rents here in the county continue

to rise, even in the middle of a pandemic. The updates proposed here reflect a serious analysis on the outcomes of the current policy. While there have been gains in workforce housing since this policy was adopted a decade ago, there is room to do better. I appreciate that, on one hand, the development community is concerned that the proposed percentage and income tiers place a burden on the development community, yet there are just as many on the other side of the issue who feel that the proposal does not yet go far enough. And this is where compromise is found. As part of the policy, we will have a chance to do another five year look back to determine if the changes proposed, if adopted, were successful in meeting the County's goals and whether additional changes are needed, either to pull back or expand. Overall, these proposed changes serve to increase the number of units of workforce housing that will serve households in income brackets identified by the Communitywide Housing Strategic Plan that are struggling to find price appropriate housing here in Fairfax County that does not create financial hardships for them. And it's a segment of our workforce that do not qualify for other housing subsidies, based on their income. However, it's this workforce that is becoming completely priced out of a housing market where the mean home value today is roughly \$600,000 and the average monthly rent ranges from \$1,800-\$2,900, depending on the size of the unit. I look forward to seeing these new targets implemented in future housing development projects. Mr. Chairman, the Housing Element and Workforce Dwelling Unit Policy Plan Amendment, consists of important changes to the rental WDU program, which is one of several tools for providing inclusionary affordable housing. In particular, the amendment doubles the countywide voluntary commitment level for rental WDUs for households earning below 80 percent of the area median income from a four percent commitment to an eight percent commitment and cuts the higher 100 percent and 120 percent income tiers from the program entirely, as these households are more readily served by the market. This change aligns with the Communitywide Housing Strategic Plan's emphasis on providing price-appropriate housing, especially for households with lower incomes who are most in need of committed units. The amendment brings into alignment the policies and objectives of the Housing Element of the Comprehensive Plan with the Community Housing wide – Community-Wide Housing Strategic Plan and the One Fairfax Policy, ensuring consistency between these Board adopted documents. The amendment also provides specific revisions to the guidance for Tysons, an area which has seen the greatest delivery of WDUs since the policies were adopted less than fifteen years ago, as well as the Annandale and Seven Corners CBCs, to provide lower overall commitments in these revitalization areas in return for lower income tiers for rental units. The amendment also retains the same density bonus as the current policy to help offset the cost of providing units committed to households with lower incomes. In preparing this plan amendment, staff has evaluated the WDU Policy Task Force recommendation and County policies, held many public meetings, and met with several industry groups. Comments have been received on the amendment, many of which have been resolved or incorporated into the proposed text. However, there's one outstanding issue within the staff report related to the recommendations, as well as one issue that arose following the staff report publication, that I believe we should address as part of our recommendation to the Board of Supervisors. Both relate to the WDU recommendations within the Tysons Urban Center. First, two options are presented for structuring the commitment level for rental WDUs in Tysons. The majority of the WDU Policy Task Force supported a breakdown of eight percent at 80 percent AMI, two percent at 70 percent AMI, and three percent at 60 percent AMI as the first option, and the second option provides an alternative that would only commit units at 60 percent AMI. The minority opinion of the task force, mostly comprising industry representatives, supported a slightly different structure of eight percent of 80 – eight percent at 80 percent AMI, three percent at 70 percent AMI, and two percent at 60 percent AMI, as shown on page 75 of the staff report, as it would better offset the cost of the units, and thereby better

incentivize the creation of WDU units. Staff has noted that the minority opinion is reasonable, with the caveat that it would provide for slightly fewer units at the lower – lowest income tiers, which are the most in need. But given this, I would recommend that we would support the alternative, as it provides a reasonable compromise that better incentivizes the creation of those WDU units. The second section that I would propose the Planning Commission modify in the staff recommended plan text concerning the Tysons recommendations related to WDU commitment within high-rise condominium buildings, where the WDUs generated by the project would be provided as rental units, instead of for sale. The staff report notes that in this situation, a 20 percent WDU commitment, which would be recommended irrespective of whether they are provided on-site or off-site, with the new maximum 80 percent AMI for rental units. This would be a fair amount higher commitment than the for sale WDU in the high-rise condominium projects, which may hurt the County's ability to create these units. So, I propose that we recommend aligning the income tiers of the rental WDU commitment in high-rise condominiums in a manner consistent with the income tiers of for sale WDU commitments, as shown on my handout dated January 27, 2021. This modification would create two options for the rental WDUs in high-rise condominiums, based on whether the units are provided on the site of the development project or off-site within the Tysons Urban Center. The first option would provide 14 percent of the units as WDUs if the units are provided on-site, and 16 percent if the units are provided off-site elsewhere in Tysons, serving incomes tiers up to 60 percent, 70 percent, and 80 percent of AMI. The second option would provide 10.8 percent of the units as WDUs if the units are provided on-site, and 12.3 percent if the units are provided off-site, serving a maximum income tier of 60 percent of AMI. The proposed modification is based on division of the income tiers in the countywide levels. Therefore, Mr. Chairman, I move that the Planning Commission recommend to the Board of Supervisors the adoption of the staff recommendation for PA 2020-CW-2CP, as shown on pages 30-118 in the staff report, as well as the related WDU administrative policy guidelines as shown on pages 119-133, with two modifications to the plan amendment text, as shown on my handout dated January 27, 2021, and that we recommend to the Board should consider some of the suggestions related to the overall cost of affordable housing that were made in testimony. The first modification would revise the WDU commitment levels for rental units at the 60 percent and 70 percent of AMI income tiers to three percent WDU commitment at 70 percent of AMI and two percent WDU commitment at 60 percent AMI, in option 1 of the Tysons Urban Center language. The commitment level at 80 percent would remain unchanged. The second modification would revise the commitment levels of the WDU rental units provided in high-rise condominiums to 14 percent and 16 percent of the total units dependent on whether the units are provided on-site or off-site of the development project, and divided into 60 percent, 70 percent, and 80 percent of AMI income tiers, as a first option, and to 10.8 percent and 12.3 percent, dependent on whether the units are provided on-site or off-site of the development project, serving the income tier of 60 percent AMI, as the second option. Thank you.

Chairman Murphy: Is there a second to the motion?

Commissioner Clarke: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Clarke: Does – has the staff reviewed the modifications that we're hearing to the plan. And I just made a comment that the Mount Vernon Council put a stop hold to vote on what

had been presented without the knowledge of knowing if there's a modification that has been presented. I mean there enough – a lot of numbers. So, has staff seen this modification?

Chairman Murphy: Well, let's have a second to the motion then we'll have discussion. Okay? Does anyone want to second the motion?

Commissioner Lagana: This is Commissioner Lagana. I second the motion.

Chairman Murphy: Alright. Seconded by Mr. Lagana. And discussion? Commissioner Clarke made discussion. You wanna address that?

Commissioner Bennett: Yes. Staff – I have worked with the staff on seeing these modifications.

Chairman Murphy: I'm sorry?

Commissioner Bennett: The question – repeat the question?

Chairman Murphy: Well, it was Mr. Clarke's question about what he told the Mount Vernon Council doesn't necessarily jive with you...

Commissioner Bennett: Got it.

Chairman Murphy: You just said. Is that right Walter?

Commissioner Clarke: Yes. That's correct. Based on what the Mount Vernon Council had reviewed from the staff report that came out and the modifications that we're hearing at this particular time, I don't if that's been reviewed by the public for – to have an opportunity to comment on – on that information that's being presented.

Graham Owen, Planning Division, Department of Planning and Development: Commissioner Clarke, if I may, Graham with DPD. Just to clarify. So, the first modification regarding the Tysons language in particular the structure of 13 percent commitment level for option one, that was included in the staff report as...

Commissioner Ulfelder: Yes.

Mr. Owen: It allows for the consideration of either option so, that would be something that the Mount Vernon Council could have weighed in on if they saw fit to do so in the staff report. The second item in the – in Commissioner Bennett's motion is regarding high-rise condominiums, but it's only applicable to Tysons Urban Centers. Just for clarification. It wouldn't affect the implementation of the WDU policy anywhere else. It's only in that specific situation.

Chairman Murphy: Okay. Further discussion?

Commissioner Sargeant: Mr. – Mr. Chairman? I – I'd – this is Commissioner Sargeant. I'd...

Chairman Murphy: Commissioner Sargeant, go ahead.

Commissioner Sargeant: I'm – I'm uncomfortable voting on something like this without seeing it written in front of us. Even – even with – even with modest modification here. I – I think this presents some challenge that could easily remedy itself if we could take a little time – to get – to see what – what has been – you know, written out as the motion for this, to make sure we're all on the same page in – in a terms of understanding.

Commissioner Ulfelder: Well, that's – Commissioner Bennett did send around a copy of her motion, although somewhat different than what she delivered tonight. But it did include this section on the proposed modifications that she was gonna – gonna propose this evening.

Chairman Murphy: Okay. Commissioner Bennett has a comment she would like to make.

Commissioner Bennett: So, I mean – I – we can defer for a week.

Chairman Murphy: Right. So, are you proposing you withdraw that motion and make a second motion to defer the decision on this for a week?

Commissioner Bennett: Yes. I will withdraw the motion and we can – I'LL MOVE TO DEFER THE DECISION ONLY 'TILL FEBRUARY 3<sup>RD</sup>?

Chairman Murphy: FEBRUARY 3<sup>RD</sup>. Yeah. With the record the record remaining open for comments.

Commissioner Niedzielski-Eichner: Second.

Chairman Murphy: Is there a second to that? Mr. Niedzielski-Eichner seconded the motion. Is there a discussion of that motion? All those in favor of the motion to defer with decision only to February 3<sup>rd</sup>, PA 2020-CW-2CP, Housing Element and Workforce Dwelling Unit Policy Plan Amendment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 12-0.