



MACHINE TRANSCRIPT • CORAGGIO CONSULTING

City of Fairfax City Council Meeting, Tuesday, July 14, 2026

Date Tuesday, July 14, 2026
Place City Hall, City of Fairfax, Virginia
Length 4h 10m (video)

- Official meeting video (city, Granicus): https://fairfax.granicus.com/MediaPlayer.php?view_id=13&clip_id=4612
- Agenda: https://fairfax.granicus.com/AgendaViewer.php?view_id=13&clip_id=4612
- Minutes: https://fairfax.granicus.com/MinutesViewer.php?view_id=13&clip_id=4612&doc_id=0181898f-8077-11f1-98fd-005056a89546

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-12. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:04:01] evening i would like to call the regular meeting of july 14th 2026 to order if you are able and so choose please rise for the pledge of allegiance okay we will now consider uh remote participation by council members hall and mcquillen is there a motion to approve the remote participation

[00:04:38] by council members hall and mcquillen in accordance with city council adopted policy and as permitted by virginia code section 2.2-3708.3 i move to approve council members hall and mcquillen's request properly submitted in writing prior to tonight's meeting for remote participation subject to compliance with the requirements outlined in the city council adopted policy and applicable law in all or portions of the city council special meeting july 14 2026.

[00:05:09] second the motion has been made and seconded a roll call vote council member amos aye council member hardy Chandler aye council member peterson aye council member bates aye motion passed unanimously we'll go to the agenda adoption is there a motion to approve the agenda i move to adopt the agenda as presented is there a second second the motion has been made and seconded a roll call vote council member amos aye council member hardy Chandler aye council member peterson aye council member bates council member mcquillan aye council member hall all right motion passed

[00:05:48] unanimously we'll go to initial general public comment i had two speakers sign up prior to five o'clock p.m today so our call the first speaker up which is sabria dewald good evening council and mayor i'm here this evening to discuss homelessness and the strain it is currently on our city resources not to mention taxpayers this council sitting right here went as far as to change the city charter so that a so-called rehab place can administer drugs within fairfax city pathway homes which look at the google reviews 2.5 is another one which was allowed

[00:06:26] an entire building for homeless those reviews come from property managers and residents who live next to those units. It says a lot. That's a problem. Additionally, this council approved a five-story building for homeless and rehab by Fairfax Circle, which is an eyesore, to the tune of \$800,000 that came from the Affordable Housing Fund. Plus, they tax exempt them to the tune of over \$1 million to cover their tax bill. The developer promises that the building and its residence will not drain and stretch police resources further. But this is contradicted by

[00:07:02] NIH, National Institute of Health, that literally states homelessness is a systematic drain on public resources and sanitization. The council still believe the developer, though. The developer over NIH? Not adding up there. Not to mention the already existing LAM Center that uses police resources daily to deal with the homeless, whether in regards to trespassing, disorderly conduct, etc. Now, what really brings me here is this weekend. We had a notorious homeless man pull knife at Wawa. There is a video on social media that shows the live incident before police arrived.

[00:07:36] It shows two boys, children, holding the doors of the Wawa shut before the police arrived. The arrival time was not fast enough to hold the doors. The call recording from the caller was played on the news and it shows the call to response time. There is another video showing the man that was shot in the shoulder, but even after being shot, he is still fighting officers for arrest. It took over three different officers to cuff him. Why is this an issue? Because he is a known threat for over four years to police he has a reputation for fighting police when the press release came out regards to him he was issued of no fixed address which means he is homeless another problem let's

[00:08:11] take a look back at fairfax city police press releases over the past four years how many of those people have no fixed address and are homeless a majority of them a large percentage that's really not good homelessness is a problem but our dear city council mayor believe in inviting more to the city, having us taxpayers pay for them and be at their mercy. Mayor, I offer you to have these people come to your property and steal from you. Even with video footage, the police do nothing. Homelessness and rehab people need to be held accountable to the full degree of the law, not released from jail and let loose on Fairfax City streets. If you call or notify Fairfax City

[00:08:51] of a problem with a homeless blocking Russia or a streetlight not working, the response will send somebody. But the streetlight doesn't get fixed. The homeless man doesn't get removed. We really need to evaluate the cost versus risk here in city on Fairfax homelessness and the effectiveness of our police chief. Thank you. Our last speaker is Amini Bonani. Good evening, Mayor and Council.

[00:09:22] I believe the clerk has my address already on file. I'm speaking tonight as a Fairfax City resident in my personal capacity and not on behalf of the Commission for Women. I'd like to begin by thanking Jeremy, Jamie Aragas, HCAB, and city staff for the tremendous amount of work that went into developing the Housing Trust Fund guidelines.

[00:09:43] I know the process required significant research, collaboration, and thoughtful planning, and I sincerely appreciate everyone's leadership. I had the privilege of chairing the City of Fairfax's Homelessness Task Force, and during that time, we developed 38 recommendations to counsel.

[00:10:00] One of those recommendations was the creation and funding of a Housing Trust Fund. Seeing that recommendation reflected in tonight's discussion is incredibly meaningful to me. I strongly support adopting these guidelines. My hope is that tonight is not a finish line, but a beginning of a long-term commitment to life cycle housing in the city of Fairfax.

[00:10:22] Tonight, I ask council and staff to prioritize three things, a standardized timeline for the application process and the first award cycle, transparent public reporting on scoring and outcomes, and measurable performance metrics like homes preserved, units created, and household served. This will help residents clearly see the impact. I'm grateful that developer contributions have given the housing trust fund a strong foundation. Looking ahead, I encourage council and staff to explore additional sustainable funding options such as recurring general fund

[00:10:58] appropriation, a dedicated share of existing revenues, state and federal grants, and loan repayments or interest earnings so that the trust fund can continue growing over time without raising taxes. Finally, as new revenue sources become available, I encourage council to consider how the fund might evolve to support additional housing stability initiatives, such as rent relief and first-time homebuyer assistance. As someone who has spent years advocating for youth, people with disabilities, and housing stability in our community, I've seen that affordable housing is

[00:11:35] not just about building new homes. This work is also about prioritizing people who already live here and have done so for a long time like I have so that all people, no matter what your income level is, can remain in the community we love. Thank you. We can move on to the consent agenda.

[00:11:58] Are there any questions on any of the items on the consent agenda? Are there any items council would like pulled from the consent agenda seeing none is there a motion to approve the consent agenda i move to approve the consent agenda item 7a through d as presented and the accompanying motions in the staff reports second motion's been made by council member hardy chandler and seconded by council member peterson a roll call vote council member bates aye council member peterson

[00:12:36] aye council member hardy chandler aye council member amos aye council member hall aye council Member McQuillan? Aye. Motion passed unanimously. We will go on to the consideration of appointments to boards, commissions, and advisory committees. Is there a motion to approve the appointments to boards, commissions, and advisory committees? I move to appoint the following applicants. Grievance panel board. Appointment of Douglas Skiba for a three-year term extending through July 14,

[00:13:15] 2029. Appointment of George McAndrews for a three-year term extending through July 14, 2029 historic fairfax city inc appointment of thomas davis for a five-year term extending through july 14 2029 second the motion has been made and seconded a roll call vote council member amos aye council member hardy chandler aye council member peterson aye council member bates aye council member mcclellan aye council member hall aye motion passed unanimously we will

[00:13:52] go on to the second general public comment is there anybody in the room that would like to make a general public comment tonight okay we will move on to items not requiring a public hearing one

item we have on the agenda is consideration of a resolution requesting that the fairfax circuit court order a special election on the question of authorizing the city of fairfax to levy a general retail sales tax at a rate not to exceed one percent to provide revenue solely for capital projects for the construction or renovation of schools and or public transportation purposes

[00:14:29] in accordance with Virginia Code Section 58.1-605.1. I'm going to recognize JC Martinez, our Assistant City Manager, Chief Financial Officer for the staff report. Thank you. Mayor, Council, before you consider this item, I want to provide some brief background and context regarding why this matter is before you tonight first this is not a new initiative the city has been exploring the possibility of a local one percent sales tax for school capital projects since early 2024 during that time localities across virginia repeatedly sought authority from

[00:15:08] the general assembly to allow local voters to consider this option however the authority did not previously exist so the city could not move the question forward despite that limitation the city continued to advance its school's capital program. In November 2024, city voters approved a 220 million school bond referendum with nearly 70 percent of voters supporting the initiative.

[00:15:37] Since then, council has consistently acted to implement that commitment during the FY 2026 funding was provided for the initial design and planning and early construction activities for elementary school renovations and also Fairfax high school roof replacement more recently as part of the FY 27 adopted budget council approved the next phase of financing by appropriating 22 million towards these projects consistent with the bond resolution adopted on April 28th the change before

[00:16:11] you today results from recent action by the Commonwealth effective July 1 state law now authorizes the city to ask its voters whether they wish to adopt a local general retail sales tax of up to 1%.

[00:16:26] It's important to emphasize what today's action does and what it does not do. Today's action does not impose a tax. It simply determines whether this question should be presented to city voters.

[00:16:46] If approved by the voters, the revenue could be used only for purposes authorized by state law, including eligible school construction and major renovation projects, public transportation purposes serving the city, or both. Even then, voter approval would authorize, but would not itself implement, the taxed.

[00:17:07] Any implementation will require subsequent actions by this council. It is also worth noting that a local retail sales tax differs from the city's real estate tax in an important way. Real estate taxes are paid primarily by city property owners, why a local sales tax is paid by anyone making taxable purchases within the city, including residents, commuters, visitors, and others.

[00:17:34] Consequently, the revenue generated from a sales tax reflects contributions from a broader group of individuals than the city's properties tax. Based on current economic activity, staff estimates that a 1% local sales tax could generate approximately \$13.5 million annually,

[00:17:53] While actual revenues would depend on future economic activity and voter approval, it represents a potentially significant dedicated funding source that could help finance eligible long-term capital investments and reduce the extent to which those costs would otherwise rely on real estate taxes or other general city revenues.

[00:18:16] Finally, I would like to note that next week, staff, together with the city's financial advisor, Davenport, will be meeting with both Moody's and S&P as part of our regularly scheduled credit rating review in preparation for future debt issuances, supporting both school and general government capital projects.

[00:18:37] In closing, today's actions represent another step in a process that has been underway for more than two years. Throughout that time, council has consistently demonstrated its commitment to advancing school capital improvements through voter-approved bonds, budget appropriations, and prudent financial planning.

[00:18:57] The question before council today is whether to request that the circuit court order a referendum so that city voters have the opportunity to consider this additional financing option. Ultimately, whether to authorize the tax will be a decision made by the voters.

[00:19:14] Happy to answer any questions. Questions? Councilmember Peterson. Who makes the decision, assuming this were to go forward and the city had this option, who makes the decision about how exactly the funds would be allocated here in the city?

[00:19:36] Staff would make a recommendation via the annual budget appropriation process and ultimately city council would make that determination via the appropriation of that corresponding fiscal year's budget. And that would be within the bounds of legislation that establishes a scope of it.

[00:19:59] You mentioned, I think the list here is school construction, renovation, and public transportation. How much definition is there, I think particularly around the public transportation side, in terms of what the eligible uses of funds are for that?

[00:20:18] So some of this is a function of how this came to be. Just for a little more history, as CFO Martinez said, originally the legislation that was pushed forward in the General Assembly would have only allowed it for the school projects.

[00:20:34] As part of the budget process after, since that failed in the General Assembly, they added the public transportation component. I think it's to be determined. I think that's one of the reasons why this is only step one and probably a multi-step process. I think the reason that staff is recommending proceeding with as much width as possible on the referendum question and parroting the enabling authority is, it gives future councils that flexibility.

[00:21:01] In years where there might not be school capital costs needing to be paid, the funds could be used for public transportation, including capital costs. We don't know what that might look like in the future, but as of right now, it has a fairly broad definition of what public transportation is.

[00:21:17] and that's the best we can do at this point. Very helpful. Let me explore that just a little bit more. I haven't been in the middle of this, but it's my understanding that part of the reason for including public transportation in this, and of course the genesis of this so far as we are aware, at least for us, has always been around school construction, renovation. We have a school bond. We have been hoping that this would become possible for that. But my understanding is that one of the drivers, at least for Northern Virginia, and no pun intended here, is Washington

[00:21:57] Metropolitan Area Transit Authority and providing funds for that. And I know the funding mechanisms for that are changing. Does this create an obligation by the city to fund WMATA with these

How does this work?

[00:22:14] No. No. So it's kind of the flip. So the changes coming to WMATA funding will be effective in FY29, I believe. The only tie-in is if you do not meet your WMATA -- and this is for Planning District 8, which includes us and most of the close-in Northern Virginia suburbs.

[00:22:35] The rest of the Commonwealth doesn't have the authority to, by the way, to do the sales tax for public transportation purposes, just as a matter of information. If a jurisdiction within Planning District 8 that has, through a referendum, had it approved and enacted the 1% sales tax doesn't meet its WMATA obligations, then it loses the ability to use the 1% funds for anything.

[00:22:58] That's the only tie. There's no requirement that these funds be used for WMATA, just like there's no requirement that the funds be used for school capital costs because there could be other funding sources that make sense from a financial standpoint to use.

[00:23:14] So that's the only tie. Okay, well, that's very helpful to know. And then just more generally, I know it's to be determined, but is our best understanding that it is possible and or intended that the public transportation use of funds would be very broad and flexible?

[00:23:38] I don't think we can characterize that. Does CFO have any information? I think that's all to be determined. I mean, again, this all just came out as part of the final budget process. This was not part of the long General Assembly term. So I think there's going to be some fleshing out, some discussions, and certainly the local jurisdictions will be discussing that.

[00:23:57] The hope is that jurisdictions have the maximum flexibility with respect to the use of the funds. Well, all very helpful clarifications. More to come. I think what I would say is that if this opens the door to additional funds for transportation, and it sounds like that potentially could be a significant amount, two things.

[00:24:22] One is I would think that, I mean, my own personal view is we need to prioritize school renovation and construction. That was our intent. That's certainly a matter for this body to discuss, but it would be in my own view that that's the priority here. The second thing is to the extent that we open a new door for a new funding stream for transportation that could involve multiple different uses, I think we're going to need to be intentional about the planning and the thought process around that because when you get a pool of funds for transportation, it's an understatement to say that you need to be very intentional about how you go about doing all that.

[00:25:00] As an example, I was on a call this morning with the Virginia Municipal League Infrastructure Committee, Assistant Secretary for Transportation was briefing on the state's transportation plans and put out five priority areas, and I don't think these necessarily represent ours, but they do represent an intention to be planned in a deliberate fashion and add some rigor to how the deployment of transportation resources takes place, and they include safety, affordability, climate and resilience, economic development, and good governance.

[00:25:35] Again, I don't know that those are necessarily the right ones for us, but in concept, I do think that we will need to step it up a bit in terms of how we do comprehensive planning if we're going to access a new pool of transportation funds and not be reactive and not leave it to accident.

[00:25:54] Thank you. Council Member Hall. Thank you. Just a few questions on my part. Sorry, my document open here. So the school board has formally requested that supervisors consider the referendum on the ballot.

[00:26:17] The Board of Supervisors is on this. Council Member Hall, I'm sorry, Council Member Hall, could you repeat your question? Yes, I saw that Fairfax County School Board formally requested that the Board of Supervisors consider the referendum on their ballot.

[00:26:36] Do we have any idea where the county is on that? No, I don't believe we do. I will just jump in here and say that at the NVTC meeting where this was discussed at length, the supervisors from Fairfax County said that they thought there needed to be coordination in the region and planning District 8 before anything was done.

[00:27:02] Their remarks at that public meeting in FFX Now reported on this. It's easy to find the comments that were made by Supervisors Alcorn and Supervisor Beerman that they don't have any intention to do anything this year, that they believe that anything that's done should be a coordinated effort.

[00:27:22] And this was a discussion at the Northern Virginia Transportation Commission meeting. So I'm taking away from that that I don't know that there is another jurisdiction, to my knowledge, that is doing anything this year on the 1%. We've been talking for years, several years, about the 1% for our schools.

[00:27:42] When Virginia added this ability to do transportation, it was a surprise to the members of the Northern Virginia Transportation Commission that they did that. And so, therefore, it has been received with mixed reactions. But I do not believe that any other jurisdiction has indicated in any public way that they're doing anything this year.

[00:28:05] As far as I know, it's just Fairfax City, and we have been very clear in all of our public meetings here that the intention would be that the 1% would be for schools. So I hope that's helpful. Yes, I think it was either Alexandria or Arlington that I thought was also formally moving forward as we have been discussing.

[00:28:30] As you pointed out, this has been in discussion for years. This is not new. This is not something that our residents are just tuning in. Back to the part about it, being for schools versus being for transportation, I personally would be open to a resolution from this council if this were to pass that would allow us to only use it for schools for, let's say, the first 10 years.

[00:28:58] I know that roughly \$13.5 million a year, that will get us about halfway through what the bond is requiring. So I would certainly be open to an additional conversation about that. I do think that, and I understand Councilmember Peterson asked a little bit about this, but public transportation, do we know if that includes road infrastructure or is it mostly specifically, again, in line with WMATA or bus transportation or things like that?

[00:29:29] Do we have any sort of clarity on that? mr lupkeman council member council member hall uh again it's it's a little bit of a guess but i think the safe course and in looking at the uh the enabling authority is that it's mass transit uh for lack of a better term okay um and then my final point on this and i did email this to you mr lupkeman is that i think the wording of this is extremely rough and difficult i think when you add in um you know options and things like that i just think it gets very

[00:30:04] confusing. I had offered some lesser confusing language, I thought. I'll just read it out loud for those that might be open, and then I would definitely be more open to your commentary as to why we need to make it confusing. So what I was suggesting was, should the City of Fairfax be authorized to levy a general retail sales tax at a rate not to exceed 1% as determined by the City Council to provide for capital projects or renovation of schools serving the city, public

[00:30:41] transportation purposes serving the city, or both, including bond and loan financing costs related to these purposes. I just thought it was a little easier to absorb than the, you know, I feel like the way that it was presented in the revision that you guys provided is inadvertently emphasizing using three categories of options instead of just a single question itself, which is, do we move forward with this? And I'm worried that that's going to be confusing.

[00:31:13] Mr. Lupton? So, Council Member Hall, yes, and thank you for your correspondence to me earlier. I have a couple of comments. First, the question was developed and has been sort of evolving in conversation with a number of local government attorneys, bond counsel, other folks, very experienced in this. One of the difficulties is the enabling language. Another of the difficulties is being first or one of the first out of the gate in terms of proposing one of these referendum questions. And the consensus is, and my strong recommendation, and I think the CFOs as

[00:31:49] well, is that for this referendum, we want to conform as closely as possible to the exact language in the enabling authority. Yes, it results in language that's a little stilted. The comment I always make about referendum questions is, it'd be wonderful if our grammar teachers would write them, but that's just simply not the case.

[00:32:10] They tend to be complicated. They tend to have a number of subparts. We think this is as clear as we can make the question. Is yours probably better English and easier to follow? Yes, but we do not recommend deviating from the recommended question.

[00:32:27] The ask that we have for you all this evening is simply to authorize placing a question ON THE BALLOT FOR NOVEMBER AND TO CONCUR IN THE RECOMMENDED QUESTION THAT WE HAVE. BUT I'M HAPPY TO ANSWER ANY ADDITIONAL QUESTIONS. AND I DO APPRECIATE, I ALWAYS APPRECIATE THE ANALYSIS ON THESE THINGS.

[00:32:44] BUT I THINK IN THIS CASE, THE SAFE COURSE IS TO GO WITH THE QUESTION AS RECOMMENDED. MR. MARTINEZ. REALLY QUICKLY, COUNCILMEMBER HALL, IN ADDITION TO THE BALLOT QUESTION, WHAT WILL ALSO BE FORTHCOMING IS SOMETHING KNOWN AS PLAIN LANGUAGE.

[00:33:02] in that description it is a very simplified non-legal term of what is being asked of the residents very similarly back in 2024 when we were doing the bond referendum there is the legal language that has to be on the ballot question as mr lupkeman was explaining that has been vetted by bond counsel and attorneys as well and then there is a plain language or the simple language of an explanation of what does this question mean we can definitely make that as simple as possible

[00:33:36] and then communicate that out either via postcards and or discussions with the residents of what does the question actually mean and then really quickly i think i heard something just want to clarify so it was presented to this council i want to say in late 2025 or early 2025 via davenport via presentation

that if the 1% sales tax did take effect, that \$13.5 million would almost cover the anticipated annual debt service payments of the \$220 million.

[00:34:16] It was projected that if the sales tax grew over the course of the next 10 to 12 years, we would get very, very closely of having that 1% sales tax at an estimated \$17 million dollars in the next 10 to 12 years, that would very closely align and almost cover those debt service payments on an annual basis. So there may not be any leftover money after the debt service payments for schools for anything else, meaning specifically for transportation. Understood.

[00:34:54] Thank you for that clarification. And I'm very happy to hear that there will be be made available in as many ways as possible so that we can ensure people are understanding what they're actually agreeing to do. Council Member McQuillan?

[00:35:12] Yes, thank you. What is our plan for educating residents on the details of this? I'm happy to take that. There are requirements under Virginia law as to what must be and what can be communicated to residents in advance of a referendum.

[00:35:31] As CFO Martinez noted, There's a plain language requirement for an explanation. There are also, and I think I alluded to this in a recent council meeting, there are also limitations on what elected officials may say about referenda questions. So all of that to come, there will be a plan presented forward for doing that.

[00:35:52] And, of course, we will do this in accordance with, as we always do with referenda, in terms of making sure the information is communicated so that voters go to the ballot box with as much information as they need or as they want to make an educated decision. Excellent.

[00:36:08] And then what coordination has occurred with Fairfax City Public Schools in regards to this? Has any coordination occurred yet? Councilmember McQuillan, yes, there has been coordination. Even prior to this, there's been multiple discussions with the school board chair along with the superintendent.

[00:36:28] Almost on a weekly basis, they are aware of this. And then, I guess, after tonight, if council so chooses to pass the resolution, there will be continued coordinated effort on how this gets communicated, again, under the requirements of how we communicate this for a bond referendum.

[00:36:46] But collectively, between both bodies, there is a communication and communication strategy of how we want to go forward all the way through November. Excellent. Thank you so much. I did just want to make a quick comment and just say that I think it's really important that we trust our residents with policy decisions like this, and I will be supporting the referendum.

[00:37:09] So, thank you. Other questions or comments about this? Well, the only thing that I would say is we have been very consistent in our messaging. It was a surprise.

[00:37:25] I don't think that's overstating the case, that it was a surprise that this transportation language was added only for planning District 8. i sit on both nvta and nvtc we were not expecting this and therefore it has created a lot of questions more questions than anything else but as i stated we have always determined we have been asking for this for a very specific reason we've been talking about it for years and i don't think our residents are going to be confused about this referendum even if it says transportation

[00:38:01] on it because we have been very clear about what our intention was for this and so i think consistency makes an enormous difference and i think the plain language and coordination with the city communications team they're the ones who did the messaging for the referendum which got passed by a very very wide margin and so i i trust and believe that the communications team in concert with the staff here are going to do a very good job on explaining to voters and residents that this is the one percent they've been hearing us talk about consistently as far as paying for

[00:38:41] the 220 million dollar bond referendum for school renovation i i have faith so with that said if there's no further discussion i'm going to ask if there is a motion i move to adopt the resolution requesting that the fairfax circuit court order a special election to be held on november 3rd 2026 on the question of authorizing the city of fairfax to levy a general retail sales tax at a rate not to exceed one percent with revenues to be used solely for capital projects for schools

[00:39:15] and or public transportation purposes in accordance with virginia code 58.1-605.1 second second and made by council member Hardy Chandler and seconded by council member Peterson is there any discussion on the motion any discussion on the motion a council member Peterson just a question I perhaps should have asked earlier mr. Martinez can you just remind us I know you've shared this with us before the with and without if we are not able to move forward with this then

[00:39:52] what are the implications financially for the city and what does this do to change that. Sure. And sorry, I put them into my mouth. It's my understanding council wants to continue moving forward with the school renovation projects. And you've shown previous commitment in doing that. When we were doing the bond referendum for schools and that outreach, we had communicated

[00:40:22] the potential of about 20 to 21 cents needed on the real estate tax rate equivalent to basically fund that project. If the 1% were to pass, that equivalent 1%, the \$13.5 million, would basically offset those 20, 21 cents that would be needed, meaning there may not be a need to increase the real estate tax rate to fund or to find the revenue to fund those bond payments. The 1%

[00:40:59] should be enough to carry that going forward. Is that what you're asking, sir? It is. If I could ask you to translate that one step forward in terms of an actual cash impact on residents, if you're able to, what does 20 to 21 cents mean and what does it mean instead to have the 1% sales tax?

[00:41:20] I don't recall the number, but it was previously communicated in 2024 language and information that was broadcasted. was off of that tax rate or the average penny rate for 2024 I'd have to come back to council and get that I don't want to give you inaccurate information tonight but the essential point as I understand it is that the impact on a cash basis for residents with the one percent would be less

[00:41:53] than it would be with the property tax absolutely correct and as I noted anyone coming and doing business within the city who may not necessarily be a resident if they were to purchase something they would be paying a portion of that sales tax as well any other questions okay seeing no further discussion on the motion a roll call vote council member amos aye council member hardy chandler aye council member peterson aye council member bates aye council member mcquillan

[00:42:28] aye council member hall aye motion passed unanimously i will now recess the regular meeting to go into a work session we will take a five-minute recess to move into the work session

[00:42:43] room and welcome to our work session ms shinneberry what is the first item on our work session agenda

[00:49:12] our first items in discussion on the second draft of amendments to the city of fairfax zoning ordinance related to adopted small area plans i'm going to recognize paul nabty our division chief of planning for the staff presentation thank you mayor reed and members of the council as a quick background as the council is aware the city's 2035 comprehensive plan that was adopted in 2019 recommended that smaller plans be developed for each of the city's activity centers provide better recommendations on private development and public investment in those areas since that time

[00:49:48] smaller plans have been adopted over the course of the past six years for four of the five activity centers and as each plan has been adopted it has served as a guide to help inform public investment and private development in those areas however there has been a challenge in many cases when with regard to private development as the zoning ordinance which actually sets our standards that serves as the law as opposed to the overall policy the smaller your plans has not been in line with the recommendation of the smaller your plans this means that development applications have been using special exceptions and the city has been having to rely on negotiations to get development

[00:50:28] that provides the types of amenities that are recommended in small area plans. So the goal with this effort was to update our zoning standards to make them more in line with the small area plans and provide a venue for developers to use that will put the city in a better position to receive development and hopefully achieve better results. The process for this project began in 2024. The city hired the consulting firm Whitesmith and Casino Planning and Law, who began the process by conducting stakeholder interviews and getting a better understanding of how things were working in the city they took that information and developed a

[00:51:05] strategy report that came out in the spring of 2025 that basically outlined the types of issues that they saw and confirmed that they were identifying the right issues before moving forward with actually providing text once they received that confirmation they spent the next several months preparing proposed text amendments and we received the first draft of that in the early part of this year we held work sessions with the planning commission city council in the spring as well as conducted community outreach on the first draft of this and so now we have received the second draft and we're back here to continue our conversations on this a quick review on the

[00:51:42] review of the of the review of the first draft that happened in the spring as i mentioned there were meetings with the planning commission city council we had a community meeting and we had our online engagement that was open to the course of a couple of months. And we also conducted interviews with appropriate city staff who were involved with the various elements of the small area plans.

[00:52:02] So in your staff report, you received the updated, the fully formatted second draft. You also received a markup that identified all the changes that occurred between the first draft and the second draft, as well as a summary of the primary changes that occurred between the two drafts and a list of comments that was received through all of those venues that occurred during the first draft review.

[00:52:27] So the purpose of tonight's meeting is to highlight the primary changes that have occurred between the first draft and the second draft. We're not planning on going through all of the elements of the updated zoning ordinance. If you have questions about anything that we don't cover, feel free to bring them up.

[00:52:43] So as a quick refresher on the key elements that are in the proposed zoning amendments, these are all listed here. I just wanted to recognize that these were all shown with the first draft as well.

The exception today is going to be with the tree conservation ordinance recommendations.

[00:53:01] We're going to recommend removing that from this project and looking at it separately. And I'll explain that in more detail when we get to that topic. So the first topic is the zoning structure. This is essentially how these proposed amendments fit administratively within our review process.

[00:53:18] And so as was presented during the first draft review, we are proposing creating a new zoning district called the Activity Center Zoning District. This would not be proactively rezoned on any properties in the city. So anybody who wished to use this district in order to support redevelopment would have to request a rezoning.

[00:53:37] This way, you'd have to come back before the planning commission and city council for review. Also, the applicability of this district would be limited to the defined activity centers that are shown on these maps. These maps would be included in the zoning ordinance and only properties that are within these areas would have the ability to request rezoning to this district.

[00:53:57] The one change I want to identify here, the one primary change that has occurred between the first draft and the second draft is at the time of the first draft, is still some uncertainty about how this district relate to our overlay districts particularly the historic overlay district and the transition overlay district in the old town activity center since that time we have come up with recommendations on how that should work and so what we are proposing is that this new district would supersede if it were to be approved on a particular site it would supersede all of the standards for the transition overlay district at that location however in the case of the historic overlay district which is the core

[00:54:36] area of old town the standards of that district would supersede the recommendations of the new activity center district so essentially those conditions would continue to apply in relation to this staff is recommending that we consider adjusting the boundaries of the historic overlay district to better align with the national register historic district these are two separate districts and this would allow our reviews to be more in line with the smaller plane and i'll explain this on the next slide so to kind of summarize what that last slide was about this slide shows a map on the left of the old town activity center that is the entire area that is shown with color and

[00:55:13] then the blue dotted line shows the limits of the historic overlay district that is the district that provides regulations in the core area of old town everything outside that blue dashed area is within the city's existing transition overlay district, which extends to the boundaries of the activity center and beyond.

[00:55:33] And so with our proposed recommendations, everything within the blue square essentially would continue to use the standards that are in the historic overlay district. Everything outside of it, if a property were to rezone to the new activity center district, it could use those standards instead. The reason we're recommending that we consider revisions to the historic district boundary is because you'll notice the black line that is the city's national registered historic district boundary that is recognized nationally as containing the important structures that make up the character of our old town area and so you can see that for the most part

[00:56:08] the national registered district and our historic overlay district are similar to each other but they do not exactly align and there are some cases that are outside the national registered historic district, but within the local historic district that have characteristics that don't make as much sense for the

historic character of the old town. And so we're asking if we want to consider moving forward with at least considering this to summarize what this means. The chart on the right shows the differences in some of the standards in the historic overlay district, which is the area in blue, the existing transition overlay district, which is the area outside the blue,

[00:56:44] and what those standards would be for the proposed activity center district if that were to be used. so one of the biggest elements here is height the historic overlay district has a limit of 36 feet or about three floors the transition overlay district has a limit of 48 feet or about four floors and the activity center district would have varying height recommendations going up to five to six floors depending on the location and that's based on the recommendations of the small area plan some of the even with the activity center district some of the areas in the core of old have a limit of three floors which is consistent with the historic overlay district but then as we go out they tend to vary from the transition overlay

[00:57:22] district and this is where we want to consider making some changes aside from height there are other characteristics associated with the overlay districts that should be taken into account especially when thinking about this boundary the core of Old Town is really where we have a lot of really smaller properties we don't have a lot of space in the streets and so we have narrow sidewalks we don't have street trees we don't have setbacks and so for those areas that are in the the blue area and the historic overlay district they have standards that account for this so some of these properties as we get farther away from the core of Old Town are larger have bigger footprints and if they were to redevelop we would like to expect that they would provide the

[00:58:00] adequate sidewalks the street trees and the setbacks per the standards of the activity center district the last thing I wanted to mention is parking there are parking reductions permitted in all of these districts within the core the historic overlay district there are parking reductions of 50 and up to a hundred percent in certain locations and that's just based on the availability of public parking there and the fact that some of the parcels are too small to accommodate parking in the transition overlay district that surrounds the area parking reduction of up to 50 percent is permitted in the current ordinance however this does not apply equally to residential units where a minimum of 1.5 spaces per unit is required

[00:58:39] The proposed parking for the activity center district, we'll get to more detail later, but essentially we're recommending a reduction of up to 20% if certain incentives are provided. And so there's variations in how these calculations we've met, but we feel that the proposed reductions for the activity center district and the existing reductions for the transition early district, when you account for the difference for the requirements for residential, those parking requirements we think would be very similar.

[00:59:11] Another more administrative item related to the zoning structure is alternative compliance. As council might be aware, in our last discussions, this is a section that was included in this proposed new district that would essentially replace special exceptions.

[00:59:28] And so these would be limited to certain conditions and could be approved only if certain conditions were met. I won't go through all of these here. As we go through, I'll explain where this has come up as something we want to include. The one thing I want to note here is that since the first draft, we removed a alternative compliance path that was included for parking reductions because we are accommodating parking reductions through the general parking section, which I'll get to later.

[00:59:53] So the first design standard that we'll look at are frontages, and Council might recall that frontages are included in the small area plan. They are intended to provide design standards for the ground floor space of new buildings and provide standards on how they should relate to adjacent streets.

[01:00:14] So there are three types of frontages that are mapped here that come directly from the small area plans. They are the priority retail frontages, which are recommended to be the kind of core retail areas with shop fronts and quaint streets. Then there are flexible commercial development frontages that primarily front along major roads and thoroughfares where we have a bit more flexibility on the design, but are still intended to have ground floor commercial uses.

[01:00:39] And then there are open space development frontages, which don't have use requirements, but they have design standards that reflect how a building should relate to adjacent open spaces. In addition to this, there are two additional frontages that are proposed in these zoning amendments. One is for residential frontages, and this is to accommodate any location that has ground floor residential uses.

[01:01:00] And then we have added a new one since the first draft to accommodate alley frontages, and this is to recognize that all buildings have to have a back of house somewhere, and so we have separate standards that are less restrictive to accommodate service loading and those types of things.

[01:01:15] With all of the other frontages, there are standards related to street trees, sidewalks, on-street parking, and those types of things. And so you'll notice on the map, the maps that we propose, including in the zoning ordinance that are shown here, we have those three types of frontages that come from the smaller-year plan map, and then a fourth type that just says plan future streets.

[01:01:34] The reason that that fourth type is vague is because the condition there will vary depending on what the ground floor use is. It could be a commercial use in which case it would have commercial type standards or it could be a residential use in which case it would have a residential type standards. The alley frontage is proposed to occur only in locations that aren't mapped here so all of these streets are where we are essentially saying these are streets that should be built with the standards to have walkability have wide sidewalks street trees and those types of things. The alley type conditions can occur on these sites but they should not occur on any of the streets that are mapped here. A little bit more about frontages that have changed in the first draft.

[01:02:14] We provided some more clarity on what the frontage zone is, and that is shown on this graphic on the right. It is the dark blue area. That is basically the area between the building face and the sidewalk. Each frontage type has a set dimension, a minimum and a maximum for what that frontage zone should be.

[01:02:32] And then there are varying conditions on what it could look like. So in the case of residential frontages, it would typically have more landscaping. It might have stoops and those types of things. In the case of more commercial frontages, it would have things like outdoor dining, more active areas, and those types of things.

[01:02:50] I did want to mention that an alternative compliance was added for the frontage zone. As we mentioned, this is showing a minimum and maximum for each of these. So alternative compliance can be requested to increase the maximum to accommodate things like larger outdoor dining areas and courtyards. Also, in the case of the flexible commercial frontage area, which are those commercial areas that front on major roads, the alternative compliance will allow a service road with parking.

[01:03:16] This is similar to the condition we have at Scout on the Circle where it faces Fairfax Boulevard. And just for reference, we added some images related to residential frontages because we had some questions about that at our last meeting. And so these are some cases around the city that you might be familiar with.

[01:03:35] Again, the dimensions that are proposed for the residential frontage type is a minimum of 10 feet, maximum of 20 feet between the building face and the sidewalk. So we have some examples here showing some that are in that range, some that are less. And we have both townhouse and multifamily conditions shown.

[01:03:52] The next section is recreation and open space. And as a reminder, the recommendations of the draft amendment is that the new district have a minimum 10 percent area coverage requirement for open space. This is similar to a lot of our other commercial districts.

[01:04:10] However, the open spaces that are used to count towards this requirement must meet one of the definitions that's in the proposed ordinance. And so we have a table, which I'll talk about on the next slide, that includes all these definitions and it also includes weighting factors that provide more support for the types of open spaces that are more preferred and less support for those that are less preferred.

[01:04:35] One administrative change I wanted to point here, the third bullet down, is that we have added requirements for open space to be contiguous 60% of open space that counts toward this requirement must be continuous or connected via pedestrian amenities this is something that we heard a lot about during our draft one review about including this and it's something that's similar to the standards of our current planned development districts so looking at the open space table this slide summarizes the changes that we've made between the first two between the first draft and the second draft so the bubbles on the on the top show the three weighting

[01:05:12] factors that were in the first draft the bubbles on the bottom show the the four weighting factors that are proposed with the the new draft the primary changes are that starting with the low weighting we have added options for developers to include usable amenities and design factors to lift some of the low weighting type open spaces such as utility areas into uh the higher or the the no waiting area uh and the reason this is here is that if we don't have any uh any incentives the concern is that uh where these types of areas exist they

[01:05:47] might just be left as kind of empty grass areas but if a developer had an area like that on their site they couldn't build on otherwise if they were to improve it with seeding plantings where they could and those types of things then it serves more of a benefit and would have a higher weighting in addition there's a lot of confusion with the last draft about the definitions between conservation areas chesapeake bay preservation areas and natural resource areas we've added specific definitions for natural resource areas and conservation areas that would apply to the entire zoning ordinance if it was included with this package and the difference between those two

[01:06:24] is that natural resource areas would be counted for any such area that is otherwise required and so a if somebody was developing a property they would be required to do this anyway and that would have a weighting factor of 1.0 if they were provide such a place or protect or preserve such a place that already exists if it wasn't otherwise required they would receive a weighting factor of 1.5 and then to go a step further if they were to provide a conservation easement on that area they would receive a weighting

factor of 2.0 the last change is that we have also added another element to that new highest weighting factor of 2.0 and that is

[01:07:04] publicly accessible linear parks and greenways that are specifically identified in a small area plan those already received a high uh weighting factor but we we added this highest element and to encourage property owners to really provide those elements that are most desirable in the small area plans uh so for the tree conservation ordinance as i mentioned we we had this included as a separate but parallel effort when we talked about this in the spring and at that time there were some concerns because in order to establish the tree protection requirements that we were looking at

[01:07:38] the state code required that we include certain elements such as allowing property owners to accommodate things such as a tree bank to allow for to count toward their tree canopy requirements and a tree bank is essentially an opportunity to protect areas or provide new planting areas off site and even in the way the state code was written that could occur outside of the city so a lot of concerns about that there were concerns about other elements of this as well since that time a bill was passed in the state that made a couple of changes to this but not to the extent

[01:08:15] that it allows us to use it the way we would like to but as part of that bill the state is establishing a committee that is reviewing the tree conservation requirements that a jurisdiction can impose and is going to make recommendations to be considered with future state legislation so our recommendation is that we monitor that and make changes as necessary hopefully as soon as next year rather than with this package of amendments for parking with the first draft we were still considering a couple of different scenarios on how we would handle parking there was

[01:08:51] was general consensus based on our review of other parking standards and usage in the city that there was room for some reductions particularly in activity centers and we're looking at doing that either by reducing the standards for some of the key uses such as multifamily retails and office just reducing the requirements or by allowing reductions through incentives the recommendation we have now is that we allow up to a 20% reduction parking through incentives and the incentives that are in the current draft include providing long-term bike parking and showers for non-residential uses providing bus stop improvements

[01:09:29] tree protection and increase increased tree canopy beyond the base requirements providing public parking and providing structured parking we took out some of the other elements that weren't applicable to the city such as providing shuttle service because we really want to encourage people use Q instead of doing that, as well as incentives for carpool spaces. And so the chart here shows what our current base rate is for the how we calculate multifamily is parking standards is by the bedroom. So that's the current standards there, as well as the parking requirement for retail and office spaces per 1000 square feet. On the right shows what that parking requirement

[01:10:09] would be if a development were to achieve the full 20% reduction. One thing we want to point out is if you look at the office parking with the 20 reduction the office parking requirement would be 2.67 spaces per 1 000 square feet when we look at the office parking requirements in fairfax county it's 1.6 to 2.4 per 1 000 square feet institute for transportation engineers recommends 2.3 and in the old town parking study that was done two years ago our observation is that the actual usage of parking and the the office parking lots that were looked at is 1.54 spaces per

[01:10:46] occupied office square footage so we have room we think for office in particular to go lower and so our recommendation is as a separate piece of this to consider a city-wide reduction for office parking that would apply again city-wide and we think that would help provide incentives for office property owners to perhaps construct amenities on their sites in place of parking that will add value to their properties and then one last thing on parking it can be difficult to compare our parking standards to our peers because of the way we break it down by bedrooms and

[01:11:21] the total amount can vary by development project depending on their bedroom mix as well as some of the other reductions we already allow such as in the transition overlay district so we just want to share with you some examples from recent development projects that are shown up here and what has been approved and in many cases has been about 1.5 to 1.6 spaces per residential unit in multi-family developments with this reduction up to a 20 reduction through incentives that would fall more in the 1.3 per residential unit range for comparison institute for transportation

[01:11:54] engineers recommends 1.3 spaces per unit a survey that the city did last year on the property managers for Scout on the Circle and the Point identified that permits had been released for about 1.0 spaces per residential unit in each of those complexes. And then the Fairfax County standards has a base county-wide rate of 1.45 spaces per residential unit, but that rate is 1.23 spaces per residential unit in their identified revitalization areas. And these are the non-metro accessible redevelopment areas that tend to be in older commercial areas that we think

[01:12:30] have the most similar characteristics to our activity centers. Next, we'll look at dimensional standards. There are two primary dimensional standards that are recommended in this package of amendments, and these relate to density and height. So when looking at density, the recommendation is similar to the recommendation we had with the first draft, a base density of 48 dwelling units per acre. We're open to discussions on that. But then there are certain ways that potential developers could seek to increase that density.

[01:13:08] The first step is to use the land assembly program as proposed with these amendments. And this is to incentivize developers to assemble larger plots of land for redevelopment that allow for more cohesive development. With the first draft, this allowed for a 20% to 30% increase depending on the overall consolidation size of the properties.

[01:13:31] We heard mixed reviews during the first draft. Some people thought that this incentive was very important and that we should keep it. Others felt that it wasn't important or that the increase was too much. So with the second draft now proposing to keep it, but the density increase range is now 10% to 20% as opposed to 20% to 30%.

[01:13:47] I'll come back to density in a minute. There are other ways that density can be increased further than this through the community benefits program. But first we'll talk about height. So for building height, the recommendation continuing from the first draft is that a base maximum height of five stories be allowed, but that that can be increased if a developer participates in the community development program or community benefit program up to a maximum height, not to exceed what is shown in the small year plan for that location.

[01:14:23] Since that time, we have added an alternative compliance, and that will allow some minor deviations to this. in cases of extreme topography on a site or unique floor heights for certain uses such as institutional uses or performing arts uses that are both recommended in some of the small area plans

however this is recommended not to exceed 10 feet or 15 percent of the total building height so one question that we're posing now just based on the fact that we have had proposals be approved that have exceeded the maximum height of the small area plan recommendations and we have others that are that are on the way about whether the city council wants the ability

[01:14:59] TO AT LEAST CONSIDER THESE PROPOSALS AND SO THERE'S SOME LANGUAGE THAT IS IN THE THE CURRENT DRAFT THAT RECOMMENDS SOME WAYS THAT WE CAN CONSIDER THIS AND SET SOME LIMITATIONS TO IT BUT IT'S SOMETHING THAT WE WANT TO LOOK AT A LOT FURTHER BEFORE WE HAVE SOME FINAL RECOMMENDATIONS WE'RE JUST TRYING TO GET SOME FEEDBACK ON WHETHER OR NOT WE WANT TO CONSIDER THIS OR WE WANT TO JUST HOLD THE LINE WHAT THE SMALL YEAR PLANNOR RECOMMENDS IN NO CASE WOULD WE EVER WANT TO EXCEED THAT IN OUR DISCUSSION WITH THE PLANNING COMMISSION WE HAD A WORK session on this last night we brought this up as well and they had some varying thoughts in general they were open to this idea but really felt that if we're going to consider taller building heights

[01:15:36] than what's recommended in the smaller plans that we the city should be receiving significant community benefits that are measurable and and that we are strict when we apply them and so we can continue to explore that but also interested in hearing your thoughts as well uh so uh back to the community benefits program and um and density so with the review of the first draft uh at that time we had already identified that we were recommending uh that the two types of elements that could be included in the community benefits program are land dedicated for

[01:16:13] publicly accessible open space and land dedicated for publicly accessible multimodal transportation improvements at that time we didn't have very strong ways of measuring these though and uh so we have since uh gone back and and figured out some some ways of calculating this better what's proposed in the current draft is that we allow uh eight additional dwelling units for every 3200 square feet of publicly accessible open space beyond the minimum 10 requirement and this would also follow the calculations using the um the open space table

[01:16:47] An additional four units would be allowed for every 7,200 square feet of land that is used for multimodal transportation infrastructure. And so the diagram here showing the street shows all of that, anything that would be included in that area.

[01:17:03] Essentially, travel lanes, parking areas, or on-street parking, street tree areas, and then the sidewalk. Everything to the back of the sidewalk is what we consider part of that multimodal infrastructure area. And so on the next slide, I know it's difficult to kind of figure out what this means in terms of development.

[01:17:21] So on the next slide, I'll go over some examples. But I just wanted to mention in the first draft, there were some recommendations about other things that we should consider providing bonus density for. And so two of those, the additional tree canopy and structured or underground parking are now included in the parking incentives section.

[01:17:39] So we're not recommending including those for the bonus density. So we don't have people providing one amenity and then getting benefits in two areas. There's recommendations that we look at providing bonus density for additional affordable housing beyond what's required through our affordable housing ordinance.

[01:17:58] And there were concerns with the way the state code was written and how we would apply this. So we're not recommending that at this time. For additional retail, there were also concerns with state code. However, we feel that we may be able to accommodate incentives for this, not necessarily through the same language as the open space and transportation.

[01:18:16] But if there is interest in trying to incentivize additional retail, then we can continue to look at that. And we did hear from the Planning Commission last night that they did ask us to keep exploring that. So, again, looking at how all of this would add up.

[01:18:32] So when we talk about the overall residential density that could be supported for any of these developments, we're starting with our base density. We are adding in the bonuses that can be achieved. We actually already have bonuses through the Affordable Dwelling Unit Ordinance. But then we're adding in that lot consolidation bonus and then these individual increases that can be achieved through the Community Benefits Program that we talked about on the last slide.

[01:18:57] So we did some quick, very high-level analysis on every development that we could think of that has come forward in our activity centers that included multifamily uses over the past several years. And so these are shown up here. We ask that you don't consider this as a review.

[01:19:13] Some of these projects are under review. They're under the standards that we have in place. And so this is really just meant as a high-level reference to kind of see where we're falling and not to look at any development project individually. But what this is showing us is the amount of projects that were approved or proposed for each of these projects and the resulting density.

[01:19:33] And then the next two columns show what we think could be approved in terms of units and then in terms of density as well. And on the left, the arrows, the green arrows indicate that based on our review, if these projects were to be viewed under the activity center district, they would be able to achieve the amount of density that was proposed or approved or something higher.

[01:19:59] For those with the red arrows, it would be something lower than what was approved or proposed. So to look at this more of a high-level pattern, we graphed all of these out. And so this shows all of those development projects that were shown on the previous slide.

[01:20:19] But then we have the chart on the left showing how they would fall under, as they were proposed or approved under a current ordinance and the chart under the right how they would fall if they were to use the activity center district and so the horizontal axis on both of these shows the total site area of each development project and that would be the same on each side because that doesn't change the size of the circle for each development projects shows the number of residential units that could be supported either on the left as proposed or approved or on the right as we think would be supported in the activity center district and

[01:20:57] then the vertical access shows what the resulting density is based on the site size so you can see the general trend with our existing conditions and the development projects that we have before us there tends to be a need for higher density development with our smaller sites and we think the reason for that is those sites have less room for providing amenities and open space and those types of things and then our larger sites you can see tend to have larger more larger circles meaning more residential units but less density the way this would fit under the activity center district as currently written is that the

smaller sites would be find it more challenging i think to reach those densities that are currently proposed whereas the larger sites it would be

[01:21:36] easier for them to do it again probably because they have the space to provide the amenities especially when those amenities are how they get the bonus density and then one last thing i wanted to point out just for reference is when we consider this this is just food for thought we did look at development projects throughout the county particularly in those revitalization areas which we feel have the most similar characteristics to the city and this summarizes of all those these are all multi-family or mixed-use development projects in these various areas and the resulting densities and development amounts and density is really the easiest thing to compare here because

[01:22:16] it takes into account the size of the site and so the range uh that we found in in this review is anywhere from 30 to 90 dwelling units per acre in the county projects the range of density in our review assuming the activities in our district of uh developmental projects that have come before us is 57 to about 92 dwellings per acre so roughly in line with an average density of about 70 dwelling units per acre so again just food for thought um we need to be thinking hard about where this ends up laning with with density because we certainly want to get as much benefit to the city with east development as possible but we also don't want to

[01:22:53] prohibit development from happening so that concludes the presentation I'm happy to answer any questions and appreciate your feedback thank you so much mr. natty questions councilmember Peterson thank you general question just big picture, when you kicked this off and you spoke about the purpose of these small area plans, I think you indicated that the purpose was, if I get that word incorrect, to receive development. Is that the correct understanding?

[01:23:33] As part of this presentation, I don't remember the language I used, but the purpose of the small area plans was to provide guidance for development. Okay. So I think the big picture question here is we have existing zoning and then we have the small area plans, and we're trying to bring them together, reconcile them, if you will. Zoning is put in place to protect the public interest, which may include development depending on the type of development and its particular specifications, but it also has other important components of public interest, quality of life, et cetera.

[01:24:13] And I guess the big picture question is when we transition from a scenario where we have existing zoning that at least theoretically was put in place with safeguards for public interest and we go to a small area plan that may not have because it is I think primarily intended to facilitate development to what extent are we potentially trading off the public interest as we do that and I can't tell I mean in an ideal world you

[01:24:47] kind of have a compare and contrast thing with a set of these objectives for the public interest and you'd see what happens when we make this change have you done anything like that or can you help to sort of portray the potential for trade-off or for that matter improvement that occurs here yeah and I would say that the key word is an improvement as I mentioned earlier on the way development proposals have been coming forward in relation to the smaller plants has been relying on special exceptions and negotiations and we don't think that benefits the city or the community because it isn't consistent we aren't always getting what we want the purpose of putting

[01:25:23] these regulations in place is because it's codifying what the small area plans say that the community wants and so it's giving us more incentives for those open spaces those transportation

improvements and the streetscapes that we and in the current situation end up negotiating for and often end up falling short on let me just be sure i understand though correctly because again I don't want to nitpick too much but on the other hand there's some important issues here in terms of the small area plans being what the community wants my understanding is the small area plans and thank you for

[01:26:00] spending some time earlier today going through this establish benchmarks for development and they're essentially as I understand it scenarios if you will for the amount of development that could occur if we were to allow it enable it otherwise pursue it. That's different than having gone through a community-based benefits process to determine which scenarios really work best for the community. And that's why I raised this point initially, because typically zoning is supposed to do that. It's supposed to raise the question of

[01:26:36] what are the community interests and benefits that are at stake here to go through some form of planning to ensure that the standards that are set protect them and provide for them, Whereas the small area plans established benchmarks for development, which is a different thing. And that's why I'm just raising the question of whether inadvertently we are possibly trading off some of the public interest that has been protected by zoning as we do this.

[01:27:05] Because there are two separate things, two separate objectives here, as I understand it correctly. And, again, in an ideal world, we'd be able to do a compare and contrast to see are we losing anything in terms of the public interest as we shift over to an approach that's designed to enable development.

[01:27:23] Can you clarify what you mean by the two separate objectives? Sure. The small area plan, and, again, I'm maybe drawing on earlier conversation, they were developed through a process that, while it had public awareness and some degree of public participation, The purpose of that, and again, going back to your own descriptor here, is to enable development or to receive development and to identify benchmarks for development which are plausible and we would hope feasible in terms of the amount of development that could be accommodated.

[01:28:00] That's different than asking the question of what is the level, mixture, timing, et cetera, of development that meets a set of public interest objectives. whether it's environment health safety quality of life etc those are really two different ways of looking at the question mark of how do you use your land so you know what i would say is the the smaller plans being our policy regardless of you know the process that was done to develop them they did go through a process they were community driven and their purpose is more than just trying

[01:28:38] to attract development that's certainly one of the goals but it's also to ensure that the city is getting benefits in exchange for that and also help guide the city in terms of how we are investing our public funds. And so the intent of those plans is that they are in the community interest.

[01:28:56] The zoning ordinance is also intended to protect the community interest. Some of the elements you mentioned about the overall development and the types of standards that the city should be thinking about in terms of how much development we should be looking at Those are the things that should be achieved through things like the small year plan and the comprehensive plan.

[01:29:18] And if they're not adequate in those, then we've talked about the review that we're looking at doing to update that. But the zoning ordinance is really only looking at standards on a site-by-site basis. It

isn't thinking comprehensively about how much development we want or what types of amenities we want to achieve.

[01:29:35] Those are identified in our policies. The zoning ordinance is just the code that helps make that happen. and just tell me with the policies that define that where do we find them the policies that define those types of things I just mentioned are the smaller plans yeah maybe it's worth talking a bit more about it because I it's my understanding based on this conversation and prior that really the purpose of the small area plans was focused on establishing these benchmarks for development and trying to enable that and in some cases the result of that has

[01:30:08] been future scenarios that look quite a bit different than what would be currently allowable under zoning and so there's possibly a bit of a mismatch and it could be that it goes in both directions it could be in fact that the small area plans are improving some things that provide more public benefits but it certainly could be the opposite as well we you know Fairfax Circle we saw renderings of scenarios there that were very tall very high density you know several stories on top of Home Depot things like that that are really quite a

[01:30:43] bit different and so I'm just wondering again do we have some way of knowing as we move forward to a situation where we're letting the small area plans essentially trump the zoning here that we're not losing things that we're trying to protect in terms of the public interest along the way so the baseline for zoning councilmember regardless of the district is that health where welfare public safety aspect as you know that's the baseline for zoning whether that's the general zoning district or a planned development district or the

[01:31:18] proposed new activity center district I wouldn't characterize the purpose of the small area plan was to set benchmarks for development the smaller plans include guidance on estimated benchmarks for development as the city proceeds into the future the small area plans are a product of the city having activity centers designate in its comprehensive plan for decades for decades very

[01:31:55] general guidance these areas were identified for redevelopment for many many years without much specificity in terms of what the city was looking for nor guidance for more detailed aspects like you know this body has talked about the the Greenway downtown or we recently talked about the idea of a linear park through North facts those sorts of details weren't included in the comprehensive plan and so what the direction was with the small area plans

[01:32:31] was to provide more specificity to dig down from that general plan level the comprehensive plan down into more of a more detailed plan for those areas recognizing that the city has acknowledged for many years that these are going to be areas that are going to redevelop and so how do we best guide development interest that is going to to come in to the city whether it be from an existing property owner which we've seen in some cases or someone coming from the outside who's put a contract on a property to make an investment and so

[01:33:08] that's really the you know that the undergirding reason for moving forward with a small area plan so we did have more detail so in turn we could create regulations that respond to those aspects as mr. Nabty noted open space thinking about multimodal transportation trying to be smart about how parking is utilized and the finite amount of space that we have in the city to be able to manage development and so certainly the the benchmarks are a part of that and

[01:33:44] And it's kind of a guidepost for the city to evaluate where we're headed in terms of implementation of the plans. But certainly wasn't, you know, I wouldn't want to characterize it as that's the driving force behind the plans. And they are certainly not goals.

[01:34:00] I know sometimes that word gets used. They are not goals. They are benchmarks and an opportunity for us to gauge where the city is heading as we move into the future. Very helpful. But just where do goals then come in?

[01:34:16] And let's just say for sake of conversation goals that health, safety, environment, et cetera. In terms of the plans. Yeah. So there are goals and objectives in the comprehensive plan as well as in the small area plans.

[01:34:36] Those are things that we monitor. and in fact last night all staff was in front of the planning commission reviewing the implementation of the small area plans and reviewing kind of where the city is in terms of meeting some of those objectives in the plans and so they there's everything from you know public art to uh to transportation related goals in those those plans and that those are the things that we're trying to to move forward collectively as a city.

[01:35:10] Some of those are going to happen through private development. Some of them are going to happen through city-sponsored initiatives. So the benchmarks that exist, and I think for the Old Town area, it's 1,250 residential units. The benchmarks are not goals.

[01:35:27] Correct. But there are separate from that other goals and objectives. It's just they are separate. They are not same as the benchmarks that are established. Is that right? that is correct so we should not be understanding those benchmarks as goals that we're using to achieve the goals and objectives the small area plans no just a just a means to measure how that implement implementation proceeds because the plans do very clearly recognize these are areas of redevelopment for the city these are areas where the city is likely going to

[01:36:02] see a more intense level of development as the comprehensive plan speaks so we want to protect our existing residential neighborhoods and the lower density areas that we have and so this is where growth in the city is likely to occur and so those benchmarks provide an opportunity to reflect on as the plan is implemented. Okay so it's a measurement mechanism essentially is what I understand and then I think you may have covered this in a prior presentation if memory serves correct none of what you're proposing here is

[01:36:38] moving things to by right that don't currently exist as by right is that correct that's correct yes okay well I appreciate the clarifications I do think it's very important there's maybe a little bit of stumbling that happens over benchmarks and the confusion that they also constitute goals and they don't they're separate from another set of goals so it's helpful to have that clarification thank you thank you councilmember McQuillan thank you could

[01:37:16] staff explain how we determine whether benefits offered for the benefits community benefits program are proportional to the additional development flexibility that's being requested so the the way we're doing it is using these set measurements it's not something that a developer could would propose benefits and then ask to receive additional density in exchange for that.

[01:37:44] They would have to follow this formula. So we now have something with these amendments that would be actually measurable. We'd be using the square footage of space that's dedicated to the uses

that are shown here. And then they would get additional units per this formula. In current conditions, it's more of the negotiations, as you kind of the example that you provided.

[01:38:06] Okay, thank you. My feedback for some of this presentation, and thank you for the presentation, Mr. Napt. I do support adjusting the boundaries of the historic district to better align with the National Register historic district boundary.

[01:38:22] I think that makes sense. The citywide reduction of office parking requirements, I also might support that. I would like a little bit more information and detail on that. but I do need to raise caution in considering the reduction in residential areas as parking tends to be one of the most common complaints among residents in multi-use housing. I also share the sentiment of the Planning Commission in being somewhat open to potential exceptions to height, but with significant and clear communication regarding the community benefit and the trade-offs

[01:38:58] with that um and i i feel the same way um i feel the same way mostly about yeah the heights and some of the setback stuff too so um i i share a lot of the same sentiment of what was shared tonight in the feedback that you received from our planning commission so thank you thank you councilmember hardy chandler thank you um i really appreciate how your presentation reflects the evolution of all of this listening getting feedback and integrating that in the next iteration

[01:39:32] or the next draft of this so it is very clear that you're taking it in you're integrating it and really trying to reflect the desire of the community i want to go back to activity centers because in the staff report there is a great sort of description from a policy perspective that activity centers are for activity, that things would happen in those centers.

[01:40:00] And there's a part that describes development, but also mixed use, being pedestrian oriented and having the densities to support those activities. So I think that there is a relationship between some of the things that are being considered in terms of densities and height, height increases density, right?

[01:40:21] But it's for the purpose of promoting the things that we have said that we value in activity centers where we want more things going on and we want more people, you know, involved in the community.

[01:40:36] So I just wanted to highlight that point, but just emphasize that I really appreciate the integration of the feedback so far. Thank you. Thank you. Council Member Amos. Thank you. Excellent presentation. Really love what you're doing here, and I think it's definitely on the right track, especially with some of the draft two edits.

[01:40:57] I really like the weighting structure that you included and some of the shifts you made, for example, prioritizing linear parks on a higher scale. One of my questions, and this is just more for clarity, because you have slides focused on setbacks and buffers, but then also on, which is, you have a slide on setback and buffers in the weighting structure on the low priority tier.

[01:41:19] Then you have slide deck focusing on frontages. Could you just clarify more on the separation or the differences on how that would be handled? Yes. So setbacks and buffers are in these proposed amendments, they would actually only apply at the periphery of activity centers.

[01:41:36] So where an activity center might abut a residential neighborhood or lower density retail that are outside the activity center. And so that's more of a traditional standard that we have in our zoning

ordinance that requires buildings to be set back so far and that type of thing.

[01:41:55] The frontage areas are really just that dimension between the building face and the sidewalk. We also have your front yard requirements. The typical standard in our zoning ordinance would be kind of the most similar thing. The difference is the front yard requirement is specifically to be landscaped, whereas for the frontage zone, we want to have a variety of conditions.

[01:42:16] Thank you. Going back to the historic overlay district, just so I completely understand, is this what is being proposed, this picture here, or are you saying that the blue would also encapture the black outlines as well? This shows the current, and so our proposal would be to move the blue line to match the black line.

[01:42:38] Understood. So even where the blue line, it doesn't look like it actually exceeds in any spot, so I understand. Okay, perfect. Thank you very much. On slide 16, looking at the office parking ratios, I'm just a little curious.

[01:42:53] So the 2.67, is that just because of the 20% vacancy rate of office space factor in when comparing with the county, or is it just applying that 20% number equally to retail, multifamily, and office space? the 2.67 is applying our current office standard which is shown here is 3.33 per 1,000 is worded as one per 300 square feet but we want to make it comparable to everything else so it's applying that 20% reduction to the 3.33 resulting in 2.67 so this is what we're saying if we don't change

[01:43:28] the the base parking requirement for office this would be what a developer could potentially achieve if they receive the maximum 20% reduction in this district. Yes, I guess part of why I'm asking is because why couldn't that number, for example, be lower? Why is that the recommendation? Is it strictly because of that 20%?

[01:43:46] For example, everyone knows that office space isn't doing market-wise as well as others, so wouldn't we want to try to incentivize that maybe even more if we want to capture more Class A office space? Yeah, so that's one of the questions we had in looking at this. We're interested in your feedback on whether or not we should consider that.

[01:44:04] And that's why we wanted to show these numbers on the right, to see even with that reduction, the 2.67 is higher than any of these. And so if we get the go-ahead, the next time we'll come back, we'll have a recommendation on, we're thinking a citywide reduction for office because this is not just unique to activity centers.

[01:44:20] And then the 20% reduction could apply on top of that new figure that would hopefully land somewhere in the range of the numbers on the right. I'll let my colleagues and the Planning Commission on that. I would certainly be in favor of that, just because I don't, for me, it just doesn't make sense for it to be higher. And then for the retail component, just for clarity, that's retail also including mixed use, or is that strictly standalone retail spaces?

[01:44:45] This would include retail that's a part of a mixed use project. Understood. Yes. And the last comment I have is I really do appreciate, especially on slide 22, where you have the visual graphic, where you can tell it really creates more consistency.

[01:45:01] terms of expectations moving forward and both communications with the community but also with the development community so we can set those expectations early on but still have the flexibility to

do more depending on what's on the table so I think excellent work I look forward to this coming back and thank you very much thank you any other questions from any other council members councilmember Peterson just general question I think this includes commercial and retail as well as residential but it does seem kind of weighted predominantly towards

[01:45:38] residential help me with that a little bit is the intent here to treat commercial and for that matter retail in parallel in terms of what we're trying to accomplish here yeah so the challenge here is that most of the properties interactivity centers are already zoned for some kind of commercial so if somebody were to propose a development that's entirely commercial they would have no incentive to try to use this new district they already have their rights for residential we have that they don't have that opportunity so we have the ability to imply this so a lot of this is geared toward residential we we hope that what it will there'll be incentives in here they'll make people

[01:46:16] want to use it for commercial but a lot of it is written with the purpose of addressing residential density and those types of things and certainly when it comes to the bonus density, we don't really have the leverage to apply that to commercial uses because a lot of the commercial districts don't have a density standard. They're really governed by the overall dimensions of the site. And it's fair, I take it from that, that in terms of goals and objectives, that there is as much interest in supporting commercial

[01:46:48] and other forms of retail and business development as there is residential in these areas. Is that the case that's correct and if we could do more with it with this than we would uh we just think that we're going to have to in most cases rely on negotiations again for commercial development and in some cases it will just be by right and we will have no ability to influence it at all council member bates well i definitely think this is heading in the right direction i certainly support uh looking at uh off street parking requirements especially with

[01:47:28] regard to office again something that I think we definitely want to make it easier to build in the city and I think it's also important to point out that to my understanding this is the goal of this is to bring the zoning ordinance into greater conformance with the small area plans small area plans being the policy that is guiding this process but there is a separate process that involves deciding on how we're going to be reviewing the small area plans on a regular basis every five years or so.

[01:48:06] And when that occurs, then the zoning ordinance could also be looked at as well to conform with whatever amendments come out of that process, but that's a separate process. And this is just looking at bringing this into a greater conformance with the small area plans. And the small area plans themselves will be reevaluated on a, according to that process, separately.

[01:48:30] That's correct. Thank you. Council Member Hall. Thank you. I have a couple questions, and then I just wanted to run through some of the things that I went through earlier with Mr. Nabdi and Brooke earlier.

[01:48:46] So I feel like we have a lot of residents here that want to do things and shop here, but I think that we are lacking in those type of offerings. You know, I don't necessarily agree that we need to influx our city with thousands of new residents to achieve these goals or these ambitions or whatever it is that we're talking about.

[01:49:10] So I feel like we do really have a lot of people that live here that are looking for things to do. And right now we're going to FX Corner or we're going to Tyson's or we're going elsewhere to achieve those

same things that we really could or should be offering more here in our city.

[01:49:28] And I did want to thank you for providing the setbacks on Oak Street. I think I had said before that it felt like to me when I drove by there, they were only six to eight feet. So clearly I can't measure. So I appreciate you pointing those out that they were 14 to 16 feet. On slide 13, it talks about the contiguous linear parks and the greenways.

[01:49:48] I definitely agree that that is something that we should really, really stress to developers. I mean, it's great to have a pocket park, but it's even better to have a pocket park that connects to something else that, you know, continues to lead you along a trail somewhere. What is meant by adjusted maintenance standards on that slide? So in the open space section of the ordinance there are standards for maintenance that would be approved as part of the approval and they set expectations on how the different types of open space would be maintained and who would be responsible. Part of the reason for this

[01:50:26] is that it's potential that the city could receive dedications of open space or it could be that a property owner keeps the open space in private ownership but makes it publicly accessible and so the maintenance standards set the standards on how that would be maintained in each of those conditions.

[01:50:45] During the first draft review we had some comments on that particularly from members of the Environmental Sustainability Committee who were very knowledgeable on that subject and provided us some good guidance so we tweaked those based on those recommendations. Okay, thank you for that clarity. One of the slides mentions, you know, you add on 3,600 square feet of open space, and then that would allow you to do four additional units.

[01:51:12] What we spoke about earlier when I met with you was that the equivalent of 3,600 square feet, yes, it's, you know, 100 feet by 36 feet, but a good kind of visual of that for people like me that like to visualize that is kind of the lower area at Old Town Square in front of the fountain where kids run around. Mr. Harden was able to kind of pull that up as a visual for me. I do have concerns, though, with adding additional height and density for achieving certain, quote-unquote, I just feel like they should be a standard already. I just feel like we make so many

[01:51:49] accommodations for all this new residential that's being considered. You know, there's an added cost for schools. I think the more thousands of people that we bring in, the more police we're going to need the more um services we're going to need so i i'm definitely looking forward to our um you know services conversation in a few weeks but i those are some of my primary concerns um and i did want to circle back on the parking for residential um scouting the circle i know you and i spoke about this earlier and it sounds like they have issued enough permits or only enough permits to accommodate their parking but from a few people that i know that live there they they

[01:52:28] tend to have trouble parking. And I did ask for a little bit more kind of testimonial from them, but I wasn't able to get it before this meeting to add some additional information. A couple of other things I did want to follow up on from our earlier discussion was regarding the definition of civic space in the open space table. The definition starts by listing publicly accessible neighborhood parks and urban plazas, but then it goes on to include interior spaces such as schools and child care facilities, and I think what you had mentioned was that your preference might be to remove that language to clarify that we are focusing on outdoor spaces only and kind of rely

[01:53:06] on negotiations with a developer to provide something if a school ever came up. Can you kind of expand on that a little bit? Yeah, so that language was put in, I think it was included in the first draft as well. And I think it was intended recognizing that the consultant that we're working with does this kind of thing kind of nationwide in a variety of conditions that they deal with. In some cases, jurisdictions have sites that are large enough where they have developments that are so big that they have the ability to provide enough land to actually have

[01:53:44] a public school on or other types of public facilities. We are certainly not in that kind of situation. And so I don't think that situation would ever come up. And so my recommendation is that we remove that language and only focus on open spaces. So someone doesn't read it and assume that, oh, I can receive additional open space credit by providing a school. I should also be able to get it for this other type of indoor amenity. And we did hear from some feedback on the first draft. There were other options in there for indoor amenities that there wasn't support for.

[01:54:15] So based on that, my recommendation is to remove any reference to indoor amenities. But if there's other interest from the council, we're certainly happy to reconsider that. Okay. Yeah, I just wanted to bring that up tonight so everyone could be aware of that conversation, because I do think that that's something that is probably pretty important.

[01:54:36] Another one of the things that you and I discussed earlier was the fact that the showers would be available in some of these new potential office spaces or things like that. And I think that that's a real benefit to the employees that work there. But one of my concerns, as I mentioned earlier, was how do we ensure that those showers and those facilities are only used by people that work in those buildings and that they're not ending up being a public shower facility?

[01:55:06] Because I think Pathway Homes, they have the great shower facilities that they are taking around town. You know, they've got the new garage space they're going to be using for them. The Lamb Center offers things like this. So I'm just curious how that works. So the language in the draft related to shower facilities, and just for everyone else's benefit, this is one of the elements that can be included to support parking reductions, with the thought that if there are shower facilities, particularly for commercial uses, people would have the ability to bike or use other active ways of getting there.

[01:55:37] And so it allows for a parking reduction. The concern was that if these shower facilities would be publicly accessible, then how would we manage how they are used? The language in the ordinance says that they should be accessible to employees, not necessarily publicly accessible.

[01:55:54] It would be on, I think, the onus of the property owner or developer to decide how they want to manage that, or if they wanted to choose to make them publicly accessible for whatever reason, that they could do that. But this ordinance is certainly not requiring that they be publicly accessible, only that they be accessible to the users of the building.

[01:56:15] Okay, thank you. Just something I wanted to clarify. And then finally, one of the things or one of the final things that we talked about was the very last slide, number 20, was it 24?

[01:56:31] I received a couple comments from residents that, you know, I don't want to be or we don't want to be the next Annandale or we don't want to have these places that end up with these rundown units that bring down property values, that bring down rents and that, you know, are not being maintained. And I think we have some of those places in the city that are, you know, prime for redevelopment.

[01:56:53] But I also think that the price points there are not always what people are currently getting or what they can afford. So I think that is a struggle. But one of the things that struck out to me on on this document was the density of some of those and the average density of 70.

[01:57:09] and then what you and I had discussed was the AT&T redevelopment in Oakton. We also discussed the Radiant Fairfax Ridge, which is on the west side of Waples Mill, north of Route 50. That one's 213 units on, so it's 64 units per acre. And then Ridgewood you had provided, which is on the north side of 29 before Wegmans, that's 483 units and 53 units per acre. And then the AT&T is intended to be 804 units with 331 townhomes. I think 109 or 115 are going to be affordable dwellings,

[01:57:45] which is great. But again, that's 24 units per acre. And I think when we're looking at some of those comparisons just immediately outside our city, I just continue to wonder why we are so heavy on this density. You know, you look at Davies, for example, that was approved at 103.8.

[01:58:05] gallery 103.7 um you know uh but then you've got some you know that because they're only townhouses that it's 18.4 so i just like circle gateway one that we're going to be seeing in a few weeks that i think the planning commission saw last night 181.7 units per acre that's crazy to me um and i might be you know alone in that or standing on this corner of that but i just i don't understand why we continue to try to pack in as many people as possible in an area are the other places not

[01:58:42] giving incentives for people to do this or is this just unique to the city it just i i feel like we're at this conundrum of like what do we want to be when we grow up and the easy answer is just oh pack them in residential's cheap people can get um you know uh affordability they can get financing for it and i just i think we if we really are listening to a lot of our residents which I'm trying to do, I don't think they support this huge high density housing. And I also don't think they support it all at one time, like it's being done. I mean, we haven't done so much

[01:59:18] redevelopment in a really long time. And it's almost like it's a race to see if you can get it done fastest. So those are my takeaways from this. I appreciate the work that went into the presentation and all of the work that has been done up to this point. Quite frankly, I strongly wonder if the small area plans are what need to be looked at, and not our zoning to align with these small area plans. I think that the initiation of the small area plans, yes, it was years in the making. But I also think that the public engagement factor of it was heavily done during COVID. And I

[01:59:57] think that a lot of things changed during COVID. I think people realized during COVID, maybe they didn't want to live in tight, packed in communities, maybe they wanted a little bit more space. On the flip side, maybe some wanted to be closer to friends and family. But I just think that there's a lot of things that we need to take away from what we've seen. And that it's not just a few loud voices that are complaining about high density. But when you go from something that's, you know, four or five, six stories, and then you say, oh, well, we'll give you a bonus, you can add on seven. And then we say, oh, well, look, this thing is a perfect circle. It's 11 stories. I mean,

[02:00:33] You put 11 stories in our city, you're never going to see anything under 11 stories again. So these are my concerns, and I just want to make sure that we're not just, you know, giving carte blanche to developers here. Thank you. I just want to touch on a couple of quick points there, because you made some good points.

[02:00:52] And I did want to highlight that the intention, one of the intentions of these amendments is to kind of manage and provide more equal review of our development projects. So as you mentioned, we receive requests to go beyond the height limit, and then the next project wants to go higher than that.

[02:01:07] And so these standards will provide more of a limit on that. We've said that we will look at considering heights that go beyond the recommendation of the smaller year plans, and we'll look at language on how to make sure there are some limits or specifications on where and when that should occur.

[02:01:24] But with our current ordinance, we don't really have any of that. It's a developer request a special exception if they're going about five stories, which is almost every development. And beyond that, they're all just treated the same, whether requesting six stories or 11 stories. And then I also want to point out with densities.

[02:01:41] Also, you mentioned that, you know, we seem to be getting more and more dense proposals, which is true. And the chart here on this slide 22 shows that on the left with the proposals up there going up to, as you mentioned, the one project, almost 200 units per acre. with these proposed amendments as written and this could change so i don't want to you know say that we're stuck with this but those would be managed in a similar fashion and so that that total would come down and so this is trying to add some control to that the overall amount of growth and the speed of growth is not something that would necessarily be controlled by these amendments but as we review each individual project we would provide more consistency

[02:02:19] consistency than we have now any other questions or comments well the last thing i guess i will say is that we've got 6.2 square miles of land.

[02:02:35] And so some of the other big projects talking about the AT&T project in Oakton, we are talking about density based on the actual footprint of these projects. And so we have a smaller footprint here in the city of Fairfax. So going up is about the only way you build more housing.

[02:02:53] We have older neighborhoods with small homes on large lots, which is great for people who want large lots. Later we'll be considering an accessory dwelling unit ordinance that will allow people to do more with their small house on their large lots.

[02:03:11] But the fact of the matter is we are constrained. We have land constraints as far as how we build housing here. And as fast as we are building this housing, people are buying it or renting it. Overlook was sold out before it was finished. The projects that we were building from the point of Fairfax to the Scout on the Circle to the townhouses at Northfax, they are filled up as soon as they are built or even before they're built.

[02:03:39] People want to live in this city. And interestingly, the patch, the Fairfax City patch recently wrote an article about the fact that we were identified as the fastest growing locality in Virginia by population. Of course, we, you know, we're not Virginia Beach.

[02:03:58] you know, going from 24,000 to 26,000 people, but all of that has been since 2020, and these are the high-density projects that have been built since 2020, and so it brings more density, which is good for economic development, because we want to encourage walkability. We don't necessarily want people to drive to where they go in the city. We want them to take the bus, or to walk, or to take a bicycle, and so urban planning has to take all of these things into consideration, but I would say, and we have this

conversation about the schools too, for being the locality with the fastest growing population in Virginia, our school enrollment did not, in fact,

[02:04:38] follow that hockey stick graphic of that rise between school enrollment and population growth. In fact, it went down this year for probably a lot of different reasons. So I think we really do have to be very holistic in how we look at density of housing and the fact that a lot of this housing is going into mixed-use development too.

[02:05:00] So we are talking about building commercial and retail underneath a lot of this housing. And so, again, I just think it is a robust conversation. I look for people to be involved in the conversation, but we are constrained by the amount of acreage that we have.

[02:05:21] And I think with that, we are going to move on to the next presentation on the workstation. Sorry, I wasn't actually done. If I could just have one more comment, please. Sure, Council Member Hall. Thank you. I just did some quick totals. I just hadn't had them running yet.

[02:05:38] That slide that we were presented, slide number, which one is it here? The current development, slide 21. So when you add up the proposed units, approved and proposed units, you get 3,939.

[02:05:55] And then if you change it to the estimated AC district units, activity center units, that total then would have been 4,497. So while I understand that wasn't what was approved with these potential new zoning guidelines, we would have had an additional 558 units simply based upon the change in zoning.

[02:06:19] And then I was actually glad that you circled back to the tuition numbers because I do know that our school board was very concerned with our last council meeting in which the conclusion was drawn, I think that enrollment was dwindling. And I just want to say that our chair had indicated that our current enrollment has not yet returned to the 2017 numbers, but that our fiscal year 26 enrollment was projected to reach 3,077 students. So our actual average daily membership came in lower, but our school board is very hesitant to conclude that we would not reach those projected

[02:06:57] enrollment numbers in coming years. So, you know, Fairfax County, they're seeing enrollment decreases, but I've asked our school board if they could delve into the numbers a little bit more because I do think that our city students are actually increasing. And you have to remember that, you know, some of our schools have a large majority of county students in them. So we can't necessarily dictate what they're going to have, but it's all really useful information, I think, and just shouldn't be looked at as one specific area of it.

[02:07:28] So thanks so much for that. Thank you. I think we are going to move on to the next agenda item. Ms. Shinaberry. Our next item is the Urban Forest Master Plan update on the one-year plan and the five-year outlook. I'm going to recognize Anna Safford, our urban forester, for the staff presentation.

[02:08:19] Good evening, Mayor and City Council.

[02:08:44] Tonight I am here to provide a summary overview of the Urban Forest Master Plan's one-year implementation plan, and Five-Year Implementation Outlook. Before getting into the presentation, I figured I'd orient you to the other materials I provided in the staff report.

[02:09:01] The staff memo does provide a description for each of those supporting documents. The important ones to note are the full Excel spreadsheets of the One-Year Implementation Plan. These are all

the actions that are proposed to be initiated in 2026.

[02:09:17] And then the next spreadsheet is the Five-Year Outlook. These are all the actions within the Urban Forest Master Plan that have been listed with a one- to five-year implementation timeline. Tonight, I'll be touching on all of these at a high level, and so I recommend referring to those spreadsheets for the full implementation plans.

[02:09:39] And then the last two items are reference materials that were used to help guide the creation of these plans. Staff created a working group between the city manager's office, community development and planning, public works, and parks and recreation to coordinate drafting these plans.

[02:09:55] And we used the key performance indicators, the KPIs table that was provided, as well as the 2024 operations review to help inform these plans. And so those were provided as reference, and I'll be touching on them throughout the presentation.

[02:10:14] So the next few slides are the overview of the one-year plan and five-year outcomes. On the left-hand of these slides, we have, again, the actions we anticipate starting in 2026, or they were identified as ongoing tasks.

[02:10:32] As we build upon the one-year actions, we look on the right-hand side, and we have five-year outcomes. These are, you can think of them as deliverables or results. In the urban forest master plan they were identified and called strategy metrics and then at the bottom of the slides we also include the identified lead and support roles that were included in the implementation table of the master plan so starting with the first objective protect in 2026 we will begin a natural areas assessment of the city's owned natural areas

[02:11:09] begin researching city owned parcels and available conservation and management designation options and drafting a pest and disease list with best management practices so really looking at data collection around our forested areas as we build upon this we would anticipate a natural areas action plan and pest and disease response plan those would be highly related and so might be combined to one product as well as additional protocols for urban forest disaster storm and urban forest threat response. The lead identified is my position. This is built into my position's

[02:11:48] primary responsibilities, and then we have significant support from community development planning and parks and recreation. Next, moving on to regulate. In 2026, we'd be starting, or we have started reviewing our existing tree regulations within the zoning ordinance, as we mentioned this evening. Continue embedding the urban forest master plan goals into city plans, policies, and capital projects. This is an initial effort in 2026, but would be anticipated to be an ongoing effort as, of course, policies and capital projects continue. And then developing policies or further

[02:12:27] developing policies for capital improvement projects. As we complete and work on this, we would anticipate our tree conservation regulations being updated in alignment with state-enabled legislation. We would have a tree replacement policy issued for both capital projects and city operations. Our capital projects would begin including tree planting and preservation starting at the budget planning phase, and we would be issuing and have developed more technical resources for capital projects for their design phases. Again, this is built,

[02:13:06] the lead is my position and built in within in my position's responsibilities, and then the supporting roles would be CDMP, capital project managers, and department heads. It might be

[02:13:29] frozen. There we go. Okay. Minimize that. Objective number three, grow. 2026, maintain a minimum one-to-one planting-to-removal ratio, planting one tree for every tree we remove. Prioritizing

[02:14:07] projects for additional, any additional projects for planting in low canopy neighborhoods. low canopy neighborhoods is defined in the staff report as well as it is within our key performance indicators table so i recommend referring to those for the understanding that more improving cross-departmental coordination for budgets and planning and identifying resource needs for young tree care we over the past two years or three years have been increasing our tree planting through the sprout initiative and so of course as we have been planting trees we need to make sure

[02:14:42] that they're surviving as well as getting the maintenance they need to reduce maintenance costs into the future. And that's why a young tree care program is important. Over then the next five years, some outcomes we would expect is a tree planting services contract, dedicated budget line items for tree planting program, increasing and sustaining a one-to-one planting to removal ratio. Again, over the past couple years, we have been exceeding this one-to-one ratio, largely through the Sprout Initiative, which has been supported through a grant. And so the goal would

[02:15:20] be making sure that it is sustainable moving forward as we transition off the grant, updating the city's master tree list with climate resilient species, and designating a lead for young tree care, as well as having work plans and resources under development. The important thing to note with this objective is during the review, we identified it as our most challenging objective to implement, largely because of existing staff capacity constraints. And so, as you

[02:15:54] can see, there is no designated specific lead. It's a shared coordination between my position, right-of-way, and the Parks and Recreation Department. And we also recognize that there would have to be considered increased resource allocation towards this objective.

[02:16:16] I also want to note the right-of-way and parks and recreation divisions that largely do tree planting are also the leads on leaf collection season. Leaf collection season runs October to December. Tree planting season runs October to December. Historically, leaf collection season has been the the priority and so we largely contract out for tree planting and that's why

[02:16:39] it creates a lot of coordination and planning challenges oh dear there we go okay objective number four we would initiate a transition plan for a centralized division using the operations review that i've mentioned this would review existing capacity roles budgets to identify opportunities for efficiencies, prepare the FY28 budget using those recommendations, and increase

[02:17:18] and prioritize staff training specifically on the work order system to track tree maintenance work more closely, as well as provide staff training on the urban forestry equipment that the city does own but we underutilize because of the barrier around needing staff training. In five years, we would look to be having an urban forestry division with dedicated and consolidated budgets, and we'd start identifying resource gaps post-consolidation, and we'd want to identify those, or we would have identified those work areas for the new division, clarifying the roles

[02:17:55] of staff post-consolidation. The lead on this has been my position, but again, it has included significant cross-departmental coordination with CDM, Public Works Right-of-Way Division, parks and recreation and the city manager's office this objective is seen as a large barrier to effectively implement

many of the other objectives in the plan and we would likely need to be looking at either increase in resources or just reallocation of existing resources in order to effectively

[02:18:32] move this objective forward and then the fifth and last objective is engage this This is continuing the Sprout Initiative work, stabilizing and refining the volunteer programming that we've kicked off for the past couple years, promoting accessible resources for private tree care, and establishing public reporting cycles that I'll touch on in a couple slides.

[02:18:58] And then the five-year outcomes would be a volunteer resource hub and tracking system, multilingual and ADA outreach materials, and reporting cycles in alignment with the annual state of the urban forest report on a consistent basis. Again, we do have a lead within my position, as well as I would say the stewardship coordinator's position. Both of them have responsibilities in those positions towards this objective, and then significant support from our sustainability division, the environmental sustainability committee, and Parks and Rec.

[02:19:37] Next are a few graphics from the urban forest master plans dashboard. I'm currently using the project management software monday.com to track both the urban forest master plan as well as everyday tasks and so they're being tracked alongside each other on the the first one status as you can see for actions with a one to five year timeline approximately 50 of that those actions have been initiated to some sort of extent on the bottom left we have barriers barriers where

[02:20:14] the resource demand boxes included in each of the strategies in the urban forest master plan within the one to five year time actions you can see about two-thirds of them relate to existing capacity whether it be looking at assigning roles and responsibilities within existing capacity across departmental coordination or training existing staff and then the the last graphic on the right-hand side is feasibility. This we define as a summary of an action's

[02:20:50] implementation feasibility or how hard or easy an action is to implement based off of current resources. So we kind of use this basic green, yellow, red status. About a third of our actions are in the green and that it has defined capacity and less than one barrier Yellow, or about also a third to one-half of these actions, have informal defined capacity and a few barriers, and then about a quarter have no defined capacity, would need new resources, and currently have many barriers to implementation.

[02:21:28] And again, this is the one-to-five-year actions. Next is also one of the dashboard graphics for our key performance indicators. Again, the full table was provided as an attachment, and this is table 8 from the Urban Forest Master Plan.

[02:21:46] We have 13 KPIs in our plan. They are mapped to our three main goals. As you can see, goal number 1 and goal number 2 show that we need the most improvement.

[02:22:03] Largely, those improvements are around KPIs involving increasing canopy coverage in those low canopy neighborhoods, mostly around tree planting, increasing the young tree care, increasing staff capacity, as well as beginning to track tree maintenance and tree risk assessments more closely.

[02:22:22] And then we're having most success with our goal number three. A lot of that revolves around, again, public engagement, activities, and volunteerism that we have through the Sprout Initiative.

[02:22:44] Well, I think included in your materials, but possibly not in the slides, I do want to touch on the anticipated reporting cycles that we will be having so on an annual basis you can expect a report out on

the urban forest master plan's key performance indicators as well as a summary of the one-year plans strategy metrics or those outcomes on through the state of the urban forest report that we would share both publicly and with city council then on more of a quarterly basis we'd

[02:23:18] be providing seasonal updates likely through your weekly city council updates you can think of these as upcoming projects or project summaries such as for significant tree removals or tree planting projects and then we would continue our regular public engagement on a more bimonthly or monthly basis through various platforms again notifying the public on projects but then also education campaigns and engagement opportunities. The urban forest master plan does recommend refining how we

[02:23:52] report out to the public as well as coordinating these cycles as the program evolves and as work progresses but for now we're looking at an annual quarterly as well as periodic public engagement through those various platforms and then lastly we we wanted to briefly so the past few slides were a five-year look ahead of course a lot of the conversation is around the coordination and some of the challenges around capacity but we wanted to highlight kind of a five-year

[02:24:32] review or looking backwards for the past five years where we've made progress so the accomplishments on the list aren't aren't comprehensive but highlight some of the the key areas that we've made and then i used the kpi or a few of the kpis to compare our progress from 2020 to 2025 and we've made significant progress in all of those kpis so far over the past few years and then also included just some project photos of this past year we removed the invasive pear trees

[02:25:08] on Pickett Road that had been safety concerns and hazards. We planted them with native trees. The bottom photos are from a volunteer event at the Bells Bird Sanctuary, removing invasive shrubs. And then the last photo is from our 40th anniversary Arbor Day event, where we replanted along the creek there, reforesting it after Parks removed a playground.

[02:25:37] And that was in partnership with volunteers, the ESC, as well as even the city jobs program. And so with that, I will happy to answer questions. Thank you for the presentation. Questions for Ms. Zafford.

[02:25:54] Council Member Peterson. The most important question is how are the goats doing? They're munching away. How much longer? About a week. Really? About July 20th or so. And then we will do follow-up treatments now that we can kind of get a lay of the land a little bit more.

[02:26:15] And are they sticking around somewhere else in the city, or are they heading on to greener pastures? Greener pastures for now. And are they observable? Can people go up and see them? Yes, correct, yeah. Just don't touch the fence, it's electric, but you can see them.

[02:26:31] Right now they're kind of near the cemetery side of the property. And how many are there? I believe there's about 20, a little less than 20, like 16 to 20 of them. They're very cute, I recommend. I'll bet. Well, I can imagine. I live right behind Blenheim, and they've been very quiet.

[02:26:53] Oh, good. I'm very surprised. I thought they would be making plenty of noise, but they've been really very quiet. Thank you so much for doing this, and I know it's been a group thing. A lot of people have been involved. I really like the framing that you've been able to bring to this with these different categories to protect, regulate, grow, manage, engage, et cetera, because it helps to bring together a lot of different things, but in a framework that's organized and makes it a little bit easier to understand what are we really doing here, and it cuts across a lot of areas.

[02:27:28] So that's really helpful. I had a question or two about the protect area. So what I see in the protect area is part of what I see is that you are doing some analysis of, Let me just pull this up more specifically.

[02:27:50] You're doing some assessment of risk of development to prioritize conservation through acquisition or conservation estimates. And that's under this subcategory of conserve, connect, and expand tree canopy through strategic conservation and land use policies.

[02:28:09] And really applaud and appreciate the effort to bring some measurement to this. I think it's critical. And as I think we've discussed before, to try as well as we can to sort of forecast that forward. when we're doing the risk analysis kind of project forward where we're headed what I didn't see here and I'm interested in thinking about it was at some point consideration of some sort of goal here that would be known at loss or some protection and I believe Fairfax County has a goal I think it's 60% either retention or no let no let loss or something but I'm wondering at what point is

[02:28:47] that something we might consider here and to what extent does fairfax county provide a model for that i'm not aware of of their model i know they're also doing a more of a gis assessment coming up on their on their areas but i think right now the our starting point is kind of getting understanding of what we have throughout the city whether it be city owned or potentially not city owned but potential areas we'd want conserved um and then kind of getting being able to set a goal

[02:29:24] from from there and so i i would foresee probably it would be in that next phase of the five to ten year phase um as well as if you recall in the urban forest master plan at five years we would do a comprehensive review and uh updates and so it could be something we can consider at that time but I think it's hard to to know how to set the goal until we kind of get an idea as to our baseline great so basically it's assessment first we're not yeah it's absence is not an indication that it's not uh it would not be a future consideration it's just we're

[02:30:00] taking it a step at a time here right yeah um that's really helpful can you clarify the grow versus remove um how that actually works uh what are we planting what are we removing and that in that ratio yeah so historically we have tracked tree removal from city operations in our parks and in our streets right-of-way area last year i started tracking or making an attempt

[02:30:33] to track also our capital improvement projects so i guess first off that ratio is based off public trees not not private trees because we don't have comprehensive data on that and then when it comes to public trees again trying to incorporate the capital improvement projects and that's why also you see a big increase from last year of trees number of trees planted to remove is because our capital projects have tended to plant a significant amount more than removed

[02:31:05] and so that bumped our numbers helpful when in getting back to the the assessment question in terms of canopy this is a forest versus trees question we we've talked about before i'm not sure what we're counting but one way to do this is individual trees and or canopy the other is to look at for lack of a better word of forest system which is the community of trees and other vegetations together, vegetation together, which is really what constitutes one of the building

[02:31:41] blocks for an ecosystem and provides a lot more than just trees with canopy. Are we looking at both when we do this assessment to see what the risks are and then potentially in the future, the remedies in terms of vulnerability and loss? Yes. So the canopy assessments are looking at both public and private

trees. So citywide, all canopy coverage. And so that gives us an idea as as a city or as a community how our canopy is changing it is looking backwards because that's just how the aerial imagery comes out our planting to removal ratio is more of a metric of how the

[02:32:20] city government is doing within our own city trees how we're managing our own city trees and um and tracking that progress and so it's kind of two pieces um and they are related and then like that the natural areas assessment and inventories and all those things, they start to provide us a bit more of the condition and more of the qualitative data to go along with the quantitative data, whether it be the canopy assessment of tree percentages. Then you do the natural areas assessment and you get more of the qualitative data. And so all of that data is kind of building

[02:32:59] upon itself to paint a picture, but not any one metric tells the full story. but we are including natural areas in this yes great fantastic so I am curious to know on the tree survival rate my memory is a few years back when we discussed this in the environmental sustainability committee the survival rate for trees that were planted was low I think the numbers I don't know if I have the numbers correct but it was like one out of seven like a 14% rate

[02:33:33] or something. It was actually a real concern. And I see today that we have 82% here, which is fantastic because, you know, we want to retain trees. Is that primarily because of additional watering that we're doing? Has that been the game changer here in terms of retention?

[02:33:58] To be honest, I think I can't exactly say why. I think it's improved tracking. I would say Previously, I don't know if we necessarily had the strongest numbers to support what the survivorship was versus now we are more closely tracking it.

[02:34:15] But we are, and we have increased the summer watering. And so it might be from both, but I would say the increase could be just because we're tracking it more closely. Okay, and then I guess my last question, and it kind of raises the question mark of what are we doing or envisioning doing to help private landowners?

[02:34:37] um grow protect manage their trees do we have education outreach technical assistance can you kind of describe that because there are those areas that we're in control of the public lands but most of the city is not in our control and so we have to rely on other people to protect and manage their trees can you just describe a little bit about how that effort is going and where that may lead sure so in 2026 our primary focus has been trying to push out quarterly educational campaign of some kind this past spring we sent postcards

[02:35:14] to residents that live in the resource protection area to inform them what the resource protection area is how you maintain your trees and vegetation in those areas and how you can support the Chesapeake Bay Act in that way and so that was what we did this past spring looking forward we have identified um, beach leaf disease in the city. It's a very infectious disease that will ultimately kill off a lot of our beach trees. Um, and so we are planning to try to raise awareness, provide information as to how residents can treat their trees or monitor them. Um, and so that's kind of

[02:35:52] the, the focus there. Um, and, and then the last thing I would note is, um, we do hope to continue our free residential tree giveaway that we've done the past couple years, so both fall and spring, providing free trees to residents. And so between the quarterly education campaigns as well as the tree giveaways and the volunteer engagement is kind of the approach.

[02:36:16] If somebody wants to call for help, who do they call here in the city? Largely they call me or I also defer them to our stewardship coordinator. Sometimes we have limitations as to how we can help, But we're a good starting point. I forgot to ask one thing.

[02:36:33] Tell us about lanternflies. The spotted lanternflies, we're entering the adult fly. They are here. They're the ones that are red, and they look pretty, but they're annoying. In areas north of us, we have seen that they peak after a few years.

[02:36:50] And so the hope is in the next couple years we see a peak, and then populations start to settle off. They aren't super harmful to our trees, but they are a nuisance, as well as they're harmful to agricultural plants. So Loudoun County and those jurisdictions have more concerns around them.

[02:37:08] Okay, really helpful. I will note that based on my experience, they tend to like fruit trees. So, Fort Warren, thank you so much. Councilmember McQuillan? Yes, thank you. How often will the tree canopy data be updated?

[02:37:28] And how quickly do you think we're going to see progress in the priority neighborhoods? So new imagery becomes available approximately every two years. Imagery is from the federal government. And so sometimes there are delays and there's kind of an unknown as to what the future of that might look like.

[02:37:50] But hopefully every two years. Our priority areas, that is why it is included as a KPI, because over the past 10 years, we've been seeing decreases in those areas. And so we want to make a concerted effort.

[02:38:06] In terms of reporting out increases in those percentage numbers, it does take then a few additional years to see an increase. And so we probably won't see progress on those for five to 10 years based off of current efforts. Okay, thank you. And then several of your implementation items, identified budget or staffing restraints or barriers. And I was just wondering which investments you would suggest have the greatest impact on achieving the goals of the

[02:38:42] Urban Forest Master Plan as we go into our next budget season and start those discussions. So I think the recommendation I have made to staff is really needing to work towards consolidation, um, needing to identify the lead, um, amongst the three departments, particularly around, um, around tree maintenance in the city and management of, of city owned, uh, land. I think when you have, uh, many people involved, then it's, it's challenging for any one person to be

[02:39:18] lead. And so I think the first step is that consolidation. Um, and then I think from there, there's still staffing capacity. I think budget-wise, we've dedicated stormwater utility funds towards urban forestry. And I think those stormwater utility funds have been helpful, but I think it's hard to implement when you don't have the staff to issue those funds. And so I think it really does come down to staffing. Yeah. Thank you. One last question. You mentioned the measurable performance indicators earlier in your presentation. Are there any specific

[02:39:54] indicators that we should be as council be paying particularly close attention to anything specifically or are they all equal i i think the the first goal is a bit more comprehensive and a city-wide look a community-wide look uh the the second goal is a bit more city operations and then the third goal is how the community kind of engages with with both of those um and so it It probably depends on, you know, where your priorities are,

[02:40:28] but they are different in kind of their function, if that's helpful. I understand. Thank you. Council Member Hardy-Chandler. Could you go back to the slide that had the feasibility, the barriers, and the ones that have started to some degree?

[02:40:50] Yeah. So when I look at the two biggest barriers, When you were talking about the capacity, and I think you were starting to go in this direction of cross-departmental coordination, what are some other things that might be helpful in terms of either mitigating some of those barriers or overcoming those barriers?

[02:41:13] So, I mean, the establishment of the working group has definitely been helpful in terms of making sure everyone is at the table and, you know, working with three departments. It's helpful to have all three department heads, right?

[02:41:29] The decision makers all at the table together and creating that working group meeting on a regular basis, I think is continuing that is definitely the first step. And it provides insight to you as to what each department's priorities and work plans are looking like so that as we look ahead at upcoming projects and needs, being able to get that picture on a more regular basis from them.

[02:41:57] Because I think the adoption of a plan, we want it to be successful. And so when I hear some unevenness in the feasibility of some of those goals, it's really important to, I think, support the things that are going to make all of those goals a little bit more successful.

[02:42:14] So with that working group, do you anticipate that feasibility cycle moving to more green? Hopefully. I mean, I think I would anticipate hopefully it's shifting more towards that task dependent, right?

[02:42:30] Task dependent is a barrier of we can't start a task until we potentially have to complete other tasks that need to happen first. And so it just being a matter of needing to do regular work over the next 20 years is the hope. I do think that fundamentally we are, again, like the staff capacity is a real constraint where until we figure that out, we're not going to be able to really patchwork the plan forward.

[02:43:01] We'll be able to make progress at a certain rate, but I think there are some that will become very challenging to implement over time. And we want your success, so sustaining is not enough in order for you to be successful. Right. okay thank you other questions or comments anybody online okay well thank you so much for the presentation and we look forward to future updates on this our next item is discussion of housing trust fund guidelines and application i'm going to recognize jamie ergas our housing

[02:43:37] program manager for the staff presentation good evening mayor and council as i transition slides i would like to recognize that we have members of our housing and healthy communities advisory board with us including our chair okay so this evening i'm bringing forward a recommended process to give access to the existing housing trust fund or what we refer to as the housing trust fund

[02:44:17] before we get into the drafted guidelines and application i'll touch briefly on background and context touching base on a housing affordability timeline regional context the existing funding that the the procedures are for and then we'll get into a high level overview of the guides guidelines and application, which were included in your packet.

[02:44:37] So talking about housing affordability, the points that I'll go through are not necessarily new. These were brought forward in the development of the Affordable Housing Statistic Plan. So this is part of

the research that TPMA had done.

[02:44:54] But I think it's important to talk about it so that we're grounding the conversation in the why. So as we're talking about the Housing Trust Fund and the need to have access to the existing funding, this helps frame that. So first, the rising home prices between 2020 and 2025, the median sale price of a home in the city of Fairfax increased by 34%. And during that same five-year period, incomes increased by 8%. So all of that to say is that home prices are rising faster than incomes are rising. With that, homeownership is challenging for households

[02:45:33] earning less than \$200,000 specifically for that median sale price home, the single-family home, and then to rent a two-bedroom apartment in the city of Fairfax household would need about \$92,000. Naturally, with rising home prices, rising faster than incomes, that leads to strained household budgets. So we do have about 43% of renters in the city of Fairfax and 20% of homeowners, they are considered to be cost burdened, meaning that they are paying more than 30% of their income towards housing. Affordable housing is economic development. We have workers in seven of the 10 most common occupations in the city of Fairfax would not be able to afford the

[02:46:12] median gross rent for a one or two bedroom unit in the city. You might have seen Fairfax County's housing needs assessment that was conducted recently. When you look at surrounding jurisdictions are also signaling that they have a shortage of affordable housing. The county had previously talked about needing 10,000 affordable units by 2034. They're now looking more about 13,800 units and particularly at 60% AMI or below. And that's just of the affordable housing. They also have a shortage of housing overall. So when we think about the workforce, it is increasingly challenged

[02:46:46] to commute in. And when you think about occupations that would require you to start at a certain time and have to compete with traffic, that becomes significantly challenging. So all of that is just to ground the conversation when we think about the housing trust fund conversations in the city of Fairfax have happened well beyond the timeline that I have up here so I think dating back to 2013 perhaps earlier but I thought it might be helpful to revisit some of the more recent conversations that were had including the presentation from TPMA to the council on the affordable housing strategic plan in November and then the HCAB presented to council in December the affordable

[02:47:26] housing studio plan was adopted in February of this past year, earlier this year, rather. And then the guidelines conversation tonight is focusing on hopefully a way to use the funding that is available. So to provide a regional context, this is data that is reported directly by localities. This includes 17 jurisdictions in the metropolitan region. This is data from the housing indicator toll surveys. This is done by housing and in the Urban Institute.

[02:48:00] This just gives a sense of how jurisdictions surrounding us are using their housing trust fund dollars. So the light blue is for production, affordable housing production. The yellow is for preservation, and the darker blue is protection. Protection refers to people as opposed to units, so assistance to renters or assistance to homebuyers.

[02:48:21] Additional regional context, this is the left-hand side of the screen focusing on the per capita reported budget allocation between FY25 and FY27. So this accounts for the population size within the jurisdictions.

[02:48:37] FY27 is the yellow. The darker blue is FY26 and FY25. I did include the city of Fairfax and the city of Manassas on here as well, just to give you a sense of where we fall, even though it's not a reoccurring source. And then I do want to highlight the city of Manassas, since this presentation was created, has since invested some of their funding in affordable housing development.

[02:48:59] So that balance is slightly lower as of today. And on the right-hand side of the screen, just because it can be challenging to think about the per capita investment, you can see the total investment, at least for FY27. I do want to highlight here that for Prince William County and the City of Falls Church, the balance of their housing trust fund is larger.

[02:49:18] I believe Prince William County is more around \$20 million, City of Falls Church around \$7 million, but this is their annual investment for the most recent fiscal year. When we say housing trust fund, we're talking about the funding that was committed by developers prior to the adoption of the Affordable Dwelling Unit Ordinance in 2020.

[02:49:40] A housing trust fund usually implies that it's a reoccurring resource, but that's the terminology that we use for simplicity. There is a balance of 542,524. I understand there have been questions in the past about where this has come from. So this chart below just gives that transparency.

[02:49:57] There's the date alongside, the project name, the purpose that was outlined in the proffer agreements, and then the balance off on the right-hand side. This also includes a debit or an expense, the funding that was utilized for the Beacon Landing Project. So now transitioning into the guidelines and application themselves.

[02:50:19] This is just going to highlight some points of it. You have the full application and the guidelines that are all within one packet. But I wanted to just start by talking about the development and how we arrived at what was provided. So the Housing and Healthy Communities Advisory Board formed a strategy team after the presentation in December and had been meeting regularly to develop processes and procedures. And there's also full input from the board as well. The processes from multiple jurisdictions were reviewed, including Fairfax County and the city of Falls Church. Many jurisdictions have housing trust funds. They looked at lots of different methods and processes

[02:50:56] so we could borrow and learn and see what would be most effective in the city. We also got input from city departments and divisions, including human services, community development and planning, economic development, development of Budsman, and the city manager's office. I will say that as the process is focusing on the existing funding, which is the \$540,000, we really were trying to strike the balance between getting enough information from proposals coming forward that it could be evaluated and a decision could be made about what would be best for the city and the best use of those funds,

[02:51:29] With also noting that the size is one that we didn't want to make an owner too much of a process. So we're trying to strike the balance between comprehensive and not be a barrier for some of the applicants that could be submitting proposals.

[02:51:50] The guidelines themselves start off with the purpose. It does note that the Housing Trust Fund plays a central role in the city's broader affordable housing strategy. After describing the purpose, the amount available, it shifts into eligibility criteria. So applicants would need to demonstrate financial stability, organizational capacity.

[02:52:10] They would need to show that they have experience in whatever type of housing project that they are proposing, and they would need to meet eligibility requirements for any other funding that's associated with the project, and they would need to be in good standing. The eligible activities that are included in this process are development, preservation, acquisition, or rehabilitation of affordable housing, all of these activities are in alignment with the strategic guiding documents, including the city's affordable housing strategic plan, as well as the comprehensive plan. There's a minimum project threshold criteria that

[02:52:48] was established. So projects would need to demonstrate readiness to proceed. They would need to demonstrate financial readiness, entitlement zoning, site control. All of that is spelled out in the guidelines. So that would be what would be expected of a project coming forward. The scoring criteria is meant to ensure that there's a transparent process.

[02:53:09] And in the development of the application itself, we were really thinking through the questions. We tried to, if we were asking a question, we tried to correlate it back to the points so that it was all directly connected. So we didn't ask anything that wasn't scored and really trying to think about the core areas. Again, this was looking at the surrounding jurisdictions, thinking about our comprehensive plan and our affordable housing strategic plan and figuring out how to align so that we can score effectively and figure out which projects should proceed with funding.

[02:53:40] And then for the evaluation selection, we would have an initial review by housing division and finance staff to look at that threshold criteria. There's also, I should say, a minimum threshold scoring that was established as well. And then the selection committee would be comprised of representatives from both advisory boards as well as staff.

[02:54:00] So representatives from HCAB, Planning Commission, Fairfax City Economic Development Authority, as well as a staff member from CD&P, Economic Development and Human Services. And then given the amount that is available and the fact that it is currently a finite amount, the recommendation is that the city manager be authorized to approve the funding awards that are already set forth for this specific purpose, which is also in alignment with the nonprofit grant process.

[02:54:30] And then should this process be approved to go forward, we would work to develop clear timelines. So ensuring that we have a clear application release date, information session, deadline for application questions, make sure that we're clear when the applications are due.

[02:54:48] We would have the review process established and make sure that the applicants know from the beginning, from the time that the proposal is due to when they can anticipate the award of the funds if they are selected. All of that would also be towards the notification and the distribution to the applicants that would be in collaboration with the city attorney to mirror the nonprofit grant process.

[02:55:15] And that is the presentation. I will be happy to take questions. Right. Council Member Amos. Thank you. And this was an excellent presentation, really liking the process that you've established. I'm going to put on my developer hat, and I should have asked you when we had our meeting, but I appreciate the one-on-one.

[02:55:34] So I just wanted to say, from a developer perspective, having something like this in place is extremely helpful. I've applied for jurisdictions that have a very rigorous process and some that have none

at all. And none at all can be very confusing and lead to multiple rounds of review that can delay the process. So this is really good to have.

[02:55:53] Going into questions, so from one of the slides where you show what was allocated for new construction, it was from a hit, I believe, with the Urban Institute. So you had new construction, preservation, some for first time, homeownership programs.

[02:56:10] Have you considered doing something like a pool system, almost like what the state does with LIHTC applications? Was that on the table, and was that just not included particularly because of maybe the – I'm going to assume we're talking about more than just the \$500K because that's a drop in the bucket, but I mean moving forward.

[02:56:27] Was that on the table or not particularly? Yeah, I think not particularly because the focus initially is on the existing \$500,000 that's available, \$540,000. I think the hope in developing the processes is that this will solve for the current balance but also be available for future use should there be funding allocated in the future.

[02:56:48] So it hasn't been considered just yet, but I think should more funding become available, processes could always be tweaked or adjusted, especially as funding is dispersed. We could learn from that process and see what could be strengthened.

[02:57:05] Thank you. And, yeah, again, pretty much my questions are just going to not factor in the \$500K. Again, that's just really a drop in the bucket in the grand scheme of things. But in terms of a cap percentage or number for allocations per project, have we considered having that or no?

[02:57:24] Some jurisdictions do it, some don't. Assuming that we would get multiple applications from the same project, perhaps year or year. I was going to ask that one next. But just in general, like, for example, per year we have a certain amount within the fund. How much can one project get as a max?

[02:57:40] Yeah, I think that we have not established. I think that would be something that the selection committee would have to look at. So say we have three applications for the \$500,000, but they are, you know, total \$1.5 million. I think the committee would need to decide if there is one application that is warranting all of the funding or if it would make sense to disperse the funding amongst the projects.

[02:58:04] It would also depend on whether or not that would be feasible for the projects, right? So they might have asked for a certain amount because that's needed in order to make the whole project succeed. So I think things that would need to be considered further. That makes sense. And again, some projects, as you were referencing, are split. So 9%, 4%, they could be hybrids. And those are technically two different projects, even if it's in the same building. Would they still be able to apply per LIHTC application?

[02:58:32] Yeah, I mean, I don't think we went into that level of detail. Yeah, we do anticipate for affordable housing development when we're thinking about the use of the funds, we anticipate that there would be two to three applications for projects that are already approved that would be either in the construction phase or nearing the construction phase for this cycle.

[02:58:52] We don't yet know about any of the naturally occurring affordable housing, if any applications would come through for preservation. So, I think we haven't yet had a process in the city to make it transparent and to access this funding. So, we are a little unsure of what exactly would come forward.

[02:59:11] And if we would need to think about any adjustments in the future, should there be a lot of competition for this resource? Yeah, granted, this is new for us, and it's probably more prevalent in the early stages, whenever at some point we'll have a recurring revenue source. You know, we want to make sure we're not just blowing everything every single year and we have zero at the end of each fiscal year.

[02:59:31] So that would be worth considering. Only a couple more things. And, again, ideally, as this is implemented and eventually it grows, we get more LIHTC applications. I'm not aware of any, at least none currently, LIHTC applications that we have.

[02:59:46] I'm not even sure when in recent memory we've really had one, if at all. I mean, I think the Beacon Landing Project used LIHTC credits. Correct. I think Westwood had LITECH credits, but that's a long time ago. And that was a very unique project with a PSH factor and nonprofits and all that.

[03:00:03] Yes. The only other question I have, which is kind of multifaceted, is really in terms of incentivizing housing development of a specific type. For example, the state will do bonuses for nonprofits.

[03:00:20] Or as with the state, they just passed the Faith and Housing Act. So even for church partners, have we considered building in those bonuses or, for example, the states also doing more with workforce housing with that 80% to 120 AMI range? Is that also being discussed or is this just too early?

[03:00:38] Yeah, there's not necessarily, I would say, bonuses built in per se. On the back end, when we're thinking about that committee that would be doing the selection process, we did create a scoring tool that would help guide their thought process a little bit further. So it does have some incentives for more deeply affordable units that would potentially score higher, more affordable, more points awarded in the scoring process.

[03:01:00] But additional bonuses, that's not something that they had gone to that level of detail. Yeah, and again, I think this is great, especially for the early stages. We start making this transition, but just want to highlight those items that we can consider for the future.

[03:01:17] So thank you. Thank you. Council Member McQuillan. Yes, thank you. Have we taken into consideration some of what we heard this evening during our public comment regarding a standardized timeline for the application process and first award cycle, transparent public reporting on scoring and outcomes and measurable performance metrics? Yes. So I think we would have a timeline. We would need to know if this is a process the council wants to move forward, but should that be something that the council is

[03:01:55] interested, we would certainly make sure that there's a transparent process. We do have the scoring criteria in the guidelines themselves so that applicants would know what the city is looking for. So those comments were certainly helpful and heard, and I think those are things that were perhaps already embedded in what has been developed, but absolutely appreciate that.

[03:02:15] Okay, great. I had another question about once the projects receive funding, what metrics will we as council receive to evaluate whether the program is achieving its intended outcome? We talked about following in internal conversations about the sort of accountability aspect of this, of establishing that in the award notification and the agreement that goes to the private provider or the applicant rather, so that we would get information back to see, you know, what's being done with this project. I also think that with the housing trust fund,

[03:02:51] would want to highlight this is another thing that um was raised in the the comment period how many units are being built you know what has been done with the funding i think all of that would come back to council in some manner whether that's a weekly update or report out to council but that information would certainly be shared okay good yeah i think it's important to be very specific about that so that we're consistent across the board year after year as we review or or look at these. And then when we discuss affordability, will there be, as far as the scoring, will there be a minimum expectation or preference for the length of affordability

[03:03:31] commitments to ensure that the investments provide a long-term community benefit? Yes. Off the top of my head, I think a 30-year affordability period was referenced. But yes, Absolutely. The long-term affordability has been considered in the process.

[03:03:50] Wonderful. Thank you so much. Council Member Hall? Thank you. I think this question was sort of asked, but I just was hoping to take it from a different angle. Will the selection committee's recommendations and scoring be made public so that applicants and residents understand how the awards were made?

[03:04:17] Yeah, I think with the scoring criteria is listed in the guidelines. I think with the decisions themselves, I think I'm trying to think through the nonprofit grant. I think each applicant was notified whether or not their project was awarded, and then there is feedback that's given to the applicants if interested so that they understand where the criteria has, how that resulted in the decision.

[03:04:43] In the past, what I have done in other lines of work with federal funding for homeless services in competitions is I've, you know, taken all of the scores from each of the applicants, have averaged the scores so that you can provide feedback specifically around, you know, which section scored higher than other sections so they can see and understand some of the decisions that were made.

[03:05:05] But it's more of an aggregated result for the applicants. So I, you know, I think in that sense, we would try to be as transparent as possible. - Okay, thank you. And two other questions here.

[03:05:22] If a project were to receive funding but ultimately isn't built or doesn't meet its affordability commitments that were agreed upon, What sort of mechanisms exist to recover the funds or redirect them to another project? I think that's where the collaboration with the city attorney comes in key, and we would have language built into the award notification that accounts for that.

[03:05:43] So if a project doesn't come to fruition or if it's not utilized for the purposes intended, we would work with legal staff. Okay. And then my last question is just kind of about geographic distribution throughout the city. Are there certain areas that are, you know, kind of right for something like this, or is it more equal for everyone, depending upon where they, you know, may purchase land or decide to do something like this?

[03:06:09] I mean, are there any preferences given to certain areas that already exist? Yeah, I think that's a great question. I think we didn't cover location specifically in the guidelines of the application. I think that would be something that in future rounds, should there be more funding committed?

[03:06:26] That could be something that we looked at more closely, especially aligning with some of the small area plans and the activity centers and figuring out where development should occur. I think there could be considerations for either bonuses or something along those lines. But given the dollar amount that we've got now, we didn't go to that level of detail.

[03:06:48] Thank you. Yeah, I agree that, you know, we have what we have now, and I think until we or if we are able to establish a revenue opportunity for this, I think not that what you have done here is not going to work, but we might find that, you know, we might need a whole different system or approach to what we're doing.

[03:07:07] But I think for what we're trying to do with the existing funds that remain in the housing trust fund, I think this is a really, really great effort at trying to make sure that they are utilized in the most appropriate way. So thank you for all that you've done for this. Sure. Council Member Hardy-Chandler.

[03:07:23] So first, let me just reinforce that I support this. My first question is somewhere, I think I saw where it was stated this is not technically a fund. Can you explain that a little bit? Sure. Housing trust funds are usually, I think, thought of in terms of developers as a reoccurring source, so something that they can be relied upon year after year.

[03:07:48] We have a finite amount. So once the \$540,000 is utilized, we don't have a plan to commit any funding. So that's the distinction that I've heard. But we still call it a housing trust fund because it's a little bit more complicated to say the proper agreements, the money that has come through from developers, that is just the housing trust fund is more succinct.

[03:08:13] And so Part B is what would be required sort of structurally to have it evolve into a fund. Yeah, I think committing the ongoing revenue, finding a way to do that, I think for developers, that would signal that for the city of Fairfax, there's a consistent investment in affordable housing.

[03:08:34] So that might attract the type of affordable housing development that the city is looking for because they know that they can rely on this. Anytime that a jurisdiction has a housing trust fund and developers are seeking to build affordable housing, they're leveraging that resource to apply for other funding. But the local investment sometimes allows that leverage to happen where otherwise it couldn't.

[03:08:57] So I think that's the distinction, and it would be that committing of the ongoing revenue to the developers. So it's not just the money. It's also the messaging to developers in terms of expectations and those kinds of things. Yeah. Okay. Something else occurred to me, and I don't know if there's even an answer to this, But I'm really struck by when you were doing the context setting and talking about the top 10 occupations not being able to live in the jurisdictions that they serve or something to that effect.

[03:09:27] Is there, first of all, thank you that there is a matrix available for weighing applications. I wonder if there's one of those categories that could touch on workforce or particularly those or setting some, again, I don't know if this is possible, but somehow giving weight to an arrangement or a plan that serves people who work in the city of Fairfax and giving them, you know, priority as part of the calculation.

[03:10:01] Is that something that's possible? i think anything's possible i think oh i love that phrase workforce housing i think is a bit of a misnomer sometimes it's thought of as the the above 80 to 120 ami but when you think about somebody that's working 40 hours a week full time that's earning minimum wage that's more like 30 ami so i think that that that term can be a little bit tricky but i you know there there is um work done within HCAB, there is a desire to align with the affordable housing strategy plan actions and to figure out the targets for affordable housing within

[03:10:38] the city. How much do we need at 80% AMI? How much do we need at 120%? How much do we need at 60% and below? I think that's coming. That's in the pipeline. That is something that they're

working on. I think that would also help. That would help set prioritizations for the disbursement of the housing trust fund.

[03:10:58] Yes, because I think historically in various, very high, very expensive jurisdictions, hearing of, for example, teachers who are not able to live in the communities where they teach, firefighters who are not able to live in the communities where they're, you know, providing public safety.

[03:11:15] And so if there's anything, especially in this sort of, you know, burgeoning phase of this pre-fund, if there's anything to be kind of trailblazing in that respect, would love to support that or see that be a part of the evolution as well.

[03:11:32] Thank you. Thank you. Any other questions, comments? Councilmember Peterson. On slide nine, you have a listing of eligible uses of funds, eligible activities, they're called.

[03:11:49] There's a series there. Do you have a sense of which of those are of greatest interest, where the demand is, and also in terms of cost effectiveness? How should we understand the cost effectiveness of them? I think there is more known interest in affordable housing development for projects that have been approved just because those projects have specifically reached out.

[03:12:11] They're aware that the city does have some housing trust fund or affordable housing dollars. I don't know if we've heard from any projects regarding any preservation funds. So if there's any of the naturally occurring affordable housing projects that would be interested in pursuing this opportunity, I don't think we have a sense currently.

[03:12:30] We know that we have interest from those that are in development. Are you expecting that data to emerge with implementation so that we'll then be able to plan around it a little bit more clearly?

[03:12:48] Yeah, I assume if this is a project that moves forward and a timeline is established and the opportunity is pushed out, that we would certainly learn of where there is interest and see the volume of applications. Is it five? Is it ten? We wouldn't know yet.

[03:13:03] We wouldn't know the dollar amount that they're looking for. SO I THINK THAT PROCESS WOULD HELP HIGHLIGHT THAT, WHAT THE NEED EXISTS, HOW MUCH INTEREST THERE IS CURRENTLY. OKAY. SO WE'RE REALLY GOING THROUGH A DISCOVERY PROCESS HERE AS A PART OF THIS.

[03:13:20] DO WE HAVE, WITH THE SET OF ELIGIBLE ACTIVITIES, IS THAT A FULL SUITE? IS THERE ANYTHING MISSING FROM THAT THAT OUGHT TO BE INCLUDED AS WE GO THROUGH THIS PROCESS OF DETERMINING, YOU KNOW, WHAT THE LEVEL OF INTEREST AND EFFECTIVENESS IS? I think there are more uses for a housing trust fund than what we have listed here for eligible activities.

[03:13:40] I think this process focused on development and preservation, which does align with two of the three goals in the Affordable Housing Strategic Plan. We don't have a process for rental assistance. We don't have a process for first-time homebuyers' assistance. And I think that was due to the fact that right now we're talking about \$500,000, and it just doesn't go very far.

[03:14:04] We explored rental assistance and what that would look like when you consider the number of households that are renters and are cost burdened, which was mentioned in the stats at the beginning of the presentation. Even if you supported half of those households with a one-time payment of \$2,000, so

half of the households being \$600, one-time payment of \$2,000, which unfortunately might not even cover a full month's rent, that would be over a million dollars needed for just that one-time support.

[03:14:33] so we're trying to think about back to your question about what would be you know the greatest impact trying to think about what would be what would generally um yeah impact the most residents over a longer period of time great thanks so much council member bates i just want to say that i strongly support the establishment of this process and thank you for all your work thank you i will echo that this this has been a long time coming and just just to back up and give some history

[03:15:09] about the housing trust fund it was cash in lieu is sort of the real estate term because we didn't have a set-aside policy didn't have an ordinance that required developments like mount vineyard or the enclave to build affordable housing set-asides and so they gave us cash in lieu of building those which is how we ended up with money in the bucket and so when beacon landing came to us looking for investment by the city which was necessary for their financing appeal They had 23 separate sources of financing for Beacon Landing.

[03:15:46] It was necessary for this city, because it's in our city, it was necessary for our city to invest so they could get the rest of the financing. And I just want to be clear on that, because people don't go through life understanding how these things work.

[03:16:02] For many people, the complaint was there was no application process, which was the whole genesis of creating these guidelines in an application process. Why should Beacon Landing get it instead of somebody else getting it? And it was a unique process.

[03:16:17] But the money had also been sitting there for, I think, seven years. And the whole point of the cash-in-lieu was instead of providing affordable housing units, they were giving us money so we could use it to provide affordable housing units.

[03:16:33] So that \$700,000 investment got us 54 of those units, which comes back to what you were saying as far as evaluating. What amount of money is going to get us the greatest return and have the greatest impact in our city? And so this actually turned out to be a good example of how that money was well invested to both get the financing necessary to build it and the fact that it's in our city and it provides these 54 units.

[03:16:59] So we have \$500,000 now, and I think we have to think in terms of until we say we have money available, a program, an application, a guideline, we don't know who's going to apply. And it seems like you have set up, HCAB, your committee has set up something that is looking at all the different ways that we could, for our small amount of money, invest to get the largest possible impact.

[03:17:25] And so separating this from whether we'll have in the future a recurring source of revenue to replenish our bucket is beside the point. I think right now we need to be focused on how best do we spend the \$500,000 and how do we let people who have projects in our city know that this money is available.

[03:17:49] Because just for Beacon Landing, that money was so critical for them to actually build that. and the impact has been so great, will be so great for our city. And I think a lot of this is how we think about it. It's not the amount. It's how we invest the amount and figure out how we can support people who are trying to build housing in our city for people who need it.

[03:18:12] And that might be service workers, and it might be people with very low AMI or people with disabilities. All kinds of people need housing in our city. So with that, I will say thank you very much. We appreciate everyone being here from your committee, and we appreciate the presentation.

[03:18:29] Ms. Shinneberry? Well, before I announce, I just want to do a time check that's 1018. Okay. All right. So our last item is a follow-up discussion on City Council Code of Ethics. I'm going to recognize Brian Lubkman, our city attorney for the staff report. Hello again, Mayor and Council.

[03:18:46] So we have talked about this topic several times. Per your instructions on May 26 in our commitment, we drafted a City of Fairfax Code of Ethics. The staff report is self-explanatory. It addresses issues of stewardship, public conduct, and behavior, transparency, maintaining and ensuring public confidence, avoiding conflicts of interest, ensuring proper use of public resources, maintaining integrity and confidentiality where appropriate, loyalty to the locality and the mission.

[03:19:17] As I have this drafted, it would be applicable in addition to the mayor and city council to the boards, commissions, and committees appointed by the city council. Obviously not to boards and committees that are not appointed by the city council, such as BZA, Board of Equalization.

[03:19:34] And there's some general language in there regarding enforcement as well, which is sort of best practice based on what we've seen in some other jurisdictions. So with that, I'm happy to answer any questions. The guidance that I think we're looking for is whether you want to proceed with this, whether you, in fact, want it to apply to the boards and commissions, or whether you want to look at this further.

[03:19:55] And with that, I'm happy to answer any questions. Questions? Council Member Peterson? We have talked about this, and I think my perspective is that it would be good for you to bring this back for action, and I gather in the fall.

[03:20:13] With respect to coverage with boards and commissions, we'd just like to know whether there's any reason that this shouldn't be a purely symmetrical process for them. And I don't know of any off the top of the head, but I do know that they may have just a different perspective in terms of people who come to serve in those capacities may have some different perspective here.

[03:20:40] you know we need to take into consideration but at any rate i strongly um encourage us to consider this further any other questions or comments online anybody well there we go oh you got one which one uh council member mcquillen yeah thank you yes i i too um wish to um support and move forward with the code of ethics and um think that it's important to also discuss applying it to the

[03:21:17] boards and commissions as well yeah um mayor yes councilmember yeah i am definitely in favor of this i see no reason why it would not apply to the boards and commissions as well and i think the sooner we implement this the better council member bates do you have a question um would this apply to um previous uh instances of um uh you know discourse on the council or just going forward

[03:21:54] from when it's adopted? As with most codes of ethics, it's prospective in nature, not retrospective. So it would be, once it's adopted, it would apply going forward. Okay, thank you. Anything else?

[03:22:09] Councilmember Amos. Thank you. I really only have one question, and I will send an email just a couple of typos. I got you. Yeah, I caught the typos. Yeah, yeah. My only question is, if we were to apply this to boards and commissions I'm assuming they haven't really had any input on this at all that's

correct so I would like to at least garner some input kind of to a little bit of council member Peterson's point if we are going to apply this to boards and commissions to get some feedback from them if they're interested and it may be that there's none but I think it's at least

[03:22:45] worth asking so the suggestion I would have is is if we're thinking about maybe bringing this back right after the break that gives us a little time to reach out at least to the chairs of the boards and commissions and see if they want to explore this further or whether it's a try to find the right legal term nothing burger for them so that that sounds like an a good suggestion councilmember Amos um okay councilmember McQuillan and then councilmember Hall I'm just confused as to why we would do that councilmember Amos is that too is

[03:23:23] that because we're allowing boards and commissions to make the decisions regarding their own ethical like adoption of what they're gonna do or Or we're just going to give them a vote on everything? Or is this the council is going to move forward and make decisions based off of what we're doing here? Councilmember Amos? It's just to make sure that we follow a process where we're not telling boards and commissions how they should operate.

[03:23:45] I think a code of ethics is perfectly fine, and the draft as is. I don't really have any issues with it. But, you know, we've made a big deal about trying to recognize the importance of boards and commissions. I think we need to make sure that we apply that unilaterally, not selectively.

[03:24:02] But they don't have unilateral power based off of our charter. This isn't about power. So I'm just confused as to why you're wanting, it's just confusing to me what you, what the outcome's going to be. Just garnering input.

[03:24:19] Okay, thank you. Council Member Hall. Thank you. I don't think we need any more cooks in the kitchen. I think we've got six council members up here, plus the mayor, plus an attorney, plus a city manager, two assistant city managers. think this has been very well vetted um i think we were the ones that asked for this as a council and i see no reason why we shouldn't move forward with it if there is concern over the boards and commissions then i think that would be something that we would potentially um you know push out a little bit later but i really don't understand why we would not um do this i mean i will also

[03:24:58] say you know when i i'm doing the hr role for my company and i come up with a employee handbook or you know other things you know we don't host it around for everybody to have a say on it you know we have a couple people that are in key roles that participate and help but i i just i think if you're trying to have every single board and commission look at it and give their feedback i think that that is going to just be a an unnecessary delay of time um but i would certainly focus on getting this implemented for council and mayor effective immediately and then if you wanted to

[03:25:36] to pursue that further, I would be happy to talk about that further. Councilmember Hardy-Chandler. I agree with the suggestion for input. I mean, we talk about community input in a wide array of areas and they're members of the community, and it's going to apply to them.

[03:25:55] I also think if it's going to apply to them, they should just have notice about that being instituted. So I see no problem for those who are going to be held to that code having their eyes on it and I think we can frame their input so that they're not wordsmithing every provision but generally talking

about whether or not they feel that that is something that will help their commissions because you know they will be held to it so I support their

[03:26:30] feedback and their input as members of the community their voice but also as people who will that code will be under or they will be under that code council member amos also i mean just based off of what we were discussing there also wouldn't be any disruption to the timeline as is if we're talking about this after the break then we would get the feedback by the time that we would if we're implementing this just for council so there is no change to the timeline it's kind of my understanding at least on how we will the timeline we want to implement this council member

[03:27:05] Bates? I just want to say that I strongly agree with that. I think it sounds like a great idea. Well, it sounds like we've got people who want to and people who don't. I support sending something out to the boards and commissions to say, this is what has been put together.

[03:27:23] It's for your review. And barring any feedback, we are going to move forward to the adoption process. But I do think sending it out and asking for their review and input by a certain deadline, And if we hear nothing from no one, then we simply move forward to adoption because it sounds like people do not have a problem with what has been presented.

[03:27:45] So if I'm hearing correctly, what I will do is, or what we will do, is we'll place this on for the first regular meeting in September for consideration of approval. I will, the city clerk will send this out to the chairs of the boards and commissions and ask if they have any input other than wordsmithing And whatever input we get, we'll report back when we have this on for consideration.

[03:28:12] I think that's certainly the transparent way to garner engagement from people who are operating under the proposed Code of Ethics. Council Member Peterson? Yeah, just to maybe be clear on one part of that, I think I would not be in favor of a process that enables feedback from a board or commission to block the consideration of this by the council.

[03:28:45] Your boards and commissions have, and I'm not going to make this sound the way it sounds, your boards and commissions have no authority about what you all decide up here in the dais. So whatever input, any, if not, you can take it, disregard it, do whatever you'd like with it.

[03:29:01] We'll just simply report it to the extent there is anything. And I will say, given the break, I'm not sure we'll get a lot of feedback. And the other issue is, if you look at the Code of Ethics, I would I would be concerned if we got pushback on any of those provisions they're mostly aspirational well I'm just responding to it may just be a word thing here that it was stated that if we don't hear anything back from the boards and commissions will proceed I'd like to be clear that we would proceed regardless it will be on the agenda for your consideration the first regular

[03:29:35] meeting in September thank you any other discussion here councilmember Hall yeah yeah thank you um i i just want to say i think what's what's good for the goose is good for the gander or whatever that phrase is if we as a council are in favor of moving forward this for council then let's do it and if boards and commissions have questions or concerns that to me can be addressed in what version they get put forth but i i don't see any reason why we wouldn't move forward with this version for council we all seem to be in agreement on it and i don't think any sort

[03:30:14] of delay in having others review it should stop council from implementing a code of ethics and standards for council and i'm i'm hearing your feedback and we have three council members who want to

proceed without this step and there's three who want to proceed with this step so i think given that there's three and three that that i'm going to put my support behind taking a step that does not delay our considering this on september 1st i think it is a good faith measure

[03:30:49] to send something out to boards and commissions when we are going to apply this code of ethics to them and their volunteer members i think that's acting in good faith it does not it does not one iota delay what we're doing here it is simply being inclusive in getting feedback if they choose to review it and they may not and just to clarify something you just said it'd be september the eighth not the first the first work session september the eighth thank you so there's no delay to voting on this or implementing this or taking action on this we are doing a step that says we

[03:31:27] are asking for the people who will operate under this proposed code of ethics to review it and give them the opportunity to give us feedback it does not impact what we the council do with it so i'm i'm going to say, yes, Council Member McQuillan.

[03:31:51] I'm comfortable with all of that. I am always in support of more information. That's fine. I don't personally, I don't care either way as far as, as long as it doesn't delay the progress of moving forward with it. I'm totally okay with, you know, getting more information.

[03:32:08] I'm always on board with that. Great. It seems like we have a decision that we can move forward. Thank you so much, Mr. Lepkeman. Ms. Shinneberry? For you to recess the...

[03:32:25] Oh, right. I am now going to recess this work session and reconvene the regular meeting so we can go to future meeting topics. Mr. Dan Alexander. All right, thank you, Mayor and Council. Looking to the future and our next meeting on the 28th, we have a consideration of a contract for an award for an owner's rep for school construction projects.

[03:32:50] They'll be coming to you. public hearing and council action on the potential zoning tax amendments regarding detached accessory dwelling units. We have a work session scheduled for pre-application for 3541 Chain Bridge Road.

[03:33:07] We propose redevelopment of office space to a mixed-use development of townhouses and retail uses. We'll have discussion on a land use application. Courthouse Plaza combined courthouse LSC applicant at the addresses listed there. I will say that I'll address some of these work session items that involve land use in a little more detail as we get through this and also based on communication that I've sent to you earlier today.

[03:33:34] That takes us to the break. Looking ahead, as we indicated, September 1 would be our first early work session starting at 4 p.m. So you see a full slate of items listed there to include some pre-application briefings on developments.

[03:33:54] We have at that same time a discussion of the level of service and dynamic capital impact model. We will be bringing to you, and this is a change, discussion of our 2027 legislative program.

[03:34:10] We're trying to get a little bit ahead of that based on the compressed next session and expectation from our electeds. So we'll be bringing that to you in September to start that discussion. We will have a discussion that will result in a consent item in the next meeting on a resolution for the reappropriation of operating capital and enterprise funds that are carryovers to 2027.

[03:34:37] That will be coming. and then looking to the 8th we have and you've seen this before consideration of award for construction contract for university drive bike lanes and then the resolution to cancel the intersection improvements at university drive that are on here also as i mentioned you would see the resolution for reappropriation and that takes us through the 8th and i think of note i will say on the 22nd which we have mentioned to you in an email you have a redevelopment coming for public

[03:35:14] hearing highlands at mantua 14 townhouses and then if needed a council action on resolution for reappropriation coming so that took you all the way through september at this point as i mentioned to you earlier um i think because we have significant items coming to you on the 28th and there have been some questions about development and how we're handling this process want to spend a little bit of time talking a little bit about process um brooke i'm going to call you up early because i think you might have some questions for him it might be a little bit back and forth

[03:35:52] i think it's important we at least have a discussion on this since we are not going to have anything before the 28th and so you know in terms of process we want to be very clear also say that I think over the last several years we've talked about this a minimum of what do we say Brooke ten times ten times so this is an issue that comes up from time to time and it's certainly understandable that there there are some concern questions and interests regarding this so generally as we talk about you know our process and the work session process for pre-application

[03:36:28] briefings our intent is to introduce the early concepts identify the principal planning and policy considerations as we go forward yeah council has an opportunity to ask questions and identify issues the applicant is generally present to answer questions this is the pre-application part of this understanding that in most of the jurisdictions we look at this process is somewhat unique in that we have a pre-application and then a post-application so we get council an earlier look than most places as it relates to many of these projects now

[03:37:02] as you all know we present preliminary analysis the post-application work session the applicant actually presents and explains proposal we just saw that so that's pretty clear on that and then the staff and applicant receive feedback as part of that that process so I think it was important to lay out that framework to kind of understand you know how those two pieces work again we're getting more of a look at their early end of this understanding that is council getting that look right so that pretty much lays out i'm gonna turn to you to make sure i'm on the right course i know

[03:37:37] we're pressed for time so we've talked about the fact that we have competing concerns about these how these processes run so really what we're looking for is to get you know clearer expectations on on what we're doing one of the things i've mentioned is a time limit on applicant post application presentation we have i'm not picking on anyone particular but we'll have applicants come in to do 30 40 slides for an extended period of time so one of the things i've heard is is maybe shrinking that down a little bit right and making that more reasonable putting a cap on with some

[03:38:12] degree of flexibility on that process so the idea is to get you information not to make a pitch for you know a particular project again not picking on anyone in particular but clearly that's the intent behind that right i think from there i've also heard and you know this is something i've seen in other places a structured round of questions from council members i mentioned that in the email today two rounds and then we move into a broader discussion once we have it i'm not suggesting any limits on that some places do that it's it's for your own consideration as to how you

[03:38:47] would want to do that then clearly a sharper focus on the work session and the actual analysis and what are the trade-offs that we're talking about and what are the exact follow-ups that we need to bring back to you as we move forward.

[03:39:02] So those are the things that we have talked about and have taken into consideration. That does not get into staff analysis. I'm going to touch on that next. I know we've had concerns about the degree and staff analysis content. How does that sound up to this point to counsel as it relates to process?

[03:39:20] Comments on process? Council Member Peterson? Thanks for doing that. I think it's really important, and for everybody who's listening, There's a very big difference between the conversations we have at the pre-application phase and the post-application phase.

[03:39:36] And I appreciate you noting that it's a bit unique what we do in pre-application. My understanding is that we do pre-application. I think the intention was to get early feedback that would help guide design decisions in particular.

[03:39:54] so conceptually that is a good idea if you are doing you know what we call co-design it's a practical matter I don't think that's how this process is set up it has not worked that way this has been I think has become unfair to the community and unfair to the council in terms of how this has happened because the pre-application process enables an applicant to come in and advocate for their position the job of the council is to ensure that decisions we're making represent the community interest and yet we do not have members

[03:40:33] of the community present to be able to express their interest and they oftentimes are competing here so that leaves us in a difficult position the other thing is we don't have the requisite analysis at that stage to be able to determine where there are trade-offs that would influence design and direction we don't have net tax impact assessments, for instance, but there are a whole series of things, and to rely upon the advocate to provide them I don't think is wise or particularly functional.

[03:41:06] So I am concerned about, again, the lack of a community presence there so that we are hearing from interested and affected parties in the community, and we are here to represent their interest and then at the same time having insufficient information and being in a position of having to query an applicant about statements they're making without really the ability to validate that or verify that and so I think those have really impaired this process and need to be addressed in some way. So I think you know two issues that you hit on that are kind of second

[03:41:46] and the third on my list is analysis and engagement, which I think it all infused at every step of the way, so certainly would suggest that those are important. Essentially, from a staff analysis standpoint, the type of things that we're looking at, and a lot of this depends on the type, nature, and scale of what we're looking at, ultimately, conference of plan consistency, small area plan consistency, applicable benchmarks and requested deviations, transportation and access, public safety, schools, utilities, and infrastructure, stormwater, environmental and tree canopy impacts, architecture and urban design, economic development considerations, fiscal and public service

[03:42:25] impacts, commercial and land use trade-offs, community benefits, the factual basis for material claims made in support of the application, and the overall benefits, impacts, and policy trade-offs associated with a given request. So not every category, and it was important for people to understand, I think, what we're looking at from an analysis standpoint but not every category is going to be applied the

same way in every application and the depth of analysis may be dependent on the approval criteria and then the circumstances surrounding a given proposal that I leave anything out that's worth

[03:43:00] mentioning and so again from a council perspective are these the areas that you believe we ought to be looking at is there information from this that you feel like we're missing as we move forward into you know this next round of applications pre applications well let me call on council member hall thank you very much um so i i think i had a slightly different interpretation of how the pre-application meeting was supposed to go last

[03:43:37] week i thought like kind of went totally off the rails um so the way it was previously was that staff presented it, they gave us the information that they had, and the applicant either didn't show up or sat there and wasn't able to say a word. And a couple times I've seen the applicants sit there and they're like shaking their head when staff is saying yes about something because they know that that's not the correct answer. So the intention that this council set up when we

[03:44:12] allowed the developers to be present in the pre-application meeting was simply for them to be present to answer questions that staff was not able to answer. And I think that that has worked well. What I feel like happened this past week, I mean, I was shocked to get a presentation from the developer the day of, and the whole thing was just, it didn't seem like it followed at all what was supposed to happen. And, you know, we hadn't had a pre-application in a while, so maybe we were a bit rusty and had kind of forgotten what we had agreed upon. But what happened last week,

[03:44:50] I think should not be allowed to happen again. I don't think that's the goal of those pre-application meetings. I do also share the concerns that there's not enough information provided at the time, but I don't think that we're going to get around that unless we completely eliminate the pre-application meeting. And I think that there is certainly some value in the meeting itself, but I don't see that we should be giving an opportunity for developers to, you know, come and just share everything they want to share.

[03:45:23] That's not that goal. Yeah, I think, and you'll correct me if I'm wrong, that that was a post-application. I think we had done a pre-application on that one? That's correct. Now, I think to your point, in terms of the scope and how that was laid out, even from a post-application standpoint, there's a way for us to refine that and distill that down and make that a little better balanced the goal is still for us to get you all the information that you need specific data that you need to make decisions and so it's certainly I think you know is important for us to ensure that we're using our time wisely and that that we're balancing this out in terms of the

[03:46:03] input that you're receiving okay I'm sorry to jump in just to clarify so the meeting that we had last week was a post application meaning not a pre application meeting that's correct for the for the gallery project that was okay that's an application that's under review so that was a post submission work session okay so that's why they were able to give okay my mistake on that one um okay but i do think it's good we're having the clarifying conversations but again i do think it's you know i i know we're not you know legally allowed to make a decision on whether we move over the project because it's going to as seen

[03:46:40] sometimes on staff reports either generate three hundred thousand dollars or lose three hundred thousand dollars but i do also feel like that's really valuable information um and it's not that we necessarily deny a project and report with a project simply because there's an incentive financially or cost

financially but that's all part of the package right and i also would strongly encourage that we get staff numbers on things and that staff jumps in and corrects the developer

[03:47:13] when they're misstating facts or what they think are facts um so i i just think that's a really important part of that and i know that's probably a really hard spot for staff to be in to be correcting a developer but i still think it needs to be done well i think thank you i think there's important point you made earlier and it goes to the notion again that we have to recognize what phase we're in and the degree that we have information regarding the project and the changes that need to be made so when we talk pre-application or even post-application all the all the analysis isn't in so to speak and we've not received you know all the input that

[03:47:52] we need to receive and done all the analysis we need to do so i think there's certainly some some limitations with with doing this process the way that we're doing it and misconceptions about how detailed information we're going to have at the time I would say that you know engagement was brought up and I'll go through it very quickly in terms of you know the community and there and what they're getting obviously you know we have the pre-application and there's limited information that's that's available at that time at that time though we do start the process of establishing these project pages and putting items out for the

[03:48:31] public to see. So residents can provide comments directly to staff and council throughout the review, including email, written correspondence, or online comments in our portal that we maintain. And then those comments are shared with council as part of the public record.

[03:48:47] The key aspect of this is to remember that this is an application that's coming to us as part a public process and and involves items that will be a public record and be part of a process an applicant making application to us and going through again a process where everything is heard and everything is maintained for the public record the applicants may conduct community or neighborhood meetings that's something that brooke and i talked about earlier is that office it's often it's incumbent upon them to do that community outreach and explain their application to council as as we go through this process and so that is something that is a

[03:49:25] responsibility there planning commission conducts their public hearings when applicable and then obviously the council conducts a public hearing before final action so wanted to be clear to both us and community that that's typically you know where we go on engagement so you know i wanted to cover analysis and engagement i know there may have been some other input that you may have had relative to that but i want to be clear on that i think council member bates had a question or comment yeah um i just wanted to say with regard to pre-application briefings i would think

[03:50:02] that with regard to transparency and community outreach that it's something that we would want to preserve exactly for those reasons because it provides us a means of making the community aware early on of not only what's coming before us possibly in the near future but also what our early feedback is on that project and it also perhaps saves the developer some time and money if some of us as has happened before don't really like the project they're bringing to us as opposed to going through the process, drawing up designs, et cetera.

[03:50:42] But as with any work session item, the presentations are posted ahead of time, the staff presentations, and that I believe I recall even receiving feedback from community members that was spurred on by the pre-application materials.

[03:51:02] And so I don't think that that's something I would support getting rid of. Council Member Peterson? So the list that you read in terms of analysis items was, I think, inclusive with the exception that I'm not sure it necessarily included an understanding of off-site impacts and interactions, particularly with adjacent properties.

[03:51:25] This has come up before, and it's been a real disadvantage to not have that information because there are interactions that take place off-site. I don't think it is merely the responsibility of the council to identify those.

[03:51:41] I think we need the support from the staff, and the community needs to be involved in that. From a feedback perspective, and I think the other way to think about this is what we call co-design, which is trying to work together to find these design configurations that will meet the different objectives that we have.

[03:52:03] There's public and private objectives coming together here. That is very difficult to do when you separate in time and space people who need to be involved in that. This is a live environment with Q&A. Significant new information comes about during that live discussion.

[03:52:21] When the community is absent and unable to comment at that time, it robs you of a critical point in time when you should be getting joint thinking and joint feedback going. So separating and saying people can comment later, earlier, whatever, It's very different from having some form of joint communication and dialogue there.

[03:52:41] The other thing that I think we've tried to raise, but we need to find a better way to do it, that gets to the question mark of how best to design these things is design processes rely on options and looking at different options and finding which of those options satisfy these different objectives best.

[03:53:00] It is very typical that an initial option, no matter who proposes it, doesn't do that adequately. and has to go back to the drawing board. But the whole process of figuring out what works typically involves a process of looking at different options, different ways something may proceed.

[03:53:17] What I think I've experienced in these conversations is us attempting to understand why the option before us is the only option before us and why others weren't considered. I think it's a fair question because I think there are other ways that these objectives could come together better, But we do not have an avenue, as I've seen it during these conversations, to see that suite of options and be able to understand the implications of them and how that might come together in terms of a better way forward.

[03:53:46] Yeah, I think, you know, a couple things that, and I may miss a few of your points. You know, the one element, and I'll ask Brooke to chime in on impact and kind of adjacent impact and how it's relevant to that. I think we would have to define something in terms of public input that meets the criteria of an applicant, an application, and public hearing.

[03:54:11] And so we'd have to figure out that element of it in some way in order to capture that. I'm not exactly sure what that might be, but certainly something that we could look at. And then I think that, you know, you want to hit on the impact and the adjacent impact.

[03:54:28] Sure, and, you know, acknowledging that at a pre-application phase, typically what staff and what planning commission, the city council are proposed with is a sketch. It's a rough drawing.

[03:54:44] it's an idea as to what this proposal may look like and the idea is to get some feedback at that level without fully understanding perhaps all of the infrastructure needs you know what adjacent issues may exist those are certainly things that when they're very apparent are raised at that point in time but there may be things like you know a run of a utility line and and where that needs to connect to off-site and those things usually aren't known until the plans

[03:55:19] of it have advanced further and so at that stage at the pre-application stage that's not something that is always going to be aware as the project moves forward and more detail is provided those are things that staff reviews that staff would make comments on in the comment letter that would come to the council during work sessions and the council could provide feedback on those as well but it will um you know the application process as it's designed we won't have all the answers

[03:55:52] at the outset the idea with with pre-application just to give some context typically the way development projects come into a city or county they come to the mayor or they come to the member the board of supervisors that represents the district in which the project is in very different model than what we have here in the city um so the pre-application process was intended to to make

[03:56:27] sure that there's information that's being shared among the council that everyone on the council has has privy to that and it's not being held by one that is in a particular role or or someone who may know the developer and so there's conversations going on and so that process allowed for that information to be shared a benefit of it was the public awareness and so unlike its typical project may simmer for months kind of behind closed doors what's been done with the pre-application process

[03:57:06] is if a project and concept comes to the city's development review team typically within a month's time of that, it can be on a planning commission agenda or a council agenda. As appropriate, it's in a public meeting. It's being broadcast. The image that you see every time as presentations are made with the flow chart and the three columns, this is where we are in the process, that states after the pre-application briefing developer, you need to go out and engage with community and you need to engage with the community throughout and so that

[03:57:46] information was brought to light and the community was aware of these concepts long before perhaps even an application was filed so certainly incomplete information but it ensured that everyone had the information and there was time for that community engagement piece what we found previously was that the developer carried the narrative because the developer was the only one in all the meetings and so this allowed for cleaner information sharing put the city

[03:58:22] in a stronger position to be able to to consistently articulate the city's position as opposed to have the developer kind of picking and choosing what they wanted to hear and how they created the narrative as the project moved forward and so that was certainly a big consideration in the process and it can morph and change and and as the Senate manager noted it has over time and certainly can continue to but just just a little context of kind of where things were and what may be typical other places and and how this process

[03:58:59] involves well I just follow up I certainly think this has been well intended and certainly hear you on that on the sketch side i think it's worth considering having more than one sketch available or communicating with developers that until you reach the stage of some convergence the wisdom is to be able to have options and look at different sketches before you get too far down the pike where exactly that

happens i'm not sure except that functionally what has happened I think has been by the time we see it, we're past the point at which options

[03:59:35] are being considered more broadly. We've really got one option, and that's a fundamentally awkward position to be in. So I would be interested in us being able to be involved and understanding the broader set of options before we get put in a position where we're being asked to give feedback on just one option. And as a practical matter, there's resistance to consideration of other options that we experience during these conversations, that's fundamentally awkward because it gets to the fact-finding issues and those sorts of things, and I don't think that's the right way to deal with them.

[04:00:08] Again, I think this is very well-intended, but the practical result of this has been a little bit awkward. I think one of the concerns, and I think I'm being obvious here to a certain extent, is it's largely the developer's application, And so, you know, they're bringing us a proposal in a lot of ways, you know, that they're presenting to us, and we're being responsive, in essence, to that proposal and making recommendations using data, providing feedback, but largely it's predicated on that.

[04:00:41] Now, to agree that, you know, I may just need to understand what you mean by options, right, and understanding, you know, how that works within the context of an application. Thank you. I think we're going to go to Council Member Amos and then to Council Member Hardy Chandler. Council Member Amos? Thank you. Not to add too much, I think Brooke did an excellent job summarizing as well as the city manager.

[04:01:03] Just a couple of things to point out. A lot of this also when it comes to process, and again, just putting my developer hat on, pre-application is something I don't deal with anywhere else except for here. So it's definitely more of a unique process, and I think the point of it is to be high level and do that upfront analysis and community engagement, as I've already cited.

[04:01:23] And again, this is something that most other jurisdictions do not do. A lot of the process and frustrations that I've heard, honestly, usually come down to who owns the land. And just realistically, if someone privately owns the land, it is their choice on what they submit and what they bring to us.

[04:01:42] We cannot really control that. The pre-application is a way for us to try to have input early on and send them back to the drawing board if needed. But it's not like we own land and can issue an RFP like the county does and they can just choose what they want. So we have to work within realistic boundaries.

[04:02:00] And that's part of the reason why I wish we had done the real estate development course. I get it. But there's also pre-development costs. And the goal for most developers is to keep that as low as possible up front. because realistically, everyone thinks that developers have an excess amount of capital.

[04:02:17] The market is tight. That is not true. We try to mitigate how much we spend up front because business development cannot be the reason why we can't pencil a deal. And so we have to make sure we mitigate that early on. And again, the point of this is to be high level.

[04:02:35] I actually, I do agree that, you know, keeping the application presentations, if there are any shorter, we had a conversation about that, doing that for staff last year, it should hundred percent apply to applicants if we do it for staff and going back to one of the points you brought up on structured round of questions I completely support that I've been giving everyone two to three and then we just can then we can continuously go around that way everyone gets input early on in the conversation and maybe we ask

similar questions or we can build off of one another that can be helpful and the only other thing I'll point out is in terms

[04:03:13] of timeline let's say they go through a pre-application process and then they work with staff they have the reviews and the post submission and eventually they get to public hearing they're not only dealing with the community members for a couple of years they're dealing usually with at least two different councils and so in terms of what you're looking at and the review process it's probably more extensive here than you would see in many other jurisdictions council member I WANT TO THANK YOU, COUNCILMEMBER AMOS, FOR THAT OTHER PERSPECTIVE, BECAUSE I DO THINK WE NEED TO LOOK AT THIS HOLISTICALLY.

[04:03:50] BROOK, I WANT TO THANK YOU FOR YOUR VERY CLEAR EXPLANATION. I PROMISE YOU, IF WE STARTED THIS PROCESS LATER, AS IN JUST AT THE APPLICATION OR POST APPLICATION SPACE, WE WOULD THEN GO, WHY DON'T WE KNOW THIS EARLIER, RIGHT? And so then a council would want to re-institute the pre-application phase because there will always be that desire to know more earlier.

[04:04:14] So we have a process now, as unique as it is, to have this be a little bit more iterative. It's on us to be able to hold that sort of ambiguity in the beginning of a project and know that it has to progress through certain stages for the reasons that Council Member Amos talked about.

[04:04:33] but because that's a process and trying to be inclusive with the information I definitely appreciate that the other thing is that when that is available to council member Bates point there is notice to the public and there is you know that information being shared so my final thank you is to the city manager for going through that process and sort of reminding us of those PARAMETERS, I THINK THAT COULD, IF WE ARE LISTENING TO YOU, THAT COULD HELP US REALLY

[04:05:06] MAKE OPTIMAL USE OF THESE PRESENTATIONS APPROPRIATE TO THE STAGE WHERE THE PROJECTS ARE. SO THANK YOU, THANK YOU, THANK YOU. I DO THINK THAT THERE IS ABSOLUTE VALUE IN PREAPPLICATION DISCUSSIONS. AND AGAIN, I THINK IN TERMS OF LOOKING AT OTHER POSSIBILITIES, I believe it's on us, our responsibility as council, to be aware of the projects that are in the pipeline and to have kind of a sense of the landscape, to get that information that staff has generously offered time and again

[04:05:45] for us to know what's going on, but to put that burden on a developer to then know what other developers are doing, I DON'T SEE THAT BEING PLAUSIBLE. BUT ALSO, I DO THINK, AGAIN, THE VIEWPOINT OF WHAT'S COMING DOWN THE PIKE, WHAT'S ALREADY BEEN APPROVED, THAT'S FOR US TO REMEMBER, AND WHEN WE'RE PRESENTED WITH A PRESENTATION, TO PUT IT IN THAT CONTEXT.

[04:06:11] SO I APPRECIATE THE DISCUSSION, AND THANK YOU VERY MUCH. OKAY. I THINK WE'VE COVERED THAT. DO WE FEEL LIKE WE'VE COVERED THAT? QUICKLY LET YOU KNOW THE LEVEL OF SERVICE IS COMING YOUR WAY. Okay. That sounds so great. What else you got for us?

[04:06:29] That's enough, Mayor. Thank you. Okay, Council Member Anus. I had one quick question. It is not process-related. My only question for the 28th with 3541 Chambridge Road, and this may just be a question to ask via email, is Wendy going to be available to kind of speak on maybe the Chambridge-Eaton traffic?

[04:06:53] I mean, I know, again, it's a pre-application. We literally just talked about this. or provide some kind of preliminary feedback on whether this, I'm assuming this wasn't factored in because this just came up, but. Are you looking for a specific data? I guess just the context of this project with the timeline of when that project's supposed to be underway, just because it's adjacent to it.

[04:07:17] Yeah, why don't we get. Not that she has to be here. Maybe she can just send something via email, just her preliminary thoughts on it. We'll get you all a message on what's happening with that project. Good thought. Councilmember Peterson I believe our city clerk and our city attorney are going to come back and visit us at some point to give us a little update on how things are going with the board and Commission handbook and training and all that be great if you could do that at whatever point you are ready we can come

[04:07:52] back after recess super great anything else from the city manager okay then we'll just go to um council comments um i'm going to start online with council member mcquillen no comments thank you uh comments council member hall i just want to thank everyone for your patience uh this past 10 days or so um with my trip out to california and with my last minute

[04:08:31] requests to participate virtually it's very much appreciated um during this time with my dad so thank you so much no other comments from me council member amos no comments council member hardy chandler no comments council member peterson none thanks council member bates just want to uh thank our staff for wonderful fourth of july celebration despite the heat but also important that we prioritized or that the safety of our staff and our residents was prioritized thank you And I would just echo that sentiment.

[04:09:11] I think the city manager made an excellent decision in deciding to cancel the 4th of July parade equally. The decision to move forward with the fireworks worked out incredibly well. There were a lot of wet people at Fairfax High School, but they were happy wet people.

[04:09:28] And the band was great, the fireworks were great, and so it ended up being a 4th of July that showcased the resilience of our community When faced with the unexpected, we made good decisions and it all worked out in the end and everyone was safe.

[04:09:47] And that truly was the whole point. And with that, I am going to adjourn the meeting at 11.10 p.m. on Tuesday.



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