

## **Board of Supervisors (Development Process Committee)**

March 28, 2017

Government Center Conference Room 11

### ***Board of Supervisors (Board) Members Present:***

Sharon Bulova, Chairman  
Penelope Gross, Mason District (Vice Chairman)  
John Cook, Braddock District  
John Foust, Dranesville District  
Pat Herrity, Springfield District  
Catherine Hudgins, Hunter Mill District  
Jeff McKay, Lee District  
Kathy Smith, Sully District (Committee Chair)  
Linda Smyth, Providence District  
Dan Storck, Mount Vernon District

Agenda and presentation materials are available on the [2017 Board Committee Meetings Archive webpage](#).

The Development Process Committee (Committee) meeting was called to order at 10:03 a.m.

### **Zoning Ordinance Modernization:**

Barbara Byron, Director, Office of Community Revitalization (OCR), presented an overview of the proposed Zoning Ordinance Modernization Project (zMod), including feedback received during meetings with individual Board members and the Planning Commission that were held earlier in March 2017. Fred Selden, Director, Department of Planning and Zoning (DPZ), Leslie Johnson, Zoning Administrator and David Stoner, Deputy County Attorney were also in attendance.

Ms. Byron briefly described the three major components of the zMod project:

- Re-formatting/restructuring the Zoning Ordinance (ZO)
- Processing of prioritized ZO Amendments of county-wide priority
- Implementing process improvements related to processing of ZO Amendments and other zoning related activities.

Ms. Byron clarified that zMod would be integrating with, but not replacing the ZO Amendment Work Program. She also noted that the use of consultant services would be required in particular for the reformatting and restructuring of the Zoning Ordinance and for certain topic specific amendments such as signs and parking. Ms. Byron noted that staff had completed the RFP for consultant services and that it was proceeding through the County's procurement process. The Committee concurred that the use of consultant services was appropriate.

Ms. Byron identified the proposed initial z-mod amendment priorities:

- Minor Modification Provisions – add flexibility to allow changes to proffers and development conditions without necessarily requiring applicants to go through public hearing process
- PDH Districts – evaluate the PDH Districts in their entirety with a focus on issues that have become problematic, such as yards and HOA maintenance issues such as private streets and retaining walls.
- Uses – combine uses into more generic categories to accommodate emerging trends and reduce the need for use determinations. It was proposed to look first at eating establishments, fast food restaurants and quick service food stores to more accurately reflect current and anticipate future changes to the industry.

There was consensus among the Committee regarding the initial set of amendment priorities, and that the restaurant use category (fast food/eating establishment) should be the first of the uses addressed. There was also agreement that staff needed to have specific timelines for each amendment.

Ms. Byron also discussed implementing proposed improvements to the ZO Amendment and other zoning processes, including allocation of staff resources, process for authorization/advertisement of amendments, and outreach/communication. There was considerable discussion among the Committee members concerning outreach and communication. The Committee generally supported the use of Board Liaisons for each amendment (to include chair of the Committee and one other) to serve as a sounding board for staff and to assist with communications with other Board members, with the caveat that such liaisons may not be representative of viewpoints of all Board members. Supervisor Smith stated that it would be her intent to ensure that communication with the liaisons would be shared among all Board members. The proposal to provide frequent updates at the Committee was supported, as were monthly meetings with Board member land use aides on a range of land use related topics in addition to the ZO amendments, such as Comprehensive Plan Amendments and Fairfax First initiatives.

There was discussion on the proposal for outreach and communication to citizens and establishment of a citizen committee comprised of a representative from each Magisterial District. While the Committee strongly supported the concept of a citizen committee, there was concern raised about logistics for such a group. Staff noted that they would continue to evaluate and work on the outreach component and would be looking to incorporate recommendations from Chairman Bulova's Community Council on Land Use Engagement as well as from the County's participation on the Urban Land Institute Study on Community Engagement.

In summary, the Committee directed staff to move forward with the initial phase of the zMod project and complemented staff on the presentation and work completed thus far.

**Fairfax First Initiative Update – Parking Requirements and Reductions:**

John Friedman, Engineer IV, LDS, gave a follow-up presentation to his February 7, 2017, presentation, Fairfax First Initiative Update – Parking Requirements and Reductions. At the

February 7, 2017, presentation, five proposals for changes to the requirements for parking and parking reductions that were developed in connection with the Fairfax First initiative were discussed. The objective of the proposals is to streamline the process for obtaining reductions and minimize the need for reductions where appropriate. The Committee gave the go-ahead on three of the proposals and requested that staff return with additional information on the following two proposals: 1) allow for administrative approval of shared parking for by-right developments up to a specified maximum percentage; 2) provide lower parking rates in the non-Tysons Transit Station Areas (TSAs) thereby eliminating the need for reductions. The bulk of the presentation was devoted to a discussion of the proposal for administrative approval of shared parking for by-right developments. Mr. Friedman explained in detail how shared parking works, what criteria would be used to determine eligibility for administrative approval, and the review process for administrative reductions. Information on 21 shared parking reductions approved by the Board over a 15 year period that could have qualified for administrative approval under the shared parking proposal was presented. The information provided included data on the amount of the reductions, the distribution of the reductions by Supervisor District, and the uses for which reductions were approved. Mr. Friedman also gave a brief summary of the proposal for reduced parking in the non-Tysons TSAs and the Committee was asked if staff should continue to pursue this proposal. Discussion ensued. The Committee gave staff the go-ahead to prepare ZO amendments for the shared parking proposal with a recommended maximum 30% reduction and agreed that it and the other three proposals given the go-ahead at the prior meeting could proceed prior to a final determination being made on the proposal for reduced rates in the non-Tysons TSAs. The Committee advised staff to continue to pursue the proposal for reduced parking rates in the non-Tysons TSAs and come back to the Committee with additional information at a future Committee meeting. Staff will address the individual concerns of several of the Committee members with them prior to the next meeting.

**LDS/DPWES Budget:**

Bill Hicks, Director, Land Development Services (LDS), presented an update of the development process Fiscal Year (FY) 2018 budget considerations. Joe Mondoro, Director, Department of Management and Budget, was also present. Mr. Hicks' presentation touched on four key points: measureable improvements, increasing workload, FY 2018 Budget considerations, and revenue trends.

Mr. Hicks described the significant strides that LDS has made improving the plan review process. Review times for major Site Plans and residential building (architectural) plans have been cut in half. LDS has launched a pilot Project Management program to facilitate complex projects through the review process. The two categories are: "Cradle to Grave", in which the Project Manager is involved through the entire process, from the initial zoning application to final bond release; and "Troubleshooting", in which a project manager is brought in to addresses specific friction points that may be encountered during the process. In addition, two positions have been reassigned to Urban Forest Management, to focus on the review of Infill Lot Grading Plans for proposed single-family construction and ensuring compliance with Tree Conservation Ordinance requirements.

Mr. Hicks presented information regarding the recent significant increase in workload: the number of issued Building Permits have steadily increased; the value of construction has increased nearly 50%; and Infill Lot Grading plans have increase 79% since FY 2010. Residential building inspection requests have also continuously increased, and as a result, inspection backlog and holdovers spiked toward the end of last calendar year. Mr. Hicks described numerous steps that were taken to address and eliminate the inspection backlog.

Mr. Hicks concluded with comments regarding the proposed FY 2018 budget. First, LDS is a separate agency, pulled out from the Department of Public Works And Environmental Services, to emphasize its role in the development process. Second, two new positions within DPZ are included to support the zMod Project.

Discussion ensued regarding the increases in, and possible changes to, the residential inspection requests. The Committee discussed the importance of saving mature trees during the infill development process and the problems that arise when trees that were proffered to be saved are cut down during construction, but also discussed the need to consider the problems that arise when a tree that has died as a result of the construction must be removed after the project is complete. The Committee also discussed the goals, expectations, benefits and accomplishments of the Project Management approach, including benchmarking the level of service, and room for additional improvements. Staff will return to the Committee at the May 9, 2017, meeting for additional discussion regarding revenue neutral reinvestments in the development process.

The Committee meeting adjourned at 12:17 p.m.

The next scheduled Committee meeting is May 9, 2017, at 3:00 p.m.