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Fairfax County Board of Supervisors Land Use Policy Committee, Tuesday, October 7, 2025

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[00:00:01] where some of these seats. Good afternoon. I'm going to call the Land Use Policy Committee meeting to order. Are there any corrections or additions to the minutes from the last meeting?

[00:00:21] Okay. Seeing none, we will continue to move forward. We have one presentation on the agenda today that is congregate living facilities, and I never ask who I should turn this to to kick it off. Okay? Yeah, I'll be presenting today. Janann. Thank you, Janann. Okay, great. Good morning. My name is Janann Cato with the Zoning Administration Division. I'm joined by Leslie Johnson, Bill Mayland, and Tracy Strunk. We'll be presenting on the proposed zoning ordinance amendment for congregate living facilities. We also have a staff summary document with additional details and the

[00:01:00] draft text we're proposing. Our hope today is to gather more input and feedback as we move forward with the amendment. For background, this amendment originates from the 2025 Zoning Ordinance Work Program, which the board endorsed in June. Congregate living facilities were identified as a priority one item directing staff to review zoning provisions for congregate living facilities to potentially expand the districts where they're allowed and revise the definition and standards to include uses like homeless shelters and supportive housing. And this direction builds on past

[00:01:38] discussions. So the Housing Committee in November 2022 directed staff to look at zoning barriers for facilities serving people experiencing homelessness. The 2025 work program item was carried

forward from an earlier work program topic in 2023-2024 and a December 2022 board matter that flagged this need. So this amendment is intended to revise the definition of congregate living facilities and provide more flexibility in where they can be located.

[00:02:14] Under today's ordinance, a congregate living facility is defined as housing in a supervised setting with on-site counselors or staff. They may include inpatient alcohol and addiction treatment and services for more than eight persons with disabilities.

[00:02:33] A certified recovery residence with over eight residents might also fall under this definition. And the definition clarifies that congregate living facilities are distinct from group households, assisted living facilities, and group residential facilities.

[00:02:49] Those are different uses that are limited by age, disability, or resident count. By contrast, congregate living facilities can serve more diverse populations with broader supportive needs and don't have a maximum resident count under the zoning ordinance.

[00:03:06] And that distinction means that congregate living facilities serve populations that don't fit neatly into other categories. Currently, congregate living facilities are permitted with special exception approval in all conventional residential districts except for rural agricultural as well as in commercial districts C1 through C4. In plan districts, they must either be shown on the development plan or approved by special exception. There's also a location standard which stipulates that if the facility looks like a single-family detached house, it follows that

[00:03:43] district standards. Otherwise, it must be located at least 100 feet from all lot lines that abut the R1 through R4 residential districts and 45 feet from all other lot lines or as determined by the board. The congregate living facility used was first added to the zoning ordinance in 2003 through an amendment. The amendment replaced the older use, which was called institutions providing housing and general care to the indigent orphans and the like. The term was updated to remove

[00:04:21] outdated terms and to reflect the broad range of support services that could be provided in a congregate living environment. Since that time, in 2003, there have been six special exceptions approved. Each one has been in a residential district. The facilities serve a range of populations, including survivors of human trafficking, women escaping domestic violence, adolescents with eating disorders, and one facility for retired and current priests.

[00:04:50] The draft text for the proposed amendment revises and clarifies the definition. The new language identifies the range of populations served, including persons experiencing homelessness, survivors of violence or abuse, youth in crisis, families in medical crises, facilities that don't meet the state code requirements for a group residential facility due to the services provided or the number of residents.

[00:05:17] Also, certified recovery residences with more than eight residents. The current definition only specifies alcohol and addiction treatment and treatment for more than eight persons with disabilities. By identifying these populations, the ordinance will better reflect the facilities already operating, and it also ensures clarity for applicants and for staff and distinguishes this use from others like assisted living facilities or group residential facilities.

[00:05:48] The draft text expands permissions into additional districts, still by special exception. Specifically, congregate living facilities could be considered in commercial districts C5 through C8 and industrial districts I2 through I4.

[00:06:05] And the intent here is flexibility. These districts may offer additional and possibly larger sites, more affordable land, or opportunities for adaptive reuse of vacant buildings. and many are located near transit and community services, which would help residents connect with resources. We're not proposing to extend permissions into the heavier I-5 and I-6 industrial districts because those areas are less compatible with residential uses.

[00:06:36] With expanding the permissions, we also want to maintain compatibility with surrounding land uses, so we're proposing additional development standards. The intent with the development standards is to strike a balance of flexibility and compatibility with residential. They aren't intended to impose new requirements, but rather to codify current approaches. So first, we're proposing that facilities in commercial and industrial districts must be located near public transit, community services, and employment areas so that residents can reasonably access

[00:07:11] opportunities and support. Second, we're also proposing that congregate living facilities may not be located in the three areas designated as industrial on the comprehensive plan concept for future development map in the comprehensive plan. And this preserves industrial land while still allowing congregate living facilities in I-district locations that are planned for mixed-use centers. Third, we're proposing a development standard that requires on-site staff and supportive services, except with a recovery residence. And these services,

[00:07:49] such as case management, transportation assistance, or health care support, ensures that residents are receiving the needed services and assistance to improve outcomes. Finally, a new submission requirement would require applicants to describe the population served, the number of residents and staff, the services offered, the length of stay, licensing, and intake criteria. This would provide a clear picture when reviewing applications and ensure transparency about the

[00:08:22] facility's purpose. Okay, so our next steps are to present to the Planning Commission's Land Use Process Review Committee on October 23rd, and starting outreach and identifying community organizations to reach out to, and continuing outreach through December. And then we hope to bring it forward to the Board for authorization in January. If authorized, a PC Planning Commission public hearing in February and Board public hearing in March. Thank you, and we're happy to answer any questions? Thank you, Jen. I think it was a great presentation. I appreciate all the work. I really

[00:09:02] think it's important, the development standards and submission requirements, that we go into these other districts, but you want the transit, you want some community services, and also I appreciate the work on this, and I'm very supportive. Mr. Chairman. I'm good. I'm good. I appreciate it.

[00:09:17] Thank you. I'm going to start with Supervisor Jimenez. Thank you, Madam Chair. Great presentation, Really important stuff that's going on here. Quick question. So once facilities are permitted, what ongoing oversight or compliance monitoring will the county require, and what enforcement tools are there in place?

[00:09:43] Well, once the congregate living is approved by the special exception, because that's what they would need, then it would go through the, there would be perhaps development conditions that could limit number of individuals and we would treat that just like we would treat any other use and that it would be likely complaint based in order for monitoring i mean we would issue the the non-rep for it and and make sure that it got all its inspections if it needed it and then we would treat it just like any other use and that would be

[00:10:21] more or less just by complaint if there was a complaint or the entity that was Providing the licensing, that's another opportunity for oversight would be if the, and most of them do require some type of licensing with the state.

[00:10:43] So it sounds to me like code enforcement would be probably one of those kind of avenues for oversight. And then if needed at any point, you know, if the police need to step in because something's going on. So just like any other property.

[00:10:59] Correct. Okay, thank you. Professor Alcorn. Thank you, Madam Chairman. Thank you very much for moving forward with this. I'd point out it's, I think, a good complement and sort of maybe a precursor to the Chairman's housing board matter from a couple weeks ago.

[00:11:18] So I think this is really important to update and modernize and make sure zoning ordinance is not an impediment unnecessarily for these types of facilities. So I do just want to walk through a little bit in maybe layperson's terms some of the types of facilities that might or might not be a congregate living facility.

[00:11:40] So I would assume that a typical homeless shelter or a homeless shelter would typically be considered congregate living. Is that correct or no? Well, currently the county operates most of our homeless shelters, and they would be considered a public use, which is permitted in any zoning district, right, subject to all the bulk regulations.

[00:12:11] But there would be the opportunity for a private facility to operate a shelter of some sort under this congregate living process. Okay. Thank you.

[00:12:26] Yeah, that's what I thought, and thank you for clarifying on the public use for what we do now. And congregate living, that only applies, does it not, and tell me if I'm wrong, to places where people would be staying overnight.

[00:12:44] So in other words, if it's just, say, a daytime services facility, would that be considered congregate living or that might be something else? Yeah, a congregate living facility would be housing on a permanent or temporary basis, but it would be considered housing where folks are staying overnight.

[00:13:02] If they're not staying overnight, that would be considered a different use in the zoning ordinance. Got it. So, for example, a daytime services type facility for various folks, then that probably wouldn't be a congregate living facility, right?

[00:13:17] Right. You know, I think over the years we've sometimes treated them as office uses. We've treated them as because we have the community center use and community service organization. So if a service, you know, they may be, it may fall under that umbrella.

[00:13:38] So there's a variety of umbrellas. But to Janann's point, congregate living is residential. It is, you know, living there overnight. Got it. And so I guess my last question is relating to the various permanent supportive housing strategies, which I know we have distributed permanent supportive housing.

[00:14:01] Currently, you know, we have in the pipeline some additional permanent supportive housing facilities. I guess, are you aware of any, I guess, situation where permanent supportive housing could be considered a congregate living facility?

[00:14:22] We have consulted with the housing community development we've worked with, Tom Barnett. Yeah. And permanent supportive housing, how it was described to us, is more of a program. So it's not

necessarily that it would fall under a congregate living facility. But it could. But it could.

[00:14:37] It could. So I guess depending upon how the facility were laid out, what kind of services that would be provided, I guess that would pretty much drive at least some of the considerations of that. Is that right? I do know that there are some, you know, I think the RHA may own some units within like a regular multifamily or townhouse community.

[00:15:01] And then they have organizations that provide, you know, not on-site but off-site services for folks in those situations. So, I mean, again, I think to Jananne's point, it kind of depends on the form that we see on that, but it could be both.

[00:15:20] And we've deemed those to be the ones where they're in individual townhouse units. It's a family. It's just similar to any other residential use. Right. Those are the distributed permanent supportive housing units. And I said that was the last question. I do have one more. So I guess dormitories, could there be variations of that that might fall under this category? I don't know if that's something else. Maybe dormitories with services?

[00:15:53] Well, dormitories are their own use. So they're their own thing. Right. And they're really more associated with the colleges and universities. And so we'd have to kind of look at how this is operating. We may end up doing a determination or interpretation based on what the request is, who's asking what they are proposing. And it could fall into a different category. But I think dormitories usually aren't getting the kinds of services that you would be getting with the congregate living.

[00:16:23] Yeah, I was thinking more of the layout of a facility. I mean, it could be similar. A congregate living facility could be like a dormitory or, you know, single unit with, you know, units with, you know, then centralized kitchens and services and office space and things like that.

[00:16:47] And it sounds like, and you did mention, you've coordinated with HCD on this. So hopefully anything that's in view of a potential type of, I don't know, public-private partnership or any sort of arrangement that they might be looking to do, they've given you feedback, it sounds like, on that.

[00:17:07] Okay, that sounds great. Thank you. I have Supervisor Stork, then Herod. Thank you, Madam Chair. Is there any restrictions on clustering these kinds of facilities? I recall very vividly, and maybe others in the board at the time, I recall in Drainsville District there was a situation where you had a company that purchased two homes together and were essentially operating them in some way or other together.

[00:17:41] I don't know if that was actually true, but I understood the concept at least was concern. There's nothing currently in the zoning ordinance that specifies a distance that they have to be X number of feet different we don't have that requirement and but we do when we do determinations particularly for group residential facilities because of what happened in McLean where they bought three homes on one was one driveway basically and three homes and

[00:18:17] and they were each a group residential, and by determination on that one, we deemed it to be most similar to a congregate living facility, and then they kind of decided not to go forward with that.

[00:18:34] So, I mean, we'd have to look at each one. We do ask the question when somebody comes in and asks for a use determination on a group residential, just so we can kind of have a – so we can look at that and make sure of what we haven't had that situation. occur. And I don't think they want to cluster

them that close together either. So other than having an SC, which could enable us to, or enable everyone to take another look at it, that's really the only way to limit the ability to fuel cluster a congregate living facility. And that was very

[00:19:13] that determination was based really on the specific circumstances for that particular situation. And it's not to say that we would you know if there's a house as a group residential and then another house maybe one down i couldn't we'd have to see the circumstances to make any kind of determination and i think i mean i recognize for me at least that the comments that are made oftentimes whether

[00:19:48] accurate or not is there's more congregate living kinds of facilities in areas that where the housing is less expensive and as a result they tend to be more concentrated or denser in certain parts of the county than they are in other parts of the county. I don't know if that's true or not and do you have any evidence one way or the other to that effect? Well again you know the I think where we're really getting at is the group residential facilities versus the congregate living which group residential facilities you're limited to eight. There's a specific provision

[00:20:25] You know, you have to be developmentally disabled, elderly, or, you know, have one of those criteria. And so I think a lot of these group residential facilities are people, especially for the developmentally disabled, you know, where they're living in a group environment.

[00:20:48] And that, you know, they're living there. That's their home. I mean, that's their permanent residence. We do have others that meet the definition where it's, you know, some of your mental health that are facilities for adults and or adolescents that are licensed by the state that maybe don't are there for 45, 60 days.

[00:21:09] And I think you probably all have gotten copies of letters from us on that. So that's, you know, but they are also a group residential facility. I do know that more recently we've seen these facilities locate on larger lots, more so, at least the ones that are more the, you know, like Clement Joint, Clement Joint, Clementine, Clementine, which is one of the SCs, started out as a group residential facility and then expanded as a congregate living facility.

[00:21:45] But they're on a large lot. I don't know if it's five acres or, but it's a large. So I think we're seeing some of that more so than smaller lots, per se. On that, and we don't, please correct me if I'm wrong, we don't have the ability to regulate group homes because by state law they can be wherever they want to be.

[00:22:10] I mean, we have information on our web page, and we do suggest that they ask for a determination. They typically will use that for their state licensing to show that it, you know, that they have their appropriate approvals, both from a building side and then also from the zoning side.

[00:22:28] So we do get quite a few, but they're not required to come to us and ask for a determination. Thank you. I have Supervisor Herity, then Palchuk. So a little help with slide eight.

[00:22:44] I guess it is slide eight. Proximity to transit and community services, we're going to require that for these? Or just allow them? Yeah, this would be something that would be reviewed on a case-by-case basis as part of their application for a special exception.

[00:23:09] I mean, I've got a couple of these in my district, and none of them are anywhere near. I mean, I don't have much of my district. None of it's really near. Well, actually, I-66 is near transit. But I just, most of them, large lots, they're out there doing their thing, being left alone.

[00:23:28] And I just don't get the proximity to transit because it doesn't work for the ones that I have. And I know we want to be transit friendly and all that. But there's parts of the county that don't have proximity to transit and community services that actually have these existing today.

[00:23:48] Yeah. Yeah, the intention behind this standard is for because as we're expanding, it's the commercial and industrial is to ensure that, you know, these locations in commercial industrial districts are compatible with the residential use so that residents would have a reasonable access to resources like...

[00:24:06] So that's only for the industrial area? Commercial and industrial. That was my understanding of that, Pat. Is it residential or residential anyway? People live there, but it's when you go into areas that might not be perceived as residential. And that was precipitated by some of the discussions we were having regarding the unsheltered and trying to set up some of these perhaps private facilities that might want to provide services for the unhoused. And so we were looking at, you know, we had talked about

[00:24:42] industrial and commercial uses and expanding that, but we also wanted to make sure that the populations being served do have access to employment, do have access to, you know, bus routes. So I think the board, because all of those would be SEs anyway, the board has the ability to also modify those standards if they felt that there was a basis to do that. So I think we were really focusing on the commercial and industrial and not on the residential locations.

[00:25:14] We tweak that so that that's clear. I mean, I just think that... We can look at that. Yeah, we can definitely look into that and tweak it. Thank you, Pat. I appreciate that. Supervisor Palchuk. No, I think you've answered my question now. Clearly, there are just a lot of different types and uses.

[00:25:32] But to clarify, it is distinct for group household, assisted living, group residential. Those, as long as they are eight or less, are distinct, or if they're more than eight. Is that separate as well? Well, there's group residential, which is the eight or fewer, and that's the one that's you know, provided under the state code that we have to treat as a single-family dwelling.

[00:25:58] Right. You know, and they have to typically be... Which in college I lived in a... Right, and then you have group household, which is up to 10. And the group household is basically just an ability, it's a special permit, to allow someone to have more than four unrelated people in a dwelling unit.

[00:26:19] So those are those two. And then what was the other one you mentioned? Well, and then I have an assisted living... Home that has understated, did not need our approval because they were up to 8. A group household, and it talks about aged or infirm in the state code, and we have that language also.

[00:26:39] So that's part of the group residential facility. If it was 8 or fewer, if it's, let's say it's 12, then they would be a congregate living facility. Okay, but it's just because of the size for the... Does that make sense? Yeah, I mean, it technically makes sense.

[00:26:56] Clearly, I still think we need to think about clarity overall, and just because we say the state does that, or we do this, you understand it, Leslie. You have a huge brain full of all this data. We are technically experts, and it's still, right?

[00:27:14] The group residential, we have to keep as is. We can't touch that. I mean, that's pretty much what the state is. Again, I think more the way we communicate some of this, there might be an ability to clarify for the general public or people wanting to live or do business in the county and we do I know I

know you in this in the in the in the the paper that Janan put together they we've tried to do that I hear you I think for adults maybe just some more we can I mean we'll look at that you know eighth grade level visuals yeah ability to understand some of the complexities and why

[00:27:51] we're in the business of some of this stuff and then other of this stuff and maybe part of what we can do and I was just kind of thinking this just as we were talking is that part of our outreach can be to some of these groups that provide these kinds of services to because sometimes I don't think they all know the zoning intricacies either on what's what and so I think that yes and let's just start with I think just easier more basic if I were to take this to a PTA meeting or a community association meeting.

[00:28:24] Can we help decipher out what all of this means? That's all. Some of this is like making the sausage, and some of it is what is the outward looking, easier to understand, lower the barrier of understanding and of ability to bring some really important things to the community that are very much needed and so that it doesn't create an additional barrier for inequity because some people understand it and some don't, and some hire a lawyer and some don't, right?

[00:28:54] That's the piece. Where can we do a little bit more to just, you know, lower the barrier a little bit for the materials and how we're communicating it? Thank you. Okay. I don't see any further questions, so this is very good.

[00:29:13] I like your timeline, and I think the board is supportive of you going out and getting to your next step, so thank you for the presentation. Thank you. and the Land Use Policy Committee is adjourned.



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