The Falls Church Village Preservation and Improvement Society

July 19, 2024

Mayor Hardi and Members of the City Council
Chairman Puentes and Members of the Planning Commission
City of Falls Church
300 Park Avenue
Falls Church, VA 22046

Dear Mayor Hardi, Chairman Puentes, and
Members of Council and the Planning Commission:

The Board of Directors of the Village Preservation and Improvement Society (VPIS) welcomes this opportunity to comment on the Council's review of current regulations on accessory dwellings (hereafter "ADs") in residential neighborhoods. The Village Society held a public session on this issue in April 2024 where a speaker from the Urban Institute and Planning Commissioner Brent Krasner discussed the Alexandria and Fairfax County approaches. The session was very informative; VPIS handouts and speaker presentations can be found at https://www.vpis.org/development-and-design/community-forum-accessory-dwelling/.

The City's outreach to the community is a vital part of this process. We hope that there will be numerous opportunities for the public to become well informed about, consider, and comment on this concept. We also hope the Council will seriously consider the views offered at the upcoming public "conversation" sessions. We have the following comments for your consideration:

1. Is there currently a pressing need for ADs?

A. Analysis of Current Accessory Dwellings. As a starting point, and in light of the City's indication that there are no current BZA-approved accessory dwelling units in the City, we encourage City staff to make a careful and thorough investigation of existing internal and external accessory units used as dwellings within the City and the provisions under which they were approved, either for family use or as rentals. The staff should also explore whether renters are long-term or short-term visitors to the area and if the units have official occupancy permits. This will give us a better sense of the potential demand for such units.

B. Already Booming Housing Growth in the City. The Council's interest in modifying the current regulations appears to be focused on helping to meet regional housing needs through increased density on residential lots. We understand the Council's intent is to provide rental housing for individuals and small families who cannot afford to buy a home in Falls Church but would like to live in the City. Staff should provide the community with information on the extent of new housing needs within the City and the degree to which current and projected construction of rental apartments, condos, townhouses, and senior living units offsets or exceeds these needs.

The recently adopted Demographics Chapter of the City's Comprehensive Plan projects an expected increase of some 2,600 housing units, or 42% growth, in Falls Church between 2020 and 2030. Completed and pending construction and new approvals already include some 2,000 units, or a 32% increase less than halfway through this period. Additional applications for a substantial number of units await Council review or are anticipated in the future. A realistic assessment of future potential housing units should be clarified by development planning staff. New accessory dwellings would provide the same rental housing as that already available in the City in large numbers, and in our view would play a marginal role in meeting these housing needs. Moreover, the U.S. Census Bureau's American Community Survey indicates that Falls Church homeowner and rental vacancy rates increased from 8.4% in 2016 to 10.3% in 2021, implying a potential mismatch between household units available and those in demand at the prices offered. Data show that the City's current housing stock provides ample opportunities right now for individual and small families to live in Falls Church.

2. Improving Current Internal Accessory Dwelling Regulations. The City already offers the opportunity for residents to provide accessory dwellings on their residential property. The zoning code permits the creation of an accessory housing unit as long as it is part of or attached to the existing house. City staff report that there are no current internal AD permits under the code provisions and that the last one approved by the Board of Zoning Appeals was in 2000. There may be features of the current code that have discouraged use of this provision. We see potential benefits in improving current regulations.

Options to consider may be permitting administrative rather than BZA approvals for internal or attached accessory dwellings, thereby dropping the requirement for a public hearing, and eliminating the current requirement for three-year renewal applications. The current limitation on their use in R-1B zones might also be reconsidered.

We believe the basic purpose of such steps should be to provide housing for families to live in Falls Church for an extended period of time. Requiring six-month leases would maintain the family focus and provide housing for people committed to living in the City. This would eliminate short-term rentals that primarily serve tourists or short-term visitors. Together with provisions for an occupancy certificate and taxation as appropriate, these steps might help to legalize some current rental units and encourage additional internal ADs.

3. Authorizing Detached Accessory Dwellings. We look forward to hearing the views of City residents and staff proposals on whether to go beyond these measures to permit detached accessory dwellings. This is not a step to be taken hastily and without consideration of the

broader impact on neighborhoods. Staff should develop reasonable and well-supported predictions on the number of detached ADs that might be built, both in the short and long term. We need accurate data on the potential impact of detached ADs on adjoining neighbors, on the broader neighborhoods and on the community. Absent this analysis, we see no need to advance this concept quickly and prematurely.

As stated above, detached accessory dwellings would provide the same housing that the City already offers and of which we have plenty – rental units of one or two bedrooms. Detached units are estimated to cost some $300,000 in this area, implying a long payoff period (15 years or more) with potential use primarily by wealthier residents. In terms of affordability, detached dwellings likely would be much more expensive to build than internal ADs, and market-rate rentals of such units could be higher than for similar sized multifamily apartments.

Detached units also pose more potential issues for neighboring homes, including environmental, tree canopy, stormwater, parking, and visual impacts. A related issue is potential future demand to sell detached units separately from a primary residence, in effect subdividing the lot and reopening the contentious debate over subdividing residential lots more generally.

Two of our neighboring jurisdictions – Arlington and Alexandria -- have approved the use of detached ADs in residential areas in recent years. Fairfax County allows them only on two-acre lots. Falls Church could benefit greatly from waiting a few years to better assess their impact in those neighboring jurisdictions – seeing what issues arise in Arlington and Alexandria and how best to address them, rather than simply trying to copy their relatively new efforts in this area. This would allow us all to learn from their experience, including difficulties the building of detached ADs may cause.

In our view, were the City to determine that detached ADs should be permitted, current setbacks, building coverage, and impermeability restrictions should be preserved. They have worked well in residential communities in Falls Church to protect current residents and should remain intact for any new construction on residential lots. Permitting 1, 3, or 5-foot side or rear yard setbacks would be a dramatic and likely very contentious change for residents. City staff should ideally provide a better sense of the number and types of lots that could accommodate detached dwellings within these parameters.

We look forward to further discussions within the City on these issues of considerable importance to residents.

Sincerely,
/ S /
Mark Gross
VPIS President

Cc: City Manager Shields, Planning Director Stoddard, and Senior Planner Trainor