

March 9, 2021

Fairfax County Board of Supervisors  
12000 Government Center Parkway  
Fairfax, VA 22035

***RE: Testimony in Support of Accessory Living Unit Provision of zMOD***

Chairman McKay and Members of the Board:

Please accept these comments on behalf of the Coalition for Smarter Growth (CSG), the leading organization in the DC region advocating for walkable, bikeable, inclusive, and transit-oriented communities as the most sustainable and equitable way for the Washington, DC region to grow and provide opportunities for all. CSG appreciates Fairfax County's efforts to update its zoning ordinance. Our comments focus primarily on the proposed accessory living unit (ALU) provisions, which we fully support. CSG has become a leading expert on Accessory Dwelling Units through our work in DC and our just-released [DC ADU homeowners manual](#).

We also support the liberalization of home-based businesses -- particularly in view of the advantages we have seen for home-based work during the pandemic. Home-based businesses would be a great benefit to stay-at-home parents, people with disabilities who have trouble traveling, and the Fairfax economy.

**The need:**

Housing in the county is expensive, shutting out young adults, downsizing empty-nesters, essential workers, teachers, firefighters, and many more. Prices are high and smaller homes can be hard to find. If this pandemic has shown us anything - a home is vital to our health and well-being. Now is the time for Fairfax County to prepare for the future and ensure people have affordable places to live in our county.

Accessory living units can offer less expensive housing options than renting or buying a single-family home because of their smaller size and provide housing opportunities in communities that might otherwise be too expensive. ALUs can also offer a stream of income for homeowners, including lower-income homeowners and retirees on fixed incomes.

**Changes proposed are modest and should not be weakened as the Planning Commission proposes:**

While Fairfax County staff has proposed some positive changes to the ALU policy, which is a step in the right direction, they are very modest and do not go far enough to truly make ALUs a viable housing option in the county. The Planning Commission is proposing to weaken these further by keeping the special permit process in place for interior units for several more years. This will further delay the wide ranging response the county needs to apply to the affordability crisis we're facing.

Supporting ALUs is in line with Fairfax County's goals. The Communitywide Housing Strategic Plan developed in 2018 at the request of the Board of Supervisors recommends that the zoning update modify the county's accessory dwelling policy, now known as accessory living units, and to explore zoning districts for missing middle housing types. However, this zoning update does not tackle ALUs robustly enough and does not consider missing middle housing options at all.

Looking at the [comparison chart](#) in the ALU fact sheet provided on the zMOD website, you can see that Fairfax County is lagging behind other local jurisdictions that are doing more to embrace accessory dwellings as a tool to provide more housing options. Meanwhile, Arlington, Montgomery, and DC are all taking steps to study and expand missing middle housing.

**Recommendations:**

CSG supports the county's proposal to remove the current age and disability requirement for all ALUs. No other local jurisdiction has this requirement. Removing the age and disability requirement is more equitable so people of varying ages can take advantage of these types of apartments. It provides greater flexibility to a homeowner to provide a home for an adult child and other family members or friends needing a moderately priced apartment.

Streamlining the process for interior ALUs located within the main home by allowing for administrative approval will make the process less burdensome and costly for homeowners. ALUs, like the principal home, must meet all required building and zoning codes and are subject to inspection. According to the ALU fact sheet on the zMOD website, Loudoun, Arlington, Montgomery, and DC have moved to allow ALUs by administrative approval.

The 2-acre requirement for detached units is unfortunate and retains an inequitable requirement by only allowing detached ALUs for those who can afford 2 plus acres. It also puts these detached units in car-dependent locations. Homeowners throughout most of the county should have the right to build a detached unit on their property.

In fact, Fairfax County should particularly encourage detached ALUs near transit stations and transit-rich corridors. This can be done by removing the 2-acre requirement for detached accessory dwellings and allowing them on smaller lots closer to activity centers and transit. In addition, removing the parking requirement when ALUs are within a mile of frequent transit helps to remove another regulatory and cost barrier and incentivizes housing in the right places.

The Board should accept the staff recommendations for ALUs and home-based businesses, and reject the Planning Commission's proposed rollbacks. The county can then monitor the implementation of these changes as part of a more robust study to expand the creation of ALUs and evaluate missing middle housing needs and solutions.

**Conclusion:**

We encourage the County to take the necessary steps to further expand opportunities for accessory living units and missing middle housing in the county as a way to make more affordable homes available in our communities. Creating more housing opportunities near transit and jobs is essential to ensuring an inclusive and economically prosperous Fairfax County where people are able to live near their work, helping to reduce long commutes through the county, and contributing to a diverse and vibrant community.

Thank you for your time and consideration.

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