



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

DATE: April 21, 2008
TO: Distribution List and All Parties Interested in Residential Studio Development
FROM: Donna Pesto, Senior Assistant to the Zoning Administrator
Department of Planning and Zoning
RE: Residential Studios – Request for Input

RESPONSE DUE DATE: The original due date of MAY 7, 2008
has been extended to MAY 23, 2008

Attached you will find a staff summary of issues that will encompass a proposed Zoning Ordinance Amendment regarding Residential Studios. Staff is seeking your comments on this proposal and requests that such comments be provided in writing to the mailing address found below or via email to donna.pesto@fairfaxcounty.gov. For clarity, Residential Studios have formerly been referred to as Single Room Occupancy Units (SROs), Single Resident Occupancies, and Single Room Living Facilities, among other names. The purpose of this correspondence is to seek your input regarding this proposal so that a Zoning Ordinance amendment can be brought forward to the Board of Supervisors (Board) for consideration.

By way of background, under the purview of the Department of Planning and Zoning, there are currently a number of programs and policies in place to further the goal of providing safe, affordable housing for all of the County's residents. In addition to these planning and zoning efforts, there are also a number of financing and other programs that are implemented by the Department of Housing and Community Development that are not under the purview of the Zoning Ordinance. Within the planning and zoning tools of the County, there are currently two primary sources for the establishment and preservation of affordable housing, the Affordable Dwelling Unit (ADUs) Program of the Zoning Ordinance and the Board of Supervisors' Policy on Workforce Dwelling Units (WDUs). The units created under the ADU Program are designed to serve households earning up to 70% of the Area Median Income (AMI) in certain residential developments, excluding high-rise buildings. The units created under the WDU Policy are designed to serve those households earning up to 120% of the AMI, typically divided into two or three tiers of income groups. WDUs are voluntarily provided through proffers, most commonly in high-density, mixed use and/or transit oriented areas, typically in buildings utilizing steel/concrete construction materials (high-rise).

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Although the income limits of both the ADU Program and WDU Policy do not specify a minimum income limit, as a practical matter, the pricing of the units as a function of construction costs generally mandate a minimum income of at least 50% of the AMI in order to qualify for a mortgage on the for-sale units. As a result, the combination of ADUs and WDUs offers housing options for households with an annual income of between approximately 50% and 120% of AMI. Therefore, the next logical area in which to focus the County's affordable housing efforts would be households with an annual income of up to 50% of AMI.

Staff is proposing that Residential Studios be introduced as a specific use in phases, with the first phase limited to those individuals making an income of not more than 50% of AMI. Staff believes that this first introduction of the Residential Studio use may be appropriate as a special exception use (a) in all zoning districts that permit multiple family dwelling units; (b) in association with a non-residential use located in a residential district with a density of one unit/acre or greater that does not otherwise permit multiple family dwelling units (example: with a place of worship located in an R-1 District); and (c) in commercial and industrial zoning districts, subject to use limitations in the heavier industrial areas to facilitate compatibility. Further, staff believes this use should be permitted by right in all planned development districts when shown on an approved development plan, or by special exception when not shown on the approved development plan.

The following outlines staff's proposal for defining the Residential Studio use and establishing standards to guide the Board in its review of a special exception application for a specific proposal.

Residential Studio Use Definition:

A Residential Studio will be defined by features and factors that distinguish it from other types of housing currently permitted by the Zoning Ordinance. Such factors will likely include the type of building construction (limited to multi-family or in association with a non-residential use), income limits, occupancy limits, and other features that further clarify the nature of the proposed use.

Proposed Special Exception Standards for Residential Studios:

To ensure the compatibility of the use in applicable zoning districts and to establish some uniformity of the use characteristics, in addition to the general special exception standards that are applicable to all special exception uses, staff proposes additional standards to address the following:

1. Maximum occupancy of the unit – Staff believes that occupancy should be limited to one person per studio, however, staff could support allowing one person and a child under the age of one year to accommodate pregnancy/new parenthood for a reasonable period of time. Staff does not believe that these units should be provided for families with children older than the infant stage.

2. Rental versus for-sale – Staff believes that the effective management of these units warrants a limitation to rental units only. Furthermore, home ownership has considerable financial burdens that may not be achievable in the financially fragile population that will be served by the residential studios.
3. Income limits – Staff supports a maximum income limit of 50% of the Area Median Income (AMI). Under today's statistics, a single person household at the 50% limit would earn approximately \$33,000 per year. For comparison, a full-time minimum wage job would pay \$12,168/year (increasing to \$15,080/year in 2009). Staff believes that an income range of zero to 50% of AMI will afford adequate opportunities to establish a mixed income development, to serve a broad spectrum of employment classifications, and that it will serve those individuals who typically don't earn enough income to qualify for the purchase of an ADU.
4. Minimum unit size – Staff supports a minimum unit size of 200 square feet for a unit, provided such unit has its own bathroom and kitchen facilities. Staff is also considering a maximum size limitation of 450 square feet of gross floor area per residential studio.
5. Minimum and/or maximum development size – Staff would support establishing a minimum and maximum number of individual residential studios that could be constructed in a development. Based on input from various representatives from non-profit groups, a maximum of 100 units on any one site appears to be appropriate. Staff also supports a minimum project size of 10 units to assist in consolidation of services where offered, and to make on-site management economical.
6. Government or non-profit oversight – Staff supports establishing a requirement for the residential studios to be owned and/or managed by a government and/or approved non-profit agency. Staff believes that there should be a high level of accountability and oversight to ensure that the studios are serving the intended income population and that they are properly managed to be compatible with the surrounding uses.
7. Location of use – Staff believes that such uses should be located on property that has nearby access to a major thoroughfare and that the site needs to be within reasonable proximity to some form of public transportation.
8. Intensity of the use – Staff would support establishment of this use based on floor area, not dwelling units per acre. Given the small unit size and the likelihood of accessory uses associated with the units, staff believes that floor area ratio would best capture the intensity of the proposal.

9. Bonus Density – Staff proposes that the floor area attributable to the residential studio use would be in excess of the maximum floor area permitted in the underlying zoning district, provided that any bonus may not exceed a specific percentage over the FAR permitted on the site. Consistent with the density bonus afforded to ADU and WDU developments, staff believes that 20% may be appropriate. Additionally, staff believes that when located in a commercial or industrial zoning district on a property that contains other uses, the floor area devoted to the residential studio use should not account for more than a specified percentage of the total maximum floor area that could be permitted on the site, not including any bonus density. Again, staff suggests a 20% limitation to preserve the principle commercial or industrial character of the other uses on the site.
10. Accessory uses – Staff supports a provision to allow accessory uses, such as employment training/placement, mental health services, laundry/recreation/community facilities, etc. Staff supports a standard that requires the accessory uses to be solely for use by the residents of the residential studios.
11. Buffering and screening - For the purposes of buffering and screening, staff proposes that a residential studio in a residential district or a residential component of a planned development district be considered a multiple family dwelling unit use. In commercial and industrial districts, staff proposes that the use be treated most similar to the predominant non-residential use in the district, such that the residential uses can be integrated without a requirement for onerous buffering and screening on-site and adjacent to the use.
12. Lease term – To promote stability for the tenants and for the use itself, staff supports an initial lease term of not less than six months. Renewal terms could be on a month-to-month or other basis, as the management deems appropriate.
13. Management – Staff supports a requirement for the provision of on-site management of the facility. A management plan, inclusive of rental procedures, safety and security plans, and maintenance plans would be required as a special exception submission requirement.
14. Laundry facilities – If individual units are not equipped with laundry facilities, staff believes there should be convenient laundry facilities provided in a separate room within the building, subject to a reasonable minimum number of washers/dryers per studio units. Staff suggests a requirement of not less than one washer and one dryer per ten residential studio units, but is seeking input as to the appropriateness of this recommendation.
15. Parking – Staff is currently working with the Department of Transportation to gather information regarding the relationship between affordable housing and parking demand.

At this time, staff could support establishment of a provision for one parking space per studio, plus additional spaces, as determined by the Director of the Department of Public Works and Environmental Services, for any proposed accessory uses. Staff would also support a provision that would allow a special exception applicant to seek Board approval of a modification of this parking requirement when the applicant has demonstrated that fewer parking spaces will adequately serve the use based on the specific characteristics of the proposed residential studio use, such as the size and scale, the types of accessory uses, site location in relation to public transportation, employment and retail uses, and/or the availability of shared parking spaces with an adjacent use.

16. Covenants – Staff supports a requirement for the recordation of a covenant to address, at a minimum, the income limitations, rental price restrictions, the perpetuity of such controls and other relevant limits that are applicable to the application property. This would be fashioned similar to the covenants currently utilized for ADUs and WDUs.
17. Reporting on tenant income – Similar to the ADU Program, staff proposes to require the management/owner to provide periodic certification as to the income limits of the tenants to assure on-going compliance with the income limits.

Comprehensive Plan Changes:

In the event that the proposed residential studio use would be permitted in certain commercial and/or industrial Districts or in low density residential districts when associated with a non-residential use in such district, amendments to the Comprehensive Plan may be warranted to allow for the residential studio use and to accommodate any bonus development intensity that may result. No specific language is proposed at this time, pending a final determination as to the nature of the use and the districts in which such use may locate.

Thank you for your interest and assistance in this matter. Please feel free to forward this to all interested parties. I can be reached at donna.pesto@fairfaxcounty.gov if you have any questions.