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[00:00:05] items on the agenda today so we're gonna have signs part two some of you remember back in the day when we did the first signs the landscaping and screening that we've been talking about that came up with the parking lots and presentation about notices you know the board has been concerned about notifying renters so I am going to kick it off to Casey thank you thank you good morning everyone I'm Casey judge with the Department of Planning and Development

[00:00:33] development. I'm joined by Tracy Strunk, Leslie Johnson. Can I interrupt you one? Yes, of course. I forgot to do something. The minutes. Are there any corrections or additions to the minutes? Seeing none, they will stand as we have them. Sorry, Casey. No problem. No problem. So I'm joined by Tracy Strunk, Leslie Johnson, and Carmen Bishop, all with the Department of Planning and Development. We last presented to you all on signs part two in May of last year. So one year later, here we are back with an update on the amendment. And we do want to highlight a couple of the proposed changes changes for consideration. The amendment mainly focuses on regulations for electronic display

[00:01:12] signs as well as the entitlement process for modifications to sign regulations. As part of that entitlement process, I will go over some revised application criteria that we are proposing as well as review standards. I will also discuss a couple changes to Article 7 from the other revisions that were involved with the first amendment. So first starting with electronic display signs. This is one of the topics

that was covered with that first amendment. Regulations include allowing electronic display sign as part of a freestanding sign.

[00:01:43] We do allow one electronic display sign per lot. The size is limited to 50% of the allowable freestanding sign area for that lot. We also do require a photo cell that controls brightness. So at sunset, it's required to dim that electronic display sign down to 40 to 100 nits. So just as a reminder, with NITs, they are a unit of measurement that measures luminance or brightness that a sign is emitting or an object is emitting. And just for reference, commonly sold computer monitors, TVs, and cell phones, they normally range between 250 and 600 NITs. Your latest

[00:02:19] iPhones, they're up to about 1,000 NITs. So they do get quite bright. And during outreach, we did receive feedback from industry that as high-definition screens progress, this nit level that we currently have is not necessarily sufficient anymore, and a lot of those high definition signs are not able to dim to that level with making sure that the sign is still readable. So we did want to take a look at this requirement, and we have proposed based on researching other jurisdictions and latest industry practices, we do recommend increasing the maximum nit brightness to 300 nits at sunset. We do want to include an advertised

[00:02:56] range for consideration, down to 100, which is the current allowance, and up to 500 NITs. I will mention that staff is, we did get a new, we're calling it a NIT-tometer. I can't quite remember the name of it, but it's a tool that measures brightness, and so we do have a new one of those.

[00:03:11] So we're going around and doing some site visits and measuring some existing signs throughout the county to get an idea of what's out there. We also do recommend requiring the submission of sign specifications as part of the sign permit when you're submitting the electronic display sign permit, just to make sure that you're conforming with that maximum limitation.

[00:03:29] So next up, we have the modification for sign regulations, the entitlement process that I'll go over. So we do currently have a variety of different approval types for sign modifications. The first is a comprehensive sign plan, or CSP.

[00:03:46] This is only for P districts, and the Planning Commission currently does approve these types of applications. It does allow for a modification of any sign regulation, and the standards are currently relatively limited, mostly dealing with this scale and design, making sure the signs are convenient for users of the development, and ensuring that we don't have any clutter or distraction from the overall design elements.

[00:04:08] We also have a special exception or SE process that's for C and I districts currently. This requires Planning Commission recommendation and Board approval. We do limit what can be asked for with a special exception. So it's only for an increase in sign area or sign height or a modification of the sign location.

[00:04:26] The standards are very stringent for the special exception. They do require unusual circumstance, so it's really limited in its application and who can apply and who can really meet that strict standard requirement. I will mention we do have a special permit that's available to shopping centers.

[00:04:43] We've only had one of these in the last 10 years, though, so that's also very limited. So in terms of proposal, we do propose to consolidate the current requests for sign modifications into one special

exception for the sign modifications. This does mean that all sign applications would go to the board for approval rather than the current CSP process that allows that planning commission approval.

[00:05:05] We do believe as staff that it is with a P district, you know, that is approved by the board and it is appropriate for the board to also review and approve the sign packages that are coming through. So this new SE, it would continue to be allowed for all P districts. We also do propose to expand it and to allow for any building in a C or I district that meets set criteria, being it's a building, group of buildings, office or industrial complex, or a shopping center that has 30,000 square feet would be eligible to apply for this application type.

[00:05:35] And we did include a range from 25,000 to 50,000 square feet for consideration. So we do believe that this expansion would allow for industry and for placemaking opportunities to allow for economic development to our more conventionally zoned C and I districts, while also allowing the public hearing process and the imposition of development conditions to ensure that we don't have adverse impacts on our residential areas.

[00:06:02] So we do propose a bit of a change from that CSP process that can currently modify any assigned standard. We do propose that this SE can modify residential sign limitations just for P districts, the commercial and sign -- I'm sorry, commercial and industrial sign limitations, certain regulations for electronic display signs, and I'll touch on those in a minute, certain minor sign limitations, and also for roof signs, which are currently a prohibited sign type.

[00:06:29] We do not want to allow the modification of the purpose, applicability, and administrative provisions, which we think should be applied across the board to all sign types. signs other than roof types, so that includes, like, your wacky, wavy, inflatable people. We, you know, no place for those in the county, non-conforming signs, sign measurements, and then other certain standards that are limited.

[00:06:51] So I do propose to add some review standards as well. I'll just kind of briefly touch through each of these sign standards that we've proposed. The requirement that the size is compatible with the massing, height, and scale of the development, that is something that we do want to look at as part of this entitlement process.

[00:07:07] we do want to make sure that there's no adverse impacts on adjacent developments especially if there are nearby residential developments we want to make sure that the materials proposed are aesthetically compatible we're carrying forward that requirement from the current csp process that we're not adding to clutter or interfering with any sort of traffic or detracting from our urban design elements and then if they're applicable urban design guidelines the signs plan would have to be consistent with those design guidelines for our electronic display signs We do recognize that, you know, there may be some situations where we want to exceed the buy-write limitations.

[00:07:43] So the modifications that we have laid out for the SE, we would allow the increase in number, height, and size of freestanding signs for P district. We have included a range of options for considerations for the C and I districts. We did not include an option to consider more than one freestanding electronic display sign for the C and I districts, however.

[00:08:04] We also have allowed the consideration of building-mounted electronic display signs. Currently, by right, we only allow for freestanding. And then we do allow for an increase in brightness. So like I mentioned previously, for the by right, they'd be limited to like the 300-nit levels at sunset.

[00:08:20] We propose that you can request to go up to 600 with the special exception modification. We do have an advertised range as well here from 500 to 1,000 nits. And then really briefly, I will touch on a couple other changes I did want to highlight.

[00:08:36] First, for signs in reserved parking spaces, we do currently have an interpretation that allows these signs to be one square foot in size. We have, you know, we reached out and did some jurisdictional research, and that's typically, we don't see size regulations applied to these sorts of signs.

[00:08:52] These are for, like, your mobile pickup signs or your veteran parking signs. So the draft that's included does not include a maximum size limitation for these sign types. However, we are continuing to research whether or not we should apply some sort of maximum. The next with signs, ordering signs that are related to a restaurant with a drive-thru, these are currently usually reviewed as part of the special exception for the restaurant with drive-thru applications.

[00:09:18] So we have proposed to exempt those from the freestanding sign limitations and allow up to 20 square feet for each of the ordering signs to be exempt from the freestanding sign limitations. They would, again, continue to be reviewed as part of the board review of the special exception application.

[00:09:35] In terms of window signs, in recognition of the common practices and what we see out there in the county, we have added standards to allow for one illuminated or electronic window sign no more than four square feet in size. We've included an advertised range from two to four square feet and the requirement that they must be static, no moving images, and can only be illuminated during hours of operation of the business.

[00:10:00] And then last but not least, we have added some regulations for signs associated with a subdivision. We do want to limit these to major vehicular entrances rather than just any major entrance in general. And we do want to make sure that they're located in a common area or an easement recorded for signage purposes.

[00:10:17] In terms of our timeline and outreach, we have been working. This was part education and outreach as well. We began back in December of 2021. We worked with the Department of Code Compliance to do an information campaign on what the signed regulations are and what the compliance process is like.

[00:10:38] And so now we are here with you all. We're going to the Planning Commission next week as well to the Land Use Process Review Committee. And we are seeking authorization in public hearings in late 2023. So we'll continue outreach this summer and fall with the community on the draft text that's been released.

[00:10:54] And just to mention, over the last year or so, we've had 20 public meetings. meetings with a variety of different groups, including the faith and nonprofit leaders. Shopping center owners were a great group to help with the research on this topic, as well as our community and citizen organizations and land use attorneys.

[00:11:14] So with that, I'd be happy to take any questions and receive any comments on the proposal. Thank you. Thank you, Casey. I'm going to turn to the chairman. Yeah, thank you. Great presentation. I am highly supportive of all of these. I think this is great modernization. I guess I just have a couple of quick questions.

[00:11:30] One, on slide eight, we were talking about the lot with an unusual circumstance or condition. I was wondering if you might be able to give us an example of what type of unusual, what would be an unusual circumstance or condition?

[00:11:47] Yes, that's a great question. And so sometimes you'll have, I'm trying to think of a particular property, but sometimes you'll have a property that's maybe like in a dip in topography, let's say. And so people that are driving by wouldn't be able to see the sign necessarily. And maybe that can justify a taller freestanding sign or additional building mounted sign to be able to get the attention of the drivers that are going by on the road.

[00:12:08] But I will say that this has, because it is kind of a broad standard, it's been difficult. And a lot of times our staff, wherever we may want to support the application, it's hard to make that finding that there is an unusual circumstance that isn't reoccurring at other properties throughout the county.

[00:12:24] So, but this will give you the flexibility of being able to judge that. And obviously the applicant would, that would be part of their justification. Then you would have the ability to judge the applicability of that. Yes. So we are carrying that forward for those properties that don't fall under the CRI districts that have the 30,000 square foot.

[00:12:41] So let's say we have a 10,000 square foot building that has that unusual circumstance. We can still get there for those specific situations, but it does expand it to any lot in the CRI district that meets that 30,000 square foot threshold that doesn't have the unusual circumstance. Okay. okay good and then on slide nine we're saying you cannot modify non-conforming signs and i just want to make sure i believe this is the case i just want to get a clarification of this is that a non-conforming sign that is changing names um it's going from mcdonald's to burger king people are allowed to do that as a matter of right if they're not changing anything else with

[00:13:20] the structure they're just changing the brand lens that's in the sign and i know we had this conversation years ago and we we were you know saying in fact that you know even if there was a change in ownership if there's a change in ownership one can still do that and hold on to their non-conforming sign as long as they're not changing the dimensions of it we can change the names on it in perpetuity without having to go through another process and i just want to confirm that since that's on here mr chairman leslie johnson zoning administrator that's correct and i would also point out that under the commercial revitalization district regulations we

[00:13:57] have that catch-all special exception if they want to do modifications in a crd um there's also provisions whereby they can reduce the size of the sign area if it's a non-conforming sign they can reduce it by as little as one square foot and if it's in a crd that that would be okay so they can enlarge it but the main thing is they can change the branding of it that's having to come through as long as the the you know the the business name and the sign match up right and the owner ownership doesn't matter but the business name and the sign have to match

[00:14:34] okay okay and then the last question i have is on slide 13 and this is just another confirm for me just make sure because we brought up these reserve parking space signs and i get why we might want to consider size limitations to those but do does the sign area on those count towards the overall sign square footage allotted to these properties or that's it this is in addition to that so currently we do limit them it is in addition to what they would get say for a normal freestanding sign it's more of like directional

signage so currently by interpretation we say they only get one square foot per sign however we've seen a variety of these different sorts of sign types

[00:15:12] different businesses kind of have corporate sizes that are already they order you know and so we wanted to give them a little bit more flexibility. So currently as drafted, we have exempted them from the size requirements altogether, but we are continuing to research whether or not maybe four square feet, six square feet, is there something that we want to make sure to add to make sure they aren't unlimited in terms of their size. And that's per sign, not necessarily. It doesn't trigger anything else with regard to the overall property. And the reason I'm asking this is obviously we want to encourage this. We're in a new world now where one could not have necessarily predicted this and i'm also thinking of the electrical vehicle charging stations as

[00:15:49] well and the signage associated with them i mean obviously we want people to be able to find these things and these directional signs help with navigation through these centers and i just want to make sure folks are not being penalized in other sign rights that they might have on the property by clarifying these and i i am okay with a maximum size per sign i just am not sure i'm at a point where I want to take away any flexibility with allowing these and being permissive with allowing these because I think this is something we're with now.

[00:16:20] I mean, you can't go in a shopping center that I'm aware of where you don't see these. And I think it's, you know, gone well beyond the old signage of veteran parking and things. Now it's the pickups, it's the electric vehicle charging stations.

[00:16:35] In some cases, it's directing people to where there's bike parking. I mean, those signs are a necessary ingredient to help people navigate. Absolutely, yes, and we appreciate that comment. I think we're on the same page with that. We want to make sure that it's clear that we shouldn't be limiting these as freestanding signs, so we would be adding language to the ordinance and that.

[00:16:53] Okay, and then very last on that same slide, the window signs. I'm actually very glad to see this in here. We've had a lot of complaints over the years that, in essence, the entire window is full of signs, and I guess the question I have with this four square feet, we're not differentiating between backlit, flashing, moving signs, as opposed to the we are open or closed paper sign.

[00:17:19] You're saying potentially no more than four square feet, one sign per window, is that what we're saying, or one sign per business? It would effectively be per business or per establishment would get one of those, let's say, open signs. And we've specifically added language to ensure that they are not moving, that they would be static to prevent from some of the sign clutter that we see with those moving sorts of electronic display signs.

[00:17:45] But we're not, we're open to whether they're lit or not. I mean, I don't have a strong opinion on that. I just want to make sure that the flexibility is in the size, in the quantity, but we're being flexible in whether they're backlit neon like this or just paper or some other material.

[00:18:01] Yes, yes. It would be permitted to be illuminated or electronic. Okay. And does that include the lettering on the windows? That doesn't include, we're not counting the address numbers. things like that this is in addition to markers that show an address and then permanent lettering on the window we're counting as as a sign correct so we the address signs would be allowed separately and this would be in

addition so we do have a general allowance for window signs they can be 30 percent of the window area so this would be it would count towards that overall 30 percent but

[00:18:36] you only get one illuminated or electronic four square foot sign that could be located in that window. It's kind of like a layering effect. So if, let's say, you know, you put up a sign showing a sub that you're showing, and it's not an electronic display sign, that counts towards your 30% overall window signage. But then you also want in an open sign, you'd get one four square foot illuminated window sign in addition to your overall 30 percent limitation. Okay and if we were to adopt this because these are temporary there's no non-conforming rights or

[00:19:15] grandfathering provisions put in place for people who are far in excess of this today? That's correct. So currently these would not be allowed. Window signs are not permitted to be illuminated so they would not be grandfathered in or considered non-conforming. Okay. Interesting. Okay. Thank you. Well done.

[00:19:34] Thank you. Thank you. I have Supervisor Alcorn, then Walkinshaw. Thank you, Madam Chair. Just two questions. One is in terms of these signs that are adjacent or close to residential uses.

[00:19:50] So I know currently they're allowed. And I guess, you know, we do have schools, we have churches that are doing these already. And frankly, I have gotten a couple of complaints from nearby residents.

[00:20:06] How are we going to, what are the set, are there any setback requirements being proposed, sightline requirements for residential that would be potentially affected by these? So some of the, this is Carmen Bishop, some of the uses that you're speaking of, like the schools and the churches, those are actually located in residential districts.

[00:20:30] So they would not be allowed to come forward for this SC for sign modification because they're in our districts and not C or I or P districts necessarily. How about the ones in P districts? They are currently allowed to apply and they would continue to have that option.

[00:20:47] Okay. You know, I mean, these are sort of the modern version of the monopole in a way, at least when they're, they could be, not as big, clearly, not as disruptive, but I can envision a situation where, you know, similar to a balloon test, you know, there's basically some demonstration to nearby residents, you know, of the potential impact. Has that been contemplated by staff?

[00:21:16] So we have added a submission requirement for that special exception that renderings and images are for electronic display signs specifically are included to show any impacts on surrounding areas so that would be something that would be reviewed as part of the special exception and i do think that that's a good reason for the public hearing so we can have and receive those comments from nearby residential areas and we would still have the yellow signs we'd still have the 25 adjoining property owners correct yes that is correct notification okay that's good my other

[00:21:48] question has to deal with um and i know you showed up there arrest and station as an earlier one um we're starting to see the convergence of what's a sign what's a display what's you know what's a nats game you know being shown on uh you know basically we're getting into content uh here how are we how are we dealing with that because a lot of these these things that we have traditionally dealt with as signs are being used in other means or for other purposes, and I know that's

[00:22:27] an ongoing discussion, but have we anticipated that, and how would this address that gray area in terms of what's a sign and what's just an information? Sure, and I think you bring up a great point that we can struggle with as well internally. We have added a standard that focuses more on the traffic safety and overall placemaking effects as part of the electronic display signs.

[00:22:53] So I do hope that that standard can help guide our staff when they're making that analysis to ensure that we're looking at size and location more so than the content in making our recommendations. And maybe we can further limit the size and location to ensure that it is focused more on an internal placemaking effort rather than more of an advertising without looking at the content itself.

[00:23:15] Right. I don't think we want to become the Las Vegas Strip. Exactly. Yes. Yes. But, frankly, we do have some very, very big displays already in Fairfax County. So, okay, I'd encourage staff to continue to monitor that and, frankly, coordinate with the county attorney's office because I know there are some legal issues associated with that, too.

[00:23:39] All right. Thank you. Thank you. Supervisor Herity has a question on that topic. Yeah, you know, and the lines do blur, because we do talk about placemaking, and you look around, you know, you look at National Harbor, for example, Reston Station has a screen that's really used for entertainment and to gather people, and how are we treating those signs, and basically, it's a line, but we don't want to, I think if somebody wants to do something like National Harbor, where you've got a sign, and it's appropriate for that place, we want to be able to allow that, and allow it to be bright enough for people to see

[00:24:18] so they can gather to watch a major sporting event. How is that handled in here? So that is where the special exception would come into play. So we have those limited by-right allowances, but we've baked in the allowance for increases in size, number, location, and brightness as well with a special exception.

[00:24:39] So rather than allowing that to be by-right, we do understand that a lot of times it will be site-specific. so that gives us the opportunity for the public hearing so that would require a special exception limited to whatever size we decide in here so we have not currently um included a size limitation so that gives the board the flexibility but brightness yes you have brightness we have included um currently yes and mosaic also is another great example okay thank you supervisor

[00:25:12] walk and Sean then Les. Thank you. So I want to go back to slide five and the the increase in brightness for non-residential districts and obviously that would apply to the neighborhood serving retail in a C district right so a neighborhood strip mall that's surrounded by residential so I'm just trying to understand what is the the impetus to consider pretty significant increase in the brightness that would be allowed there, without an SE, right,

[00:25:51] if I'm understanding correctly? Yes, yes. The increase from, so the current limitation is 100 nits. So in doing research and looking... And the increase at night, right? At night, yes. So we do not have a brightness limitation during the day. To be able to compete with sun glare, essentially, we do want to let them be able to be bright. So this would be only after sunset. So the increase from the current 100 to 300, and that's really in response to research looking at other jurisdictions that have much higher knit-level limitations, and it allows for those higher-definition screens that we're seeing.

[00:26:24] Like the sign you see on the slide currently, that's more of your old-school, lower-knit level. Sometimes I call them like the light-bright signs, where it's just little bulbs. And now we're moving towards

these higher-definition dynamic screens that, by their nature, are brighter.

[00:26:42] So this 300 NITS, we think, strikes a good balance between being overly bright and having an impact on our surrounding residential areas, but also allowing for readability for those businesses that are in these C&I districts. Okay. I guess I'll just say for myself, sitting here today, my preference would be that that decision be part of the SE process.

[00:27:04] I'm happy to learn more and take a look at some of the different signs, but I can picture a number of areas around the county where I think there would be a lot of concern about that. Madam Chair, on that point, can you circulate for us the research that you did on that specific point?

[00:27:25] Maybe give us a chart and show us what, because one thing is we could drive and see one of these in one of these other jurisdictions that is allowed. But I'd really love to know where jurisdictions, especially in our area, are with this and maybe show us a chart that has a range of what they allow, I think, would be helpful.

[00:27:42] So we do on our in the cover memo, we do have a chart of the different jurisdictions that we research. But one of the other things, like I mentioned, our field trip that we're doing with our new meter, I think it might be helpful to share some examples of what signs we do actually go and track what their net levels are.

[00:28:00] maybe some in each of the magisterial districts that everyone's familiar with, and we can circulate that as well. That would help because none of us know the difference between a 100 or a 200-knit sign if we saw it. So if we could be steered towards those and could see them in real life, I think that would help a lot.

[00:28:18] Absolutely. We could definitely do that. Thank you. Thanks. And just a second point on the subdivision signs. And I think, like, a number of us have subdivisions that have signs that are decades and decades old, oftentimes now on VDOT right-of-way, sometimes on the personal property, right?

[00:28:46] So the person that lives on the corner at some point said, you can put the sign here, or the developer did. And I'm just trying to understand the change here. And my understanding is VDOT does have a process, maybe a very onerous process, for subdivisions to allow the construction of a sign on VDOT right away.

[00:29:11] Am I right about that? I believe so. We had a situation, I think it was in the Drainsville District, a while back where there was a wall built on a private property.

[00:29:27] There was no landscape easement, and for years there had been a sign for the subdivision on that wall, and then the property owner decided they wanted to change the name that was on that sign, and then there was a disagreement between the HOA and the property owner, and it was very difficult, and because there was no easement, there was nothing,

[00:29:55] It was difficult for us to do anything about it other than to say, if it's on private property, you're entitled to four square feet because that's what a temporary sign is on that. So we wanted to clarify, you know, especially for these entrance signs, you know, people can keep what they have.

[00:30:16] And I don't know, but I see where your point is, is that if somebody wants to replace a sign on an existing. And sometimes they want to replace it not by choice. They will need to replace it because there's a VDOT project that's going to remove the existing sign.

[00:30:34] And there are also cases where when these signs were built, they were on a common area or HOA-owned property, and VDOT has acquired that property over the years. And I think it would be in a difficult spot if we and or VDOT come through and say, we've got to remove this sign because we have a project, a path or a road project, and there's no mechanism for you to replace it because you don't have common area anymore or HOA-owned property anymore.

[00:31:13] So I guess to me it seems like if VDOT has a mechanism to allow this, by the way, a very difficult mechanism for HOAs to meet, But if they want to go through that VDOT process, why would we restrict them from doing so?

[00:31:33] Well, if it's in the VDOT right-of-way, we wouldn't regulate it. But, okay. All right. So that is outside of our purview or control. All right. So if they can get a permission from VDOT to put it up, then they can do that.

[00:31:48] Okay. But they could not do it on a privately owned property that happens to be on the corner of a homeowner. Well, unless they had an easement or... Yeah, they could. The language allows for an easement on private property.

[00:32:04] So there could be an easement. And this is really not an intent... So I guess I'm not understanding that what's the change from the status quo here? Maybe we can talk about it offline. I think the intent, as Leslie said, is more clarification. But we need to be careful that we're not...

[00:32:21] That we are being content neutral, but we're trying to clarify, well, what is exactly a subdivision entrance sign without saying, okay, you can only say the name of the subdivision sign because that would be a content specification. And so we're trying to clarify it in terms of location, manner, and place.

[00:32:43] What is a subdivision sign? Because, of course, our subdivisions all want subdivision signs. And so this is really more of a clarification attempt and not trying to remove the ability to have them. Okay. All right. Well, we can talk more. I just want to make sure we think through this situation of a subdivision that loses their sign because of the government, whether it's us or VDOT, and is there a mechanism for them to replace that sign?

[00:33:09] Okay. Thanks. Thank you. I have Supervisor Lusk, then Palachuk. Thank you, Madam Chairman. I'll say on the nits, when I took Astronomy 101, there was something called the luminosity of a star.

[00:33:27] So the brightness was calculated based on luminosity. That helps people remember kind of what a nit is, luminosity. So I've got kind of a question that was sort of connected to Supervisor Heritage. I was thinking about, like, with placemaking, we might have a statue, we might have some sort of piece of art that someone might want to incorporate a sign in.

[00:33:50] So the question is, how will we treat or deal with that incorporation of a sign with a piece of art? Because I think that's kind of two different things from my perspective. Yes, and I think that's a great question that we deal with internally a lot, making the determination between art versus a sign.

[00:34:10] So we would deal with that on a case-by-case basis, and we work with our county attorneys very closely to make sure we aren't wading into the content-neutral territory. but we would have to take a look at the individual example okay it's like the murals you know if somebody wants to put a mural up as long as you know we've we've said okay there was the one in Annandale on the side of the school I guess

that they were you know which was a very neutral kind of pictorial of park you know and people playing and things like that I mean and there have been court cases that I just saw one up in I think it was in New Hampshire or

[00:34:48] Connecticut, where they put signs, you know, it was a donut shop, and they put a big donut on the sign. And so there's, the jurisdiction told them to take it down. And so they're being sued. So we are, we are looking at that, you know, very closely. Right. Because a sign by definition kind of describes something, you know, you. Yes. So we have, we look, we do look at that. But we are trying to ensure that we can be flexible to allow for the art and the murals and things like that to take place.

[00:35:22] No, I appreciate that. And then the second question is actually connected to the donut. So thinking about companies that might have a logo or a mascot, and they want to include that and have it protrude from the building on a sign, how do we deal with that?

[00:35:42] So let's say you're, I don't know, Starkist Tuner or something, and you want to have your mascot your starcast you want the mascot elevated off of the sign so that people can see it how do we how do we deal with how do we deal with that we're all pointing fingers at each other on who wants to take this one that is a great question I think we again work very closely with the county attorneys to make sure we aren't getting content related in general we do take a look to see if

[00:36:17] The definition of sign is meant to draw attraction to that certain business or entity. So typically we would, you know, generally look and say, okay, if it's a donut on a donut shop, that's drawing attraction for a commercial transaction to take place, essentially.

[00:36:33] But it does get very difficult. So you'll see that we intentionally did not include definitions of murals and art to maintain the flexibility that we have been able to exercise currently and internally. But if it's part of the sign area itself, then they can do that, you know, with their logos and things like that.

[00:36:53] Okay. And even having it kind of projecting off the building. That's another point. And I think we're allowing that projection. Are we allowing that projection? I think it's part of the S. We could take a look into that. I know we're looking at roof signs, but I don't know about the, you know, the projection.

[00:37:12] I thought maybe that could be part of the P district or the SE type thing, but we'll look at that. Okay. Thank you very much. Supervisor Palchuk, then Gross, followed by Faust. Thank you. I'll be very brief because I think a lot of the questions were asked, and mine really was in line with the research piece, seeing that we've been through a few of these in my districts, especially in the more urban areas, and understanding how we're able to understand the research there.

[00:37:39] I know you showed one of them, at least, in the slides. So I was more curious as to what we've learned from our own cases and the ones we can see or have seen to understand how they fit without doing what I call the, I don't want it to be Vegas, but we want to be supportive of the commercial districts, especially in the environment.

[00:38:00] So I don't know if you're able to share that with us a little bit more as you return with the research, if you have anything else to add on that here. Yes, I think that's a great idea, and I think we'll be coming back to the board with at least some sort of publication, something that we publish, and we can share with the community as well on what we're seeing.

[00:38:17] You know, a lot of times we, you know it when you see it, we know what we like. So I think we can find some good examples of things that have been done well and meet a certain knit level. That would be super, I don't know, any of us are artists here, so I think that would be really helpful. Thank you. Thank you.

[00:38:33] Supervisor Grossin. Looking at the slide that's up there, the question that you may want to answer, you know, respond in writing at some point, but I'm looking at the parking places and it occurs to me we have a lot of shopping centers and stores that have lots of signage on their parking spaces for pickup and so forth.

[00:39:01] How does that affect our parking tabulation as to how many spaces they need? Because it seems in some cases those parking spaces are restricted because of the signage.

[00:39:16] So I don't know if you've got a quick answer for that. I think the quick answer is that we do not count that against their, it's part of their required parking. I mean, we're not, if they want to reserve it, if they want, if the management wants to, saying, you know, these spaces are for expectant mothers or whatever they want to put, we're not counting that against what their required parking is.

[00:39:39] So that's all considered part of the, and it's up to the shopping center to manage their reserved and to manage their parking. Cap spaces are usually required on their site plan and loading spaces.

[00:39:56] But everything else, as long as it's a certain number of spaces, it doesn't really matter. Correct. Okay. On the window signs, are you working, a couple questions, are you working with vendors about this because I'm finding that, well, it's like fences too.

[00:40:15] Well, the fence guy said it was okay. The sign guy said it was okay. And, of course, they're just trying to make a sale. So I'm wondering if you're working with, quote, industry. And then secondly, there are places, and I'm thinking of downtown Annandale, where you have every shop has an open sign, and then they've got, you know, a tracking sign that says, you know, check cashing, passport photos, yada, yada, yada.

[00:40:47] So that if you're sitting at the signal, you don't really need a streetlight because all those are so bright. So they're already there. Is this a violation that should be turned into code compliance, or are they there because they've been there so long?

[00:41:05] You said something about grandfathering, but none of these have gone through any kind of legislative approval. Yes. Oh, I'm sorry. You saw them last night probably, Mr. Chairman. Yes.

[00:41:21] Yes, yes. So those currently would not be permitted. So they would be a violation and subject to enforcement. So what we wanted to do was to recognize that those are out there, they are a part of the business, but give them a limited allowance to make sure that we don't have the traffic safety issues that the flashing over brightness does provide for vehicular and pedestrian traffic.

[00:41:44] So if we wanted to do something about it, we should go and look at every single address and turn in everyone to code compliance. That is an option, yes, a time-consuming option. but they would be subject to enforcement, yes. Okay, thank you. Madam Chair, to that point, that's what this helps with, though, because right now they're not legal, period, and so there's really no remedy to help someone who needs a reasonable one, and so the idea behind this would be to set a standard so that enforcement would be easier, and there is a reasonable remedy available

[00:42:20] to someone. It's not as if they're not allowed, period. They would be allowed, but they would be better controlled yes that is correct just want to make sure that's clear and on the record and because we went through this problem years ago we were so frustrated with this but it was almost impossible to enforce and these are temporary so someone unplugs it takes it down for a day puts it back up the next day and you know for for reasonable people uh we now have a remedy where this can become permanent permitted and allowed and so if we're going to if there's a real problem

[00:42:53] which there is, than probably working with a county agency to send a letter to each business and let them know rather than having an inspector go in and say, you know, this is, take it down. We need to have some sort of a process whereby the businesses are alerted to the fact that they have illegal signage.

[00:43:16] Okay. Thank you. Thank you. Supervisor Fett. Thank you. Initial question about the presentation is on page 13, a sign is associated with a subdivision. Did you say that each subdivision only gets one sign?

[00:43:35] Did I hear that? It would be at each major vehicular entrance they could have a sign. Each major vehicular entrance as determined by us? Yes, that is correct. Very good. And the other thing, you know, Gilbert was 2015, wondering, I know there's been some interpretations even at Supreme Court level of that decision.

[00:44:04] Is there anything that, are there any relaxations or, I mean, we were under such a strict mandate initially because that's what the case said. But this is directed to the county attorney. Have we kept our research up on what is happening at the Supreme Court level and in the circuit and appellate level?

[00:44:30] Supervisor Faust, we've certainly been following the subsequent case law developments for sure. And what I'll do is have our office prepare a memo to the board outlining those subsequent decisions. Happy to do it. Thank you so much.

[00:44:46] Thank you. I appreciate the conversation. I know you guys have more work you're going to do, and I'm looking forward to that. All right, I'm going to move us to the next thing because this took a little longer than I thought. So next we have the landscaping and screening, and Sarah's going to kick us off.

[00:45:15] Thank you. Good morning, everyone. My name is Sarah Morgan. I'm with Zoning Administration. I'm joined with Tracy Strunk, Leslie Johnson, and Carmen Bishop with the Department of Planning and Development. We also have Hugh Whitehead, who is on our work group, who is with Urban Forestry. So this amendment is largely focused on Section 5108 of the zoning ordinance, and the provisions of the landscaping and screening ordinance has largely been untouched since they were adopted in 1978.

[00:45:43] So this is a comprehensive review of those provisions. We wanted to note that there are many resources, such as regulations and guidelines, that touch on this topic, and you'll see those in the table on the right-hand side of the slide. We wanted to let you all know that we do have representatives from this administrating agencies on our work group so that we are keeping each other up to date on what is going on with those manuals and regulations as well as what the zoning ordinance amendment is intending to do.

[00:46:11] We do have a work group of internal staff. It consists of zoning administration, zoning evaluation, and urban center sections within the Department of Planning and Development. We also have

staff that work on the public facilities manual with the Department of Land Development Services and our urban foresters and stormwater planner with the Department of Public Works and Environmental Services as well as a representative from the Office of Energy and Environmental Coordination.

[00:46:35] Joining our staff on this workgroup are consultants which is LSG Landscape Architecture and Clarion Associates. They've been giving us some feedback on the strengths and weaknesses of our provisions as well as best practices that they've witnessed nationally and locally. We are also getting jurisdictional research from them as well that has informed our outreach we went to the groups are shown here on this slide we've had 21 outreach meetings to date and we'll be going back to equac as well as the tree Commission at the respective June meetings and getting feedback on the existing provisions and going forward we'll get feedback on this proposal before jumping into the

[00:47:14] proposed changes I wanted to give a brief overview of our timeline we created the workgroup back in September of last year and then kicked off our outreach in october which ran through march we then started developing the proposal and that brings us to may we are presenting to you all today and the planning commission next week similar to the signs amendment moving into possible changes starting with parking lot landscaping the current provisions require parking lot landscaping when there is a parking lot of 20 or more parking spaces and we're looking to decrease that to 10 parking spaces this would bring more parking lots into the requirement of providing parking lot landscaping which

[00:47:54] we see as a positive. We are also looking at interior parking lot landscaping. Currently you have to provide 5% of your parking lot area in interior parking lot landscaping and we would like to increase that to 10%. This is shown in the two exhibits on this slide that were prepared by our consultants LSG landscape architecture. The top shows a parking lot with 20 spaces at 5%. So you'll see there are those two trees that are required. And then the lower exhibit is the same 20 space parking lot, but with the 10% and you get that increase to three of the trees. In addition to that percentage change, we're also looking at establishing a

[00:48:33] spatial distribution. Currently, the ordinance requires that the trees be dispersed to maximize the amount of shade. We'd like to be a little bit more specific going forward. So currently, we're looking at requiring an average of one planting island for every 10 contiguous parking spaces we'd also like to explicitly state that the interior parking lot landscaping requirements apply to surface parking lots only which brings me to parking decks we were in discussions with staff as well as the development community about how parking decks are treated when it comes to this landscaping requirement they currently have to provide the interior parking lot landscaping

[00:49:11] but because the top level of the parking deck isn't the most suitable environment for a tree to thrive, they then provide the landscaping at the base of the parking deck, which doesn't provide that shade on the top level. So what we would like to do is have a shade structure requirement of 10%, similar to our recommendation for interior parking lot landscaping.

[00:49:31] And that shade structure could be a canopy, a canopy with vegetative roof, or a solar canopy. And we would like to incentivize the use of solar canopies, So we're looking at a possible reduction in the percentage required if you were to provide that shade in solar canopies. In regards to lighting, we would like to require that light poles be located outside of planting islands.

[00:49:53] And this is because when they are placed in those islands, it can hinder the placement of the interior parking lot landscaping. We'd also like to establish a distance requirement between the light pole

and the tree planting. And this is to allow the tree to grow properly, but also to not obstruct the light being dispersed, particularly at night when you have safety and security issues.

[00:50:13] In regards to peripheral parking lot landscaping, the ordinance currently requires that if a parking lot is abutting the street right-of-way, you are required to have a 10-foot wide landscaping strip and one tree for every 40 feet. We'd like to add a requirement that you add shrubs in that landscaping strip, and that's to combat vehicle headlight glare.

[00:50:33] And then during the ZMOD process, there were provisions related to peripheral parking lot landscaping that was taken out and a reference was added to the public facilities manual. We'd like to add that back in just so that there's no confusion going forward of where those provisions are located. Moving into transitional screening and barriers, our existing provisions are located on the right-hand side of this slide.

[00:50:55] We have three different types of transitional screening, and you have 25, 35, or 50 feet width, depending on what your requirement is. And then there's eight different types of barriers that you'll see here. They have different height requirements and materials. In regards to our proposed changes, there is a current requirement that you provide transitional screening and barriers for uses that are located across the street.

[00:51:17] We have seen in other jurisdictions that this is not a common practice. It's often a waiver modification request during our entitlement process, and we believe that the street provides that spatial distance and separation, so we would like to remove that requirement. In regards to plan districts, currently the PTC allows you to provide the transitional screening and barriers to the periphery of the mixed-use development, and we would like to apply that to all of the plan districts because we know that there is a lot of oversight and details are worked out during that establishment of the P district.

[00:51:52] Currently, the single-family attached dwellings need to provide a 25-foot transitional screening area and a barrier when located next to single-family detached dwellings. Staff doesn't feel that single-family detached and single-family attached are incompatible uses, so we'd like to remove that requirement.

[00:52:11] In regards to the barriers, you'll see that chain-link fence doesn't have the same opacity as the other materials that are listed with the barriers, so we'd like to remove that as an option as it serves more of a security function than a visual screening. This leads me to our table, which contains all of these requirements.

[00:52:28] This is a snapshot of the table that exists today, and there's 18 different use groups. And some of those groupings aren't suitable in our eyes anymore. An example of that is assisted living and independent living aren't in the same grouping. We see them as needing the similar screening and barrier requirements, so we'd like to remedy some of those issues that we see.

[00:52:50] It's also a lengthy and sometimes challenging table to navigate. You have to scroll vertically as well as horizontally to try to figure out where your requirement is, so we are trying to address that as well as part of this amendment. We have two options that we would like to discuss with you.

[00:53:05] This first option is a single table. It is redesigning it to use the use classifications that are in the use table today. And it is a much simplified version of what we have. We were encouraged by our consultants to take a more simplified approach.

[00:53:21] We do it by individual uses today, and that's not common practice in other jurisdictions. So I would like to run through a quick example. If you were a restaurant and you were locating next to a multifamily building, What you would do is similar today, you would find your use on the left-hand column, which a restaurant would be a commercial use, and then you would find along the top your adjacent use.

[00:53:43] So a multifamily building would fall under all other residential uses. You would find where that corresponding cell is, which is type 2, barrier E or F, so you would have that 35-foot requirement for the screening, and then you would have a six-foot tall wall or fence required for that situation.

[00:54:00] The other option is more of an intermediate step, if you will, between what we have today and option number one. It allows for a little bit more nuance, and it would be to have four separate tables, one for each of the use classifications, but the requirements themselves would be based on the use categories.

[00:54:18] So in this situation, let's say we have an example of a residence hall that's located next to a townhouse community. So you would find on the left-hand side where residence hall would be, which would be a group living under the residential uses. and then you would find along the top single-family attached and you find that corresponding cell and this example also yields the type 2 barrier ERF as the last example did we are also looking at existing vegetation we currently have the ability to use existing vegetation to meet these requirements however when it comes to transitional screening a lot of waivers and modifications are

[00:54:55] applied for in order to use the existing vegetation because they have to have 70% evergreens and that's just not common in Fairfax County a lot of our existing vegetation is deciduous trees so that is a good thing in the sense that the waivers and modifications process allows our urban foresters to review it on a case-by-case basis to ensure that screening is taking place however we would like to further encourage the use of existing vegetation by allowing a variation in that mix of deciduous than evergreen by allowing you to have a mix that is different than today if you were to retain that existing vegetation within the

[00:55:34] screening area. This is a new concept street frontage landscaping and it would be landscaping that's provided on the private property. It would be a landscaping strip that is parallel to private and public streets. It would be 10 foot wide with one tree for every 30 feet. They wouldn't be provided on internal drive aisles or lots that are developed with single-family homes and if you had an instance where you were required to provide peripheral parking lot landscaping as well as street frontage landscaping, you would provide the peripheral parking lot landscaping only. And that is so that we could get the shrubs that we are proposing in that area

[00:56:10] to combat that vehicle headlight glare. The image on the right-hand side is an example of when you have street frontage landscaping and also are required by the urban design guidelines to provide those street trees. So you have the street itself, then the street trees as you are approaching the sidewalk and then the other side as you get to the private property you are having your street frontage landscaping requirement other changes that we are exploring as a part of this amendment is to broaden the purpose statement to support placemaking address some mixed use developments and enhance ecological and social or recreational spaces we are

[00:56:49] also looking at a new requirement to have these utility easements be located outside of landscaping except when they cross perpendicularly with waivers and modifications we currently have a

subsection that is dedicated to waivers and modifications for transitional screening and barriers but there are other waivers and modification options throughout the subsection that we would like to have consolidated in one location for ease of reading we would also like to look at simplifying those waivers and modifications and broaden those options we are told by our consultants that that is common practice and other jurisdictions and are not as specific as we are.

[00:57:25] It allows for more creativity and ingenuity going forward. The last item that I'll mention is we are looking at the improper pruning of landscaping in our maintenance subsection to address that for required landscaping. For our proposed schedule, as I mentioned, we will be going to the Planning Commission next week and we will continue our public outreach.

[00:57:45] We would like to come back to this committee in July to present to you draft text. And that concludes my presentation. I'm happy to take any questions you may have. Thank you, Sarah. I'll turn to the Chairman. Yeah, just very brief. First, I'm intrigued because I believe that it's been over 40 years since we've updated these.

[00:58:06] So let that sink in for a moment. We didn't update these with ZMOD, but, you know, frankly, over 40 years, a lot has changed. And so I think this is overall very, very good. The two questions I have, one is on page six. We have the bullet that says establish a spatial distribution requirement.

[00:58:26] And I'm just wanting to make sure we're this, you know, illustration is good, but I also want to make sure we're being flexible with our other goals, which is maybe maintaining and saving existing landscaping, maybe wanting landscaping to be bunched because you're creating a place in the parking lot, even with benches or other things.

[00:58:46] And so, you know, I mean, I get the goal of the spatial distribution, but that may run contrary to some of our other environmental goals. And so I want to make sure we're maintaining total flexibility that what we're looking for here is the 10 percent not necessarily have to be required to be distributed the way these illustrations show.

[00:59:05] And we did have conversations with the development community about having a spatial distribution and having that average of one for every certain number of parking spaces was more attractive to them to allow for that flexibility. Certain sites may have constraints that we aren't aware of, and they would like to have some design control over that.

[00:59:26] So that is something that we're continuing to look into. Okay. I think maintaining as much flexibility there as possible is going to be a good thing. And then the other question I had, and this did come up in the context of ZMOD, where, you know, one might want to be reducing parking, and once that parking is reduced, may want to turn that area into a landscaped area.

[00:59:48] And certainly, you know, we've run into this both in commercial and residential, and the process to do that is almost prohibitive for organizations to do. And so if one wanted to voluntarily come in and reduce parking and create a landscaping area, have we looked at how we can make that process as easy as possible for one to achieve that so that we're encouraging that, recognizing that, you know, we have a lot of properties in the county that are over-parked.

[01:00:18] And if one wanted to do that, we don't want to be in the way of that. So is that somehow accounted for in here or encouraged? Chairman McKay, Tracy Strunk with Planning and Development. I

think that's probably getting into site plan requirements and those sorts of things, so that's certainly something we can look at as part of this.

[01:00:39] I don't think it's something we've necessarily talked about in terms of process yet, but we can take that into account. Okay. I do think it's something we should look at because we should really, frankly, unless there's a safety reason or a parking tab reason or some other reason, we should never be getting in the way of that.

[01:00:55] We should be encouraging that, and we heard that through the ZMOD process. What we don't want to see is parking eliminated and turned into something else when it could have been, we could be taking advantage of additional landscaping in that area for stormwater environmental benefits. And so I just want to make sure we're in that encouraging mode across the spectrum of ordinance to site plan to permitting to allow that to be done in an easy way.

[01:01:21] Thank you. Thank you. I have Supervisor Faust, then Lusk. Thank you. On page 12, I had a question. The table distinguishes group living, and I was under the understanding we could not draft specific zoning requirements for group homes.

[01:01:53] So group homes, that is a group residential facility, and that is treated as single-family occupancy. The group living is more of your residence halls. It's the religious living, I believe. It is the classification or the category, rather, that is established with the use table in the ordinance that was through the ZMOD process.

[01:02:16] Okay, so group homes are not being separate. Okay, and then on page 14, first of all, this is really good stuff, but page 14, question. Are you adding the strip immediately adjacent to the parking garage along the sidewalk.

[01:02:41] Is that what we're talking about there? It would be on parallel to any private or public street. So if that parking garage was abutting the private or public street, it could potentially have the requirement for street frontage landscaping. Okay. But you have the street, then you have a strip, then you have the sidewalk, then you have a strip, then you have the parking garage.

[01:03:02] Yes. And in the case where they would be required to provide the street trees in the urban design guidelines, that would be how it goes. If they didn't have to have the street trees with the urban design guidelines, they would just have one of those landscaping strips, and that would be the street frontage landscaping.

[01:03:19] Okay. I'm thinking about the one that's adjacent to the parking garage, because as soon as you get beyond the parking garage, the requirement would go away. Is that correct? I mean, you would just have a strip of trees along the parking garage and then nothing along the buildings that are adjacent to the parking garage?

[01:03:43] So you would always have the street frontage landscaping requirement with this proposal. It would just, the street trees within the right-of-way would be up in the air depending on where it is located and if it's subject to those guidelines. Are there examples of this?

[01:04:01] We, of street frontage landscaping? Pardon? Of street frontage landscaping? Well, street frontage, I mean, of course. But, I mean, the additional requirement for a strip of landscaping between the sidewalk and the parking garage.

[01:04:20] Yeah, this was actually something that the consultant said is very common with other jurisdictions, and they really encouraged us to look into this. The 10-foot strip is the same, as Sarah mentioned, as the 10-foot strip that's required if you had a parking lot there.

[01:04:37] So this would basically, if you imagine you've got your lot and it's developed and where you have parking lot, you would have peripheral parking lot landscaping. Where you don't have parking lot, you're going to be required to have street frontage landscaping. And so, again, this was something based on jurisdictional research that we felt like we really need to look into for Fairfax as well.

[01:05:01] Yeah. No, I mean, I'm definitely not opposed to it. I mean, more trees are better by the way. I'm trying to visualize it. You know, you just start and stop with a strip of trees in it. So this isn't just related to the parking lot. This is any buildings they have there.

[01:05:19] Yes. Right? It's the entire block? Yes. Or just the portion where the parking lot would be? It would be the entire block. If you had peripheral parking lot landscaping, then that would be required. But oftentimes there'll be, you know, a building that fronts on a street and there's no parking lot area.

[01:05:37] they wouldn't be required to provide anything there so in this instance you would have the street frontage landscaping so it's adding that requirement of landscaping in the county okay so i'm going to say something tell me from right so this is street frontage landscaping the only way it would be different is if they had requirements with the parking lot piece okay but the purpose is street frontage landscaping not just parking lot landscaping right i think i know that uh okay okay thanks thank you thank you i have supervisor lusk then gris thank you i have two quick questions the

[01:06:15] first is um thinking about the bamboo ordinance i've actually had people come up to me and say they're grateful for it um so what happens if there's a conflict between the bamboo ordinance and this ordinance just thinking out loud um you could have a situation where there's a requirement in some previous proffer that the screening be provided as bamboo and that you then want to figure out in the control of the bamboo, how do you ensure it doesn't jeopardize the new plantings that would be adjacent to it?

[01:06:51] So I guess what I'm asking is like, which takes precedent? Does the bamboo ordinance take precedent in terms of you want to rectify the bamboo issue first, and then move to adding screening and other landscaping. So I don't believe we are aware of any requirements for bamboo as the screening being provided during the process?

[01:07:15] No, old requirements, previous, many, many years ago. Okay. Previsor Lusk, I don't think there was ever a requirement for bamboo to be planted under the urban forestry. But I, and so I would, I would argue that the, we would not allow that.

[01:07:37] And if they had to remove it in order to plant, you know, what they should be planting, then they would have to remove it. I mean, I would think what could happen is if you have a residential property adjacent to a commercial property and maybe the residential property or some homeowners or whatever had planted bamboo to provide screening and then it had gone on to the commercial property and, you know, during redevelopment or whatever.

[01:08:06] So then I think the bamboo ordinance could come into effect at that point because the whole idea behind that is to try to stop it from regressing, right? So then you'd have to give precedent to addressing the bamboo problem first before you allow for the additional.

[01:08:26] Right, because you don't want to plant where you've got bamboo. Correct. So I guess what I'm saying is maybe the question is still the same question, like which takes precedent? So I'm assuming the bamboo removal takes precedent because you don't want it. I think we'd have to look at it on a case-by-case basis depending on, you know, where, what the situation was because it would come up during the site plan process, correct, typically?

[01:08:52] Yes. Okay. And urban forestry can address that for new development or redevelopment. Okay. If we're reviewing the plan, we can make that comment and address the bamboo. Otherwise, it would be code compliance.

[01:09:09] Okay. Because you might need time to address the bamboo issue. You might need time. Okay. I've got one more topic that the board has been dying to talk about, so I want to hurry us on. And then the last one is, is there any way that we could prioritize the plane of native species here and plants and obviously excluding any invasives as a part of this?

[01:09:34] That was a very common comment we got during the public outreach process. We're still trying to figure out if that's suited for the zoning ordinance or the public facilities manual. So we are working with staff to figure out where that is placed, but we have made note of it, and we'll try to incorporate it in the zoning ordinance if it's suitable.

[01:09:51] I appreciate that. Thank you very much. Okay, I have Gross, Palchek, and then Harris. Thank you. And we did do the native species white sometime ago several years ago, And we discovered that it takes nurseries a long time, up to three or four years, to have the kind of stock available.

[01:10:14] But we did do that a long time ago. A couple of things. The shade requirements for parking decks is interesting, curious. But it says solar panel or overhead structure with green roof. You're anticipating this is going to be a pretty hefty shade area, not just one of those swooping fabric things.

[01:10:38] Yes, we would provide for the materials, explain what examples we would be looking for. It would need to be a permanent structure. Okay, and so you're really going to encourage solar? Yes, we would like to. That's something that came up during the publication. The other piece is about the parking lot landscaping and the street furnished landscaping.

[01:10:57] I have some shopping centers that, oh, 30 years ago when they were built, you know, put in the kinds of plantings they were supposed to. And after 30 years, it's grown up to the point where you can't see the signs on the stores.

[01:11:15] And so what do they do? They take it out. Somebody calls me and says, oh, my God, they're taking it out. And, of course, we turn it into code compliance. So my concern is at the same time we're trying to make sure that people are able to have their businesses and see their signs, we're also suggesting that we plant big trees that are going to grow up in front of those signs.

[01:11:37] So I think the type of tree is really important at the beginning so that you don't have a tree that's growing up, you know, really, really tall, something that will provide shade in the parking lot, but not something that's going to be, you know, a tulip poplar.

[01:11:54] So I guess my question would be going to the urban forester is the kinds of trees that need to be, that are best suited for this rather harsh environment of concrete vehicles and, you know, beating down sun.

[01:12:14] So can you address the types of trees? I'm remembering that in many of our subdivisions years ago, decades ago, those ornamental trees, It wasn't the calorie pear, it's something else.

[01:12:30] And they were lovely in the springtime, and you can't even walk down the sidewalk without ducking because they don't grow up high enough. And now, of course, they're dying off. So the right plant in the right place is really important. Yes. Well, I'm hearing two questions, really.

[01:12:52] There's the type of tree, and then there's the meaning, the growth habit and the size. And there's also the need for shade and avoiding visual obstructions to the commercial properties.

[01:13:13] How do you marry those together? So I think this is really a case-by-case basis, but larger trees, typically, if the canopy is elevated to the extent that it needs to be for vehicular and pedestrian traffic, you can usually see underneath them.

[01:13:39] The critical thing is to not overprune them, reduce the canopy before they get to a height that really makes sense.

[01:13:58] You know, say they're elevated to, say, 12 feet off the ground. You don't want to do that when the tree is young. You end up with a very small canopy. But if you let the tree grow to a reasonable size, then you can elevate it and make those signs more visible.

[01:14:20] So what I'm hearing is that you have to qualify for whatever you've asked for. You have to plant it. But then it's the maintenance piece that is important for the shopping center owners and so forth.

[01:14:36] They may be the ones that are doing the damage, perhaps. Yes. The right thing was planted, but it wasn't maintained properly. All right. Thank you. The growth habit is critical, too. We've looked at some trees that have the branches grow up more than out.

[01:14:57] Okay. I'm going to keep us moving because we really have to go to the last presentation. Pat, really quick utility. Yeah, real quick, and then a quick comment. Where are the new utility easements going to be located if they're not in that? It's not within the required landscaping, so they could be located in other areas of the law itself.

[01:15:19] So it's additional areas that won't have to be set aside in addition to the landscaping areas? Yes, unless they cross perpendicularly. Okay. I just encourage you, I was going to ask whether you got any feedback on the cost of these and their impact on affordability of either housing or the buildings as a result of the new requirements.

[01:15:39] but we haven't gotten any feedback on that at this time look to get that feedback and see what this is going to do okay thank you very much we look forward to you coming back with this and Tracy you now have 12 minutes luckily I can talk quickly I can talk fast as I corrected including board question that's right I'll let me let me get going I'm Tracy Strunk I'm the director of Department of Planning and Development and with me is Suzanne Wright who's the

[01:16:16] director of zoning evaluation and I'm you get me speaking today because I sort of started working on this project when I was in her role and also Jill Cooper who's the director of clerk services because they're the ones who send the notices so we're talking about Lotus notices for land use public hearings public public actions and public hearings and there's actually two things we'd like to talk about chairman McKay did a board matter in December asking us look at considering notice to renters, which is

broad and flexible, which is good. Also leaves a lot of room for interpretation. So that's really one of the questions we'd like is to look at what

[01:16:53] that exactly means. The other thing we'd like to talk a little bit about is the use of certified mail. And this is a topic that has come up for years and years. I first remember it with Chairman Bulova's work group on outreach and community engagement. And we have had some recent examples of certified mail and the problems that causes, and so we have staff has been working on this topic and thought it was a good idea to wrap it into the notice question, and so we're here today.

[01:17:19] Both of those things, I will make a note, come up a lot. Notice and outreach to the community come up in our strategic plan that you see. They come up in our One Fairfax. It just has a lot of fingers in a lot of places. State and local code, I will not read these. I will just say that our notice requirements for public hearings are both enthroned in the state code and the zoning ordinance one thing that is a particular note with the state code is there is a provision that allows us to do more which is why if you know that the yellow signs that we post are not actually required by state code that's

[01:17:58] something that we we in Fairfax County require as part of our zoning ordinance so that's good in that if there are things that we want to do either by policy or ordinance we have the flexibility to add additional requirements over the state code the the two parts that come up as part of this well you know I'll skip that we'll get to it in four minutes the the written notice to renters so the first topic state code and the county zoning ordinance require written notice to abutting property owners and there's a limitation on the number of that we could amend the zoning ordinance to

[01:18:36] require applicants to provide written notice to renters or the board could direct that staff to do that as a policy. That's one of the questions that we really have is which direction you would want us to go on part of this. And I would also note on this, the state code talks about zoning action, as does the county code. We also do provide a step earlier than the actual rezoning process. We provide notice as part of our comprehensive plan amendments. And that, because it's not limited by state code or required by the zoning ordinance, we actually do a little more broadly, and I'll talk about that as well, which is probably good news for what we're doing.

[01:19:16] And this is an example of the map that we used to provide notice for a recent comprehensive plan amendment for this property when we did the residences at the government center. So for those of you who I'm sure you know, that's us in the center where we're sitting today and the surrounding properties.

[01:19:35] So for a comprehensive plan amendment, we actually do provide notice to renters and property owners as well. And we provided notice to everyone in that blue area. The way that we do that is the, I believe it's LDS, has a web-based app basically that allows you to pull addresses for everybody in a particular area.

[01:20:03] and then we have staff who take that and compare that to make sure to see where the owner of the property and the property address are the same and if they're not the same we in addition to sending notice for the comprehensive plan to the property owner we also send it to occupant so we don't send it we don't try and figure out the name of the person who's living in that rental unit we just send we send two notices to that for the comprehensive plan so that's the good news and that we have a way to look at renters.

[01:20:35] Sort of the question becomes, when you say notice to renters, what do you mean? And I'll talk about that in a little bit. The red line I've added to this slide here demonstrates the fact that the state code and the zoning ordinance require you to notice abutting property owners.

[01:20:53] So, for example, I know it's not residential, but it's easy to see. So that's Fairfax Corner on the top there. And the abutting property would be the common area. So that would be the piece, the parcel that is required to be noticed by the state code and by the county zoning ordinance.

[01:21:10] The movie theater and coastal flats and what used to be Plow and Hearth and all the other parcels that are within there are not abutting because they are within the other surroundings. So they would not receive notice under the current code.

[01:21:26] So that's kind of the question is what does, if that was, if you imagine that was a residential property, do you want everyone, it gets a little confusing pretty quickly. So that's one question is how do we define renters? And I don't need an answer to that today. I just wanted to lay out some of the questions.

[01:21:44] Renters, notice to renters could also mean what if the property itself is being rezoned. And so, for example, actually one of those properties up there was the subject of an SSPA plan amendment to take down some existing rental units, which I remember being built, so that makes me feel old, and redevelop it.

[01:22:05] So does notice to renters mean notice to people if your property is actually being developed? And the other place that this really came out of, or we've heard a lot about this, is when you start talking about manufactured home parks. Because obviously the land, you know, the people in many of those parks, some of them are condominium, some of them might own the land.

[01:22:26] But in general, they own the structure, but they don't own the land underneath. So they would not get notice under our, of a zoning action, either on their property, if their property was being redeveloped, or adjacent to them. So that's another sort of subset that I think is important to look at.

[01:22:43] um so that's just an example of what the the app looks like i will say that the um the time i i said we the good news is we have a way to do this a way to figure out if there's a renter in a in a particular property and and pull those addresses it takes a lot of time i think it takes you know several days of sort of staff work to do that work and stuff notices and things like that so that's certainly something that that will be part of what we bring back to you um and

[01:23:19] jumping ahead i think i've touched on these but these are the the considerations that we have how to how what are exactly are we talking about in terms of who do you want noticed um how do we look at apartment do we look at apartment complexes single family homes condominiums condominiums are quite similar obviously potentially to a um to a apartment complex and in the the same sort of way your notice is generally to the to the overall um condominium association you know so the condominium association is getting notice the menu the the rental company

[01:23:59] is perhaps getting notice are they then sharing that notice with the people who live in the actual complexes is the question that we have there our next steps where we're going to talk about these things are going to be bringing it bringing looking at these considerations and bringing back some some suggestions for you all so I'm not going to ask these questions now I want to save at least a minute at the end um but those those are the questions would you like us to look at this as a zoning ordinance amendment which would require applicants to do whatever it is we decide

[01:24:33] to do and what's sort of the the universe of that of which renters we're talking about how far out and all those considerations i would expect as part of that what we will do is create some maps to say if you if you choose this path this is what it would mean physically so we can look at compare some things. I think that would be a helpful way to look at some of those. And just to touch on certified mail, which might be a little bit easier, certified mail is required by state code if the written notice is produced and provided by the applicant, which is what we currently do

[01:25:06] today. And this is for the actual rezonings and special exceptions. This is not required for the comprehensive plan amendments. The state code does, and our zoning ordinance, allow first-class mail to be used if staff does the notices, and we do that if something gets messed up, if there's a snowstorm and we're noticing it.

[01:25:27] I will also say in our Board of Zoning Appeals, our homeowners that historically have less familiarity with those provisions, and it's harder for them to do that noticing. A few years ago, our staff, our clerk staff actually, the BZA clerks, decided it took less time to do the notices themselves than to try to explain to a homeowner what to do, review what they did and fix it when they did it wrong.

[01:25:54] So actually, for our homeowner cases, we actually already provide the service where we just do the noticing, and those we do send by first-class mail as well. So as I mentioned, this came up with Sharon Bulova's task group years ago, and then we had some circumstances kind of in the middle of the pandemic when the U.S. Postal Service was not delivering mail as quickly as all of us would have hoped where people were getting their notices after the public hearing.

[01:26:23] The good news is, in that case, it was Metro West and the applicant actually did a good job of letting people know. So people were calling us and saying and calling the clerk's office and saying, I didn't get my notice yet. So they knew about it. But if you can imagine, certified mail has to be signed for.

[01:26:39] If you are not home in the afternoon, then you're not there to sign it. So that's definitely an impact on people who are working. And so although the intent of certified mail, which is one, to be able to prove that you sent the notice to the right people. And two, to prove that they got them, we're definitely getting the first part.

[01:26:56] We know that they're sending them to the right people. I'd say we're maybe 50-50 on the second part of that, which is are people actually getting the mail. So to change that for the applicant would require a state code change, which we do not think makes sense at this point in time.

[01:27:15] But we could do a policy where staff would send out the notices. and I won't go into the details except to say that we have been talking with some of the industry folks who do this. And we think we have a way we can do that pretty easily without much more staff time, so that's what we'd like to consider on that.

[01:27:38] And I already talked about all of that. No code change required. So I didn't give you much time for extra steps, but I'm going to say that I probably should have put this first on the agenda because I had no idea we'd be so excited about things.

[01:27:54] I'm going to turn to the chairman in one second. I think the real concern we've had is how do people really find out what's happening? And there's not a trust that condominium associations or the owner of a rental properly is letting people know. And I think you bring up great issues about the certified mail and how we deal with that, Mr. Chairman.

[01:28:14] Yeah, first, thank you for responding to the board matter and exactly what I thought we would see here. I think we should avoid changes to state code altogether, and I think this should be a policy of ours. I think when you start getting into changing the state code, you start getting into a whole lot of other problems, and I just think that's too steep a hill to climb.

[01:28:35] I would say that, you know, if we are going to look at this, the one thing we didn't talk about was bulk rate mail, and I guess if we're doing something voluntarily in excess of what was required i think we should look from a cost standpoint at you know first class mail bulk mail i don't think we should be doing certified um i you know i understand some of the pros of it but i also understand there's an intimidation factor with certified mail arriving at your door you may not want to sign for it anyway um and our purpose here is to make people aware of what's happening and a first-class male can succeed in doing that you know we should be doing

[01:29:15] that maybe bulk rate but I do think if you're in a building or in a manufactured home that is the subject of a rezoning that's the baseline of who we should be notifying I think going beyond that is something we should talk about you know what the pros and cons are with what the logistics and the staff time and costs are but as a baseline we should be notifying anyone who's renting property that is the subject of a rezoning as a starting point at a minimum. And I think we should be doing that as a policy. I don't think we need a state code change. I would like to know,

[01:29:51] you know, in terms of cost implications, all the different mail options that are available to us, because if this is an excess of the state code and we are doing it and not asking an applicant to do it, I would think we would have all the flexibility in the world of how we want to mail that.

[01:30:07] Imposing it on the applicant through a state code change, I think it's a lot more complicated than we want to be at this stage. We may get there at some point down the road, but I'm not sure that that's where we want to be going as our first move into this.

[01:30:23] And I also think that that will also cost us time in trying to get something stood up and operational. I just want to make clear that we would not need to change state code to have the renter notice. That could be done, but to require the applicant to do it would be a zoning ordinance amendment.

[01:30:41] Yeah, and I don't think we should be doing either of those at this point is what I'm saying is zoning ordinance or state code change. What we should be doing is internally ourselves as a policy because the other piece of this, to your point, when an applicant does it, if it's not certified, we don't really have evidence that it has happened.

[01:31:00] I would feel much more comfortable if the county was doing that and can confirm those mail pieces got sent out, especially if we're not sending them certified. And I think we can do that because that's in excess of what the requirement would be. Because, again, as Supervisor Smith said, the point here is to make people aware that something is happening.

[01:31:19] And it shouldn't matter if you own or you rent property. You're a resident of the county. You should be able to be aware of what's going on in your community. And I think the simplest, easy way we can get that going as a starting point, and we can also have some lessons learned. I mean, this is one thing, if it's a policy, it can evolve and change.

[01:31:38] I think we want to keep it simple, get it up and going, monitor that, see what's working and not working. Because we, you know, this, my board matter wasn't done that long ago, but to your point, this

has come up, came up with Chairman Boliva's task force. We've been talking about this for a number of years, and we've seen instances where people are not aware of what's going on, and we should be doing everything we can to try to rectify that in an expeditious way.

[01:32:05] And so what I would like to see is the mail options for us, the pros and cons of extending beyond the subject property. But unless my colleagues disagree, I mean, our baseline starting now should be how quickly can we notify people who live within the subject of the land use application and that could be an entire mobile home park and entire apartment building whether we go beyond that or not you know I'm open to discussion on that but I think that should be our starting baseline for what it's worth so we definitely need to have a follow-up because I'm not going to take any other questions

[01:32:42] because I know we've got to get to the next committee meeting so whether we do a follow-up at the july work session if anybody has questions or points i would say um email tracy with them but we do need to end this work session now and we'll have a follow-up okay thank you this meeting's adjourned



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