

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

October 3, 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  
Jeff McKay, Lee District  
Catherine Hudgins, Hunter Mill District  
Kathy Smith, Sully District (Committee Chair)  
Linda Smyth, Providence District  
Dan Storck, Mount Vernon District

The Development Process Committee (Committee) meeting was called to order at 1:05 p.m.

### **Zoning Ordinance Modernization project Signs Amendment:**

Barbara Byron, Director, Office of Community Revitalization (OCR), introduced Drew Hushour, Deputy Zoning Administrator, Zoning Administration Division (ZAD), Department of Planning and Zoning (DPZ) to discuss amending the sign regulations of the Zoning Ordinance. Staff also in attendance were Fred Selden, Director, DPZ; Leslie Johnson, Zoning Administrator, DPZ; and David Stoner, Deputy County Attorney.

Drew Hushour presented a recap of the five policy areas of proposed changes to the sign regulations that are necessary to create content neutral regulations, in response to the Gilbert Supreme Court decision. The five areas of consideration that came up during individual discussions with the Board members included electronic display signs, off-site (e.g., wayfinding) signs, signs in residential districts (e.g., schools and places of worship), temporary signs (including political campaign signs), and commercial banners (e.g., promotional banner) and combining the commercial and industrial regulations.

Discussion ensued regarding the nature and scope of the proposed regulations, including the location, size and illumination of electronic signs, enforcement of the provisions, watch for children safety signs, and wayfinding signs.

Staff will continue to meet with stakeholder groups, such as community groups, schools, park authority. A proposed draft will be distributed to the Board in the near future, and staff intends to meet with planning commission land use committee in October, and return to the Committee in December for continued discussion of the options and ranges of the proposed amendment. Staff is aiming for authorization in January, with public hearings before the Planning Commission in February and the Board in March.

**Office Building Repurposing:**

Sophia Fisher, Planner III, DPZ, presented an overview of the proposed amendment to the Comprehensive Plan that will facilitate the repurposing of vacant office buildings. Barbara Byron, Director, OCR, Fred Selden, Director, DPZ, and Meghan Van Dam, Branch Chief, DPZ, were also in attendance.

Ms. Fisher stated that the proposed plan amendment is one of the responses to the many recommendations of the 2016 Office Building Repositioning and Repurposing report, which was produced by the Fairfax County Building Repositioning Workgroup. The recommendations in the report also help to implement Recommendation #5 of the Strategic Plan to Facilitate the Economic Success of Fairfax County, which was adopted by the Board of Supervisors in 2015.

Ms. Fisher also defined office building repurposing and described some emerging trends that could potentially occupy the repurposed office buildings. These trends include: flexible live/work units, such as the e-Lofts concept; makerspaces; food incubators; and public uses such as schools.

Ms. Fisher walked through the proposed amendment, which would add new guidance to the Land Use section of the Policy Plan as a new appendix entitled, “Guidelines for Building Repurposing.” The new appendix would provide guidance for considering uses other than those envisioned by the current Comprehensive Plan for vacant office buildings in certain mixed-use centers such as Tysons Urban Center and the Merrifield Suburban Area, as well as industrial areas. By adding this policy, repurposing proposals that meet the criteria set forth in the new appendix could be considered without the need to amend the Comprehensive Plan on a site-by-site basis. These criteria include compatibility, transportation, site design, schools, parks, public facilities, affordable and workforce housing, environment, and historic preservation. The amendment would not preclude the Board’s ability to authorize a concurrent plan amendment and rezoning review process, as per county policy.

Ms. Fisher reported that a community meeting had been held on the comprehensive plan amendment on September 25, 2017 at the Bailey’s Upper Elementary School, which itself is an example of office building repurposing. She also identified the public outreach that has been completed to date, including meetings with Northern Virginia Building Industry Association (NVBIA)/NAIOP Northern Virginia (NAIOP), the Planning Commission’s Land Use Process Review Committee, and the Board of Supervisor’s Economic Advisory Committee-Implementation Committee and noted that public hearings are scheduled on November 2, 2017 for the Planning Commission and on December 5, 2017 for the Board.

Supervisor Cook requested clarification on why the proposed flexibility for repurposing was only allowed in mixed use centers that are already being redeveloped, when the market is already changing to make those areas desirable for redevelopment and there are already Plan options for redevelopment. Mr. Selden noted that the plan amendment includes industrial areas and that mixed use includes all of the various concentrations of businesses that exist across the county. Mr. Selden also noted that residential conversions within office buildings are located in areas that are subject to the proffer legislation, which limits the number of tools that can be used to make a potential conversion compatible with the surrounding area. Ms. Byron noted that the proposed amendment does not preclude an applicant from filing a site-specific rezoning request along with a comprehensive plan amendment for a property located outside of the mixed use centers. Furthermore, the Board would still be able to authorize Plan amendments to study areas.

Supervisor Foust requested a clarification on what type of zoning application would be filed for the buildings repurposed under this amendment. Ms. Byron noted that determining the appropriate mechanism, likely either a Special Exception or a Rezoning, is being worked on with the current work program. Supervisor Herrity asked if uses such as data centers, colleges, and medical uses including detox centers would be excluded from potential conversions. Ms. Fisher noted that the examples given during the presentation were illustrative and the proposed plan text does not specifically limit any uses. Supervisor Herrity also expressed a question about the effect the proposed amendment will have on time to market for the potential conversions. Supervisor McKay expressed that his understanding of the purpose of the proposed amendment is to expedite new uses. He also asked if the revitalization areas in Suburban Neighborhood Areas would be subject to the proposed plan amendment.

Supervisor Smyth raised a concern about school capacity for potential residential conversions, especially in areas that are already experiencing school overcrowding. She also expressed a concern that the repurposing could cause valuable office sites to be taken out of inventory when they may have a viable economic use at some point in the future. Supervisor Foust noted that any zoning action (rezoning or special exception) has to be compatible with the Comprehensive Plan.

Supervisor Bulova noted that she likes the direction towards flexibility to use older buildings and be creative. It also provides different housing choices and makes more space for makerspace/innovative uses.

#### **Zoning Ordinance Amendment for Maximum Coverage of Minimum Required Rear Yards:**

Casey Gresham, Senior Assistant to the Zoning Administrator, DPZ, presented an overview of the proposed Zoning Ordinance Amendment. Cathy Belgin, Deputy Zoning Administrator, DPZ, and Leslie Johnson, Zoning Administrator, DPZ, were also in attendance.

Ms. Gresham presented an overview of the proposed Amendment, including a recap of the amendment, as well as a response to questions previously raised at the May DPC meeting specifically relating to P-District size standards as well as stormwater impacts. Ms. Gresham provided an overview of the stormwater analysis completed, as well as a statement from stormwater regarding the impacts of this amendment. Ms. Gresham requested direction from the Board on three proposed options: proceeding with the proposal to increase by-right coverage as proposed at the May DPC meeting; increase the by-right coverage with use limitations imposed; or to proceed with creating a Special Permit option to exceed the by-right limitations.

Supervisor Foust requested that the Amendment's impact on tree canopy and the tree ordinance be considered, as he was worried that property owners might not be incentivized to protect their trees under this amendment. Supervisor McKay did not see this problem in P-Districts specifically, as much thought has been put into preserving tree canopy. He believed there needed to be a by-right increase in coverage permitted in P-Districts and thought that they should be treated differently than conventional districts when it came to rear yard coverage. In addition, Supervisor McKay continued to express his concerns with the P-District lots and those lots that might fall above or below the 5,000-square foot cut-off that are located in the same neighborhood. In this scenario, two neighbors might have differing regulations. The Board asked staff to look at additional ways to exempt certain P-District lots, and Supervisor Smyth brought up looking at average lot sizes of the developments. She thought the Special Permit option allowed for transparency and for neighbors to bring up any existing drainage problems. Supervisor Smith said the Board's general consensus was to go forward with authorization as originally proposed with advertising a range of a by-right

increase in both the conventional and P-Districts, and potential impacts will be considered by the Board.

**Zoning Ordinance Amendment Regarding Short-Term Lodging (Rentals):**

Lily Yegazu, Senior Planner, DPZ presented an update on the status of the proposed Short-Term Lodging (STL) Zoning Ordinance Amendment and sought specific guidance on specific topics that would define the scope of the advertisement of the Amendment. Staff also in attendance were Fred Selden, Director, DPZ; Leslie Johnson, Zoning Administrator, DPZ; and Donna Pesto, Deputy Zoning Administrator, DPZ.

Ms. Yegazu presented a brief update on the final results of the survey, which ended on August 31<sup>st</sup> and comprised 7,671 responses, with 3,295 participants providing specific written comments. She identified the main issues identified by survey participants as neighborhood character, safety/security, inspection/enforcement/complaints, and parking/traffic. It was noted that these issues were also specified by the participants in the three community meetings conducted to date, in addition to comments that STLs offer the opportunity to earn income/make homeownership more affordable and provide more affordable accommodations in the County. Based on this input, Ms. Yegazu presented an outline of the types of provisions staff will be addressing in the proposed amendment and sought the Board's direction in presenting a broad scope of provisions for consideration. Committee Members provided the following guidance for the development of a Zoning Ordinance Amendment proposal: a clear preference for principle domicile requirements for operators, prohibition on the hosting of any events, establishment of a reasonably low permit application fee, limits on the number of rental days to not more than half the year with not more than 90 days being preferred by most members, options for addressing parking needs of the accessory use, and an indication as to how enforcement can be accomplished under the new provisions. Arlington County's regulations were cited as a good example and staff was requested to continue to work with them to ascertain the effectiveness of their provisions and to continue to engage interested parties in the development of the amendment proposal.

Staff indicated that one additional community meeting was scheduled for October 12, 2017 at 7:00 p.m. in Conference Rooms 9/10 at the Government Center. Additionally, staff is working with the Planning Commission to conduct a workshop to review a strawman of the provisions, with an anticipated timeframe of November. Staff's stated goal was to return a proposed amendment to the Board in early 2018 for authorization, which timing was satisfactory to the Committee.

The Committee meeting adjourned at 3:15 p.m.

The next scheduled Development Process Committee meeting is December 12, 2017, at 10:00 a.m.