

Board of Supervisors (Development Process Committee)

July 18, 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
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 3:10 p.m.

Zoning Ordinance Modernization:

Barbara Byron, Director, Office of Community Revitalization (OCR), presented an update on the Zoning Ordinance Modernization Project (zMOD) and outlined the proposed approach for amending the restaurants and signs provisions of the Zoning Ordinance. Staff also in attendance were Fred Selden, Director, Department of Planning and Zoning (DPZ); Leslie Johnson, Zoning Administrator, DPZ; David Stoner, Deputy County Attorney, Office of the County Attorney; Andrew Hushour, Deputy Zoning Administrator, DPZ; and Carmen Bishop, Senior Assistant to the Zoning Administrator, DPZ.

Ms. Byron presented a brief update on the zMOD work. She reported that the process of reviewing the consultant responses to the RFP is proceeding well, and that, there are good candidates under consideration. She noted that there have been two citizen meetings on the minor modifications zoning ordinance amendment, one in the north and one in the south part of the County. The citizen advisory group has met once, and will be holding monthly meetings to provide staff with feedback on the proposed amendments. Staff has met with Northern Virginia Building Industry Association and will be meeting with local land use attorneys next week.

Restaurants:

Ms. Bishop gave a presentation on the restaurants zoning ordinance amendments. She noted that the current regulations can limit business practices and opportunities to establish restaurants at some appropriate locations. The proposed amendment focuses on: 1) revising the definitions to eliminate outdated operational characteristics, and create more generic definitions to

accommodate current and future trends; 2) where and how restaurants would be permitted by clarifying and simplifying use limitations to remove unnecessary impediments and improve permitting; and 3) revising the parking rates to accommodate the revised definitions.

Supervisor Herrity asked how restaurants, like those in Barnes and Noble, and Walmart, would be handled. Ms. Bishop said that these eating establishments are considered accessory uses to the main use and are not proposed to change with the zoning ordinance amendments under consideration.

Chairman Bulova asked why a special exception is necessary for a restaurant in the office districts. Ms. Johnson said that, historically, these were to be office areas without significant amounts of retail and other uses, such as restaurants. Ms. Byron said that the staff would look into permitting restaurants in office areas, perhaps with use limitations to mitigate impacts, as these amendments go forward.

Supervisor Herrity suggested that the repurposing of drive-through banks into restaurants should be investigated. Supervisor Stork questioned why the county would restrict which floor a restaurant use may occupy in an office building and Supervisor Herrity added that rooftops can be good locations for restaurants, as well. Ms. Byron noted that the policy of encouraging ground floor restaurants comes from the Comprehensive Plan. It is viewed as a way to bring activity to the street. Supervisor Stork said that allowing restaurants on any floor could be a way to lower a barrier to business. Staff indicated that they would look into modifying the proposed amendment to reflect the Committee's discussion.

Supervisor Smyth said that parking for restaurants is a concern, particularly since it is common that the patrons at a table will arrive in separate vehicles. Ms. Byron said that staff is proceeding with the proposed amendments and will be working on parking on an ongoing basis with the help of the industry and citizen volunteers that are looking at restaurant issues.

Signs:

Mr. Hushour gave a presentation on the signs zoning ordinance amendments. He noted that the purpose of the current amendment is to make the regulations neutral with regard to content in response to the Reed v. Gilbert U.S. Supreme Court decision. In addition this amendment will address some minor policy issues and reorganize the signs article into a more user-friendly format.

Supervisor Smyth asked if there is an ability to create separate regulations for signs related to residential and commercial uses. Mr. Hushour said that they are proposed to be treated differently based on size and time limits. Supervisor Smyth stated that churches are often located in neighborhoods and some are doing digital displays that are not appropriate in neighborhoods. Ms. Johnson said that staff can explore addressing the intensity of the lighting in digital displays.

Supervisor Stork asked if these proposed amendments apply to residential signs and temporary signs. Mr. Hushour said that the staff is proposing to make all signs content neutral.

Supervisor Gross stated that it would be helpful to have photos and drawings illustrating what is allowed now and what will be allowed under the proposed amended language.

Supervisor Foust stated that amendments to the sign ordinance will be a major issue of interest and that the staff should reach out to the various District land use and planning committees.

Zoning Ordinance Amendment for Short-Term Rentals:

Donna Pesto, Deputy Zoning Administrator, DPZ, gave an introduction of the proposed Zoning Ordinance Amendment and introduced Lily Yegazu, Senior Assistant to the Zoning Administrator, DPZ, who presented a status update. Also in attendance were Leslie Johnson, Zoning Administrator, DPZ, and Fred Selden, Director, DPZ.

Ms. Yegazu presented an overview and status update on the proposed Zoning Ordinance Amendment, including defining Short-Term Rentals (STRs), what the current Zoning Ordinance limitations are on STRs, State code changes and why changes are proposed. She stated that staff is at the information gathering stage and has not prepared draft regulations at this time, to ensure the public gets a chance to provide comments and feedback prior to the preparation of a draft regulation. Ms. Yegazu also provided status update on the outreach efforts underway on the proposed amendment including staff and multi-jurisdictional work groups, upcoming outreach meetings and a survey that is running from June 19, 2017 through August 31, 2017.

Ms. Yegazu provided details on the survey responses as of July 11, 2017, which had reached a rate of 4,921 responses. She provided a map with the response rate by zip code with an overlay of each Magisterial District and stated that responses have been received from all parts of the County. A summary overview of existing regulations in other jurisdictions was also presented by Ms. Yegazu. She provided information on the proposed next steps, including an upcoming Zoning Ordinance Amendment Open House to introduce STRs and other pending Zoning Ordinance Amendments to the public and provide the opportunity for members of the public to ask questions and discuss the proposed amendments one-on-one with staff. She indicated that the Open House will be held at 7:00 pm, on July 26, 2017 at the Herrity Building, Conference Rooms 106 and 107.

The Committee inquired about the process staff will be looking at in adopting any regulations. Ms. Johnson explained that the response received so far range from do not allow STRs, allow with regulations, or to allow residents to determine how they want to use their home without county involvement. She stated that to address the broad concerns, any proposed regulations would likely be treated similar to a home occupation permit and the County would establish a registry. Ms. Johnson further stated that through a combination of a permit and/or registration process, staff hopes to be able to create a one-stop shop where different departments can share information. The Committee inquired regarding HOA covenants that might prohibit short-term rental. Ms. Johnson clarified that covenants are private and that the County is not in a position to enforce private covenants. Ms. Pesto added that the application could have a statement warning that one should check for covenants on one's property and should be aware that having a permit from the County does not override existing covenants. The Committee suggested that there be a limit on cars, as constituents are concerned that street parking may be taken up with short-term renters. Ms. Johnson stated that parking is one of the issues identified in the survey responses

received so far and that staff will be taking this issue into consideration when drafting any proposed regulation. Committee members stated that short-term rentals is an important topic in some districts and that some hate the idea while others are anxious to do it. The Committee directed that the county should take time, move with some deliberation and be careful in drafting the regulations since there are so many conflicting approaches.

Parking Requirements and Reductions:

John Friedman, Engineer IV, LDS, gave a follow-up presentation to his February 7, 2017, March 28, 2017, and May 23, 2017, presentations, 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. At the February 7, 2017 meeting, 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. At the March 28, 2017, meeting, the Committee discussed the proposal for administrative approval of shared parking for by-right developments, and gave it the go-ahead. At the May 23, 2017, meeting, the Committee discussed the proposed lower base parking rates for multifamily residential uses in the non-Tysons TSAs and gave it the go-ahead. At this meeting, Mr. Friedman presented the proposed base parking rates in non-Tysons TSAs for office and commercial uses. Information on parking usage at ten office sites in Merrifield, Tysons, Reston, Herndon, and Fair Oaks was presented. It was noted that parking usage at the sites was less than what is currently required by the Zoning Ordinance and the data was collected prior to construction of the Silver Line. A comparison of the proposed base parking rates to the rates in other jurisdictions for both office and commercial uses also was presented. The Committee supported moving forward with the office component of reduced base parking rates in the non-Tysons TSAs. With respect to moving forward with the proposed commercial rates, the Committee was generally supportive and requested staff to have discussions with individual Board members that have TSAs in their districts to identify any issues of concern.

The Committee meeting adjourned at 5:08 p.m.

The next Development Process Committee meeting is September 19, 2017, at 9:00 a.m.