

Board of Supervisors Land Use Policy Committee

October 27, 2020

Government Center Conference Room 11

Board of Supervisors (Board) Members Present:

Jeff McKay, Chairman
Penelope Gross, Mason District (Vice Chairman)
James Walkinshaw, Braddock District
John Foust, Dranesville District
Walter Alcorn, Hunter Mill District
Rodney Lusk, Lee District
Dan Storck, Mount Vernon District
Dalia Palchik, Providence District
Pat Herrity, Springfield District
Kathy Smith, Sully District (Committee Chair)

The Land Use Policy Committee (Committee) meeting was called to order at 1:31 p.m.

The summary of the July 21, 2020 Committee meeting was accepted.

Zoning Ordinance Modernization (zMOD):

Staff in attendance were Barbara Byron, Director, Department of Planning and Development (DPD), Leslie Johnson, Zoning Administrator, DPD, Carmen Bishop, Principal Planner, DPD, and Casey Judge, Senior Planner, DPD.

Ms. Bishop and Ms. Judge provided an update on the outreach associated with the project and introduced new changes being considered for incorporation into the next draft. The first use was adult day support center, which would focus on providing services for adults with intellectual or developmental disabilities. Small-scale “urban” vehicle rental was presented, as well as revised size limitations for goods distribution hubs when repurposing buildings. Proposed changes to accessory living units were highlighted, including health department approval if a well or septic system is used, as well as requiring interconnected smoke and carbon monoxide detectors. The initial renewal timeframe for ALUs should be reduced from five years to two years with subsequent renewals based on record of compliance. An advertised option to use the entire basement was mentioned, as well as changing the requirement from “designating” a parking space to requiring an additional off-street parking space for interior units. Home-based businesses were also presented with a proposed change to list the types of uses that would be allowed in a home instead of those that are not permitted. Customers were proposed to be reduced from the latest posted allowance of four at a time and eight in a day in single-family

detached dwellings to two at a time and six in a day in all dwelling unit types. Special events were proposed to be expanded to allow for-profit businesses to have these types of events, as well as a reduction of the fees for special exceptions applications for alternative use of historic buildings, congregate living facilities, and quasi-public parks, playgrounds, or athletic fields. Lastly, the new use of massage therapy establishment, and changes to distinguish smoking lounge and public entertainment uses were presented. The presentation was concluded with a review of the proposed project schedule for authorization and public hearings. Authorization of the revised draft was targeted for December 1, 2020, with public hearings with the Planning Commission and Board between January and March of 2021. The effective date of the Ordinance would be delayed and targeted for July 1, 2021.

Staff responded to a number of questions from the committee. In general, there was support for the outreach and changes made over time in response to comments received by the public, as well as the proposed schedule for authorization in December.

Several questions were raised regarding the proposed changes for accessory living units (ALUs). There was a question on rental of accessory living units, which would be permitted under the proposed draft language. There was a mention of the age and disability limitation and if it should be removed, and there were concerns raised about accessory living units within cluster subdivisions. Staff noted that with the revised requirement of providing an additional parking space, a special permit could be requested if an additional parking space cannot be provided. A committee member expressed support for the size limitation for accessory living units, especially to promote affordability with smaller units. Another member expressed concern about the 1,200 square foot maximum size for detached accessory living units on larger lots, especially lots greater than five acres. A sliding scale was requested to allow larger sizes on larger lots. The need for housing for younger people in the County was mentioned, as well as the relatively few number of accessory dwelling units created under the current regulations. A question was raised regarding whether the occupancy limitation of two people is applicable when two parents living in the unit have a child. Staff noted that this question would be considered in consultation with the County Attorneys' office. A request was made for staff to provide updated data for the number of accessory dwelling units in surrounding jurisdictions. Support was expressed for the reduction of the accessory living unit renewal timeframe.

Regarding home-based businesses, questions were raised about parking associated with home-based businesses and home daycare facilities, especially with HOA parking and visitor spots. A question was asked regarding whether an employee could use the designated parking space for home-based businesses. Staff was requested to review the parking standard. Allowing signs for home-based businesses was discussed, as the recent Sign Ordinance amendment addressing content neutrality allows yard signs for residential uses. Staff noted that this issue is still under review. The reduction of customers was appreciated. The idea of allowing additional home-based

business employees for dwelling types other than single-family detached dwellings was suggested, especially for larger townhouse units.

Regarding the proposed massage therapy establishment use, it was requested that staff coordinate with the massage taskforce.

With respect to the reduced fees, there was a question about the reduction for congregate living facilities and where that reduction idea originated from, especially since some of these uses are for-profit facilities.

The proposed adult day support center use was supported by the Committee. It was requested that staff conduct outreach with the Community Services Board and Disability Services Board.

There was a discussion about the delayed effective date and whether the entire Ordinance or any sections could be made effective sooner, specifically with electric vehicle charging and other similar instances where staff could begin implementing appropriate standards. Staff indicated that this would be reviewed with the County Attorneys' office.

Comprehensive Plan Amendment Work Program:

Staff in attendance were Barbara Byron, Director, DPD, and Leanna O'Donnell, Planning Division Director, DPD. Leanna O'Donnell presented the Comprehensive Plan Amendment Work Program which organizes the review of authorized Comprehensive Plan Amendments and studies and is reviewed by the Planning Commission and adopted by the Board of Supervisors. Ms. O'Donnell provided an overview of major studies, site-specific and policy amendments, in total and by district, that have been adopted since January 2010. She also reviewed those amendments that are currently active on the work program, those that are inactive or deferred, and those that are anticipated to be rescinded with adoption of the new work program in January 2021. Staff also provides support to planning efforts that are not yet authorized by the Board. Ms. O'Donnell provided a brief overview of the number of amendments anticipated to be added to the work program from the South County Site-Specific Plan Amendment Process (SSPA), and the adjusted timeline for the SSPA retrospective and the initiation of the next North County SSPA cycle. The timelines will be adjusted due to the impact of the COVID pandemic on the South County SSPA schedule. She reviewed the anticipated completion timelines for current studies and amendments, and studies that are anticipated to begin in 2021. Finally, Ms. O'Donnell indicated that there is a need for consultant resources for upcoming planning studies. The Board acknowledged the need for these resources and recognized that studies would begin once funding was identified, to avoid delays in project timelines. The Board generally agreed with the new anticipated timeline for the SSPA Retrospective (completion in December 2021/January 2022) and the subsequent start of the North County SSPA cycle.

Questions and comments from Board members related to the timeline for SSPA, an anticipated need to review redevelopment in office parks (Supervisor Alcorn), appreciation for the Fairfax Center Area Phase III study becoming active in 2021 (Supervisor Walkinshaw), questions about an SSPA nomination and the process related to revising proposals (Supervisor Gross), appreciation for work in the Mount Vernon District (Supervisor Storck) and a comment to ensure that the retrospective process is efficient and timely (Supervisor Smith).

The Committee meeting adjourned at 2:53 p.m.

The next Committee meeting is scheduled for December 8, 2020, at 1:30 p.m.