

Board of Supervisors Development Process Committee

January 30, 2018

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 11:06 a.m.

Zoning Ordinance Modernization project Consultant Outreach:

Barbara Byron, Director, Office of Community Revitalization (OCR), presented an update on the Zoning Ordinance Modernization Project (zMOD) that summarized the formal kickoff week held January 23 – 25, 2018, and information on other forms of outreach. County Project Team and Clarion Associates held the 3-day event with the main focus being to gather information and feedback on the current Zoning Ordinance which included team coordination meetings and engagement sessions for staff focus groups, various stakeholders and a public meeting at the Government Center. The public meeting was well attended and a video is available on the zMOD website at www.fairfaxcounty.gov/planning-zoning/zmod.

Responses to a public survey and an internal survey open during the month of January has been very positive and are exceeding expectations. The survey has been extended due to requests received during the public meeting and will now close on February 14, 2018. Additional outreach includes a new Facebook page and the creation of a listserv that will disseminate information and updates during the course of the project. Clarion Associates will return May 8 – 10, 2018, for the next planned outreach and will include an introduction to the project team at the May 8, 2018, Committee meeting.

Public Facilities Manual Flexibility Project Update:

John Matusik, Engineer IV, Site Code Research and Development at Land Development Services (LDS), presented an overview of the proposed Public Facilities Manual (PFM) Flexibility Project progress and tentative schedule. Danielle Badra, Technical Writer at LDS, Jan Leavitt, Engineer V at LDS, David Stoner, Deputy County Attorney at the Office of the County Attorney, and Bill Hicks, Director, LDS, were also in attendance.

Mr. Matusik presented an overview of the proposed PFM Flexibility Project progress including: all engagement efforts with industry, county, and public stakeholders; a summary of the project's five identified themes and recommendations; an outline of the chapter amendment and prioritization process; and a tentative timeline for delivery of a more flexible PFM to the Board of Supervisors. Mr. Matusik requested from the Board support moving forward: the PFM Flexibility Project's five identified themes, the subsequent theme recommendations, and the projected schedule.

Supervisor McKay supports moving forward with PFM Flexibility Project, with a caveat that something be done as soon as possible to shift the staff culture around the PFM to consider the document more as a guidelines document. Supervisor McKay suggested adding language to the very beginning of the PFM that highlights the PFM as a guidelines document, and potentially hosting a training or meeting to acquaint staff with this new language. Supervisor Herrity and Supervisor Smith both agreed with Supervisor McKay's suggestion. The Committee's general consensus was to support moving forward the PFM Flexibility Project with the additional request to include language with an advanced timeline to address the PFM as a guidelines document.

Zoning Ordinance Amendment Regarding Commercially Managed Short-Term Lodgings (Rentals):

Lily Yegazu, Senior Planner, Department of Planning and Zoning (DPZ) presented an update on the proposed Short-Term Lodging (STL) Zoning Ordinance Amendment relating to commercially managed multiple family rental developments only, that was briefly introduced at the December 12, 2017 DPC meeting. Staff also in attendance were Fred Selden, Director, DPZ; Leslie Johnson, Zoning Administrator, DPZ; and Donna Pesto, Deputy Zoning Administrator, DPZ.

Ms. Yegazu presented draft provisions relating to commercially operated STLs and sought direction from the Committee Members. Ms. Yegazu explained that the proposal would allow rental of a maximum of 50% of the units in any multiple family dwelling unit rental building located in a Transit Station Area (TSA), provided it is approved by the Board in conjunction with a Rezoning Application or as a Special Exception, during the lease-up period not to exceed two years. In addition, the Board may approve a rezoning, amendment to a rezoning, or special exception to allow STLs not to exceed a maximum of 10% percent of the total unit count in existing multiple family dwelling unit rental building located in a TSA on a permanent basis. Both types of STLs would not be permitted in an independent living facility. There was general support for the proposal to allow STLs during the lease-up period. However, Committee Members recommended additional outreach and research be conducted on the proposal to allow up to 10% STLs permanently. It was

also recommended that staff consider expanding the eligible area outside of TSAs and consider looking at corporate housing separately.

Comprehensive Plan Amendment 2017-CW-3CP Economic Success:

Bernard Suchicital, Senior Land Use Planner, DPZ, Planning Division (PD), presented an update on the Economic Success Plan Amendment (PA) 2017-CW-3CP. Staff also in attendance were Fred Selden, Director, DPZ; Marianne Gardner, Division Director, DPZ, PD; and Meghan Van Dam, Branch Chief, DPZ, PD.

Mr. Suchicital presented a brief update on PA 2017-CW-3CP. He reported that the PA resulted from a follow-on motion from the Board of Supervisors (Board) directing staff to evaluate economic success as guidance for Board members when considering authorizing amendments to the Comprehensive Plan, and to engage appropriate representatives from the development community. He explained that staff used the Strategic Plan to Facilitate Economic Success of Fairfax County (Economic Success Plan) as a basis for the evaluation of changes to Comprehensive Plan language that provides guidance for the Board on this matter. He noted Goal 2 of the Economic Success Plan aligns with and reinforces many of the land use objectives established in the Comprehensive Plan. Mr. Suchicital then provided revised guidance that adds a reference to the strategies set forth in the Economic Success Plan, general edits to change “Fairfax Forward” to “Site-Specific Plan Amendment Process” as an update to the History of Comprehensive Planning section of the Policy Plan, and a timeline of review with additional feedback from industry professionals.

Supervisor Smith expressed concern that this PA only referenced the Economic Success Plan and believed staff would supply examples for economic success instead. She explained that the Economic Success Plan primarily focuses on activity centers in the county and wanted to know how other parts of the county would benefit. She also made a point that the Board is looking forward to hear about feedback from the industry professionals on the matter. Supervisors Herrity and Cook both expressed the desire to see broader guiding language based on economic benefits to the county. Mr. Selden responded that the Economic Success Plan is already a broad palette of goals and objectives and could not recall a PA that would not tie back to the Economic Success Plan.

Supervisor Smyth shared that the county’s mixed-use centers and transit station areas are identified as policy areas because these areas are where existing and planned transportation infrastructure is available. She continued that a project should proceed faster within a reasonable timeframe only if all the pieces are aligned and are situated in the right place. She concluded that the most serious thing the Board does when considering a Plan amendment is carefully evaluating the proposal and if all the components are in place to address the potential impacts.

Supervisor Foust supported the reference to Goal 2 of the Economic Success Plan if the Board’s directive was to incorporate criteria for economic success. However, he felt that if the Board wants broader language, then the Board should come forward with specific examples. Supervisor McKay stated that he was OK with the language, but explained that the larger concern is the flexibility and

discretion that is granted to the Board in knowing what is best for the community. Supervisor McKay was unsure that revising the Policy guidance language in such a manner would be a good idea as there may be unintended consequences.

Supervisor Storck asked staff if there was any legal reason needed to amend the Plan guidance. Elizabeth Teare of the Office of the County Attorney Office responded that the Policy Plan is merely a guiding document and is not a strict interpretation legally. She followed up that her office will examine the question further and will respond back to the Board in writing. Supervisor Smith also provided that the supervisors may be tying their hands together with this Plan amendment.

The Committee meeting adjourned at 12:32 p.m.

The next scheduled Development Process Committee meeting is February 13, 2018, at 11:00 a.m.