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[00:00:03] Good morning. I'm going to call the land use policy committee meeting to order. We have three meaty issues on the agenda, so I know we're going to stay focused. The first agenda item is a zoning ordinance work program. And a gentle reminder, this isn't to go into detail in the work that staff's been doing. We'll get a quick overview of where they are with the work program.

[00:00:24] And as a reminder, it's a two-year work program that we update every year. So I'm going to turn it over to Leslie. Oh, wait, Leslie. I always forget. Any additions, corrections, or changes to the minutes? Okay, now Leslie. Okay.

[00:00:40] Leslie Johnson, Zoning Administrator, and I have with me today Bill Mayland, Assistant Zoning Administrator, who's going to give the meaty part of the presentation, and of course, Tracy Strunk, our Director, and Jen Miller, our Deputy County Exec. So we are here this morning to present the next fiscal year 2027 2028 work program and I want to just begin with a brief introduction and mention a few highlights on the status of the current work program and And I also want to thank Bill because he did the yeoman's work on this on this work program this year and as

[00:01:17] Chairman Smith said the work program covers a two-year program cycle because it takes us a while to do the research and get all the information, do the outreach, and get it authorized and go through public hearings. But we do come back yearly to provide you all with an update, gives you an opportunity to

make sure that our program that we've kind of recommended is in alignment with your all's priorities and the comp plan, the strategic plan, one Fairfax.

[00:01:47] And then this year, because of the robust General Assembly, We've got a, we added a separate topic for Virginia code updates, and Bill will, that has quite a number of amendments on it. So Bill will present that to you shortly. We have a summary memo that you've all received.

[00:02:08] You received it a couple weeks ago. It has four attachments, and the memo and the attachments, it's all, and the PowerPoint's all posted on the board's committee webpage. And we also presented the program to the Planning Commission on June 25th.

[00:02:25] The attachments include the status update for this fiscal year, fiscal year 2026, which I will go over very briefly, the recommended 2027, 2028, and I always get our numbers mixed up on this every year, and then the proposed timelines, and we're tweaking it a little bit, and Bill will explain that, and then our Priority 2 program.

[00:02:49] So we always like to toot our horn a little bit. So we've had six completed amendments. You've seen all these within the last eight months. We also prepared two reports to the board that are up there on the slide.

[00:03:06] I won't go into detail on that. But we've also made significant progress on a number of amendments, the accessory living units and the home daycare facilities you're going to hear after we're finished. We also have presented to you earlier, I think in March, on the building height clarification, and we've had some really good outreach with industry during that time, and we're going to have some additional outreach as we refine the proposal.

[00:03:38] We feel really confident on that amendment that we'll bring back to you probably in the fall with draft text. We are going to bring up updates to accessory structures as a whole, primarily focusing on smaller structures that maybe we can allow in front yards, like play structures, and also some of the larger structures on lots greater than 36,000 square feet.

[00:04:03] We also have an amendment on commercial and industrial uses that I think we're bringing back to you on September 1st. And those are really specific. We've targeted a few specific uses. Food trucks, hours of operation that was proposed as part of a follow-on amendment.

[00:04:20] We've got recycling centers that we need to update standards. We're looking at the specialized instruction centers, again, to kind of look at aligning them a little bit more with the health and exercise, guys, treating them similarly, and then expediting, expanding permissions for some of the vehicle sales. And they're on page 11. The specific uses are on page 11 of the program. And then the last slide that I'm going to review is just our numbers. So if you take the complete

[00:04:55] priority one work program, we completed 14 of 25 because we look at each individual item for 56%. But if you look at the ongoing things that we do on a regular basis and the first tier topics, we did 14 out of 15. So we were at 93%. So I think, you know, that's a pretty good track record. I think next year might be a little bit more challenging. And so I'm going to turn over the remainder of the presentation to Bill, and I'll just change it for you.

[00:05:26] So the priority one we're probing consists of 14 topics broken down into 29 items So we're just going to highlight just a few of those because they're all detailed in the memo As Leslie mentioned we split

apart the minor edits and Virginia code updates in the next slide We'll talk about the code of Virginia updates For the first tier topics they're all carryover items and Leslie went over all the only one we did touch on was flood Plains we broke flood plans apart into two areas part one will focus on the updates to the FEMA map We hope to get that done by the end of the year, but it's dependent upon FEMA adopting the maps formally, and Land Development Services will be leaving that amendment.

[00:06:06] With each of our amendments, we'll be bringing it to the board and presenting an outreach plan, recognizing limited staff resources. We can't always do outreach to every land use committee or civic association in the county, but we'll instead host meetings. We'll do a strong online presence and make sure all the information is available about these upcoming amendments.

[00:06:28] So with the Code of Virginia updates, we did provide in the memo a brief overview of the updates, and we also just published to the board draft text for all these eight amendments, and we won't go into anything about those. But not listed in our memo was faith and housing, at least on the work program.

[00:06:50] Because of the late effective day and the sunset, we're not proposing to amend the zoning ordinance for faith and housing. Instead, we'll be working with land development services, housing and community development to create a process for people who want to go through that buy-write development. In addition, not listed in the memo was cannabis because it just got approved through the budget bill.

[00:07:13] So that's something we will recommend the board to add to the board program. That does have a delayed effective date of July of 2027. So for the second tier items, we are proposing to add active transportation.

[00:07:29] This is based on a comprehensive plan amendment and a follow-up motion. We think the zoning ordinance updates will be relatively minor. They may be done or done with or separate from updates to the public facility manuals. Part two of flood planning is focusing on removing special exception requirements to rebuild or build an addition into an existing lot that had a house in the flood plan before the zoning ordinance, 1978.

[00:08:00] The housing initiatives really you've already kind of touched on most of these at the housing task force meeting and the last item is To add additional potential additional community uses as part of our religious assemblies through a special permit a special exception process So you can see the timeline For the amendment so what we did previously we considered tier one to be the next six months The reality tier one is the next fiscal year. So we're looking at trying to complete the majority of our tier ones within the next year

[00:08:36] Second tier typically means the following fiscal year. It doesn't mean we won't start working on them We just typically won't be bringing them forward to authorization until the next fiscal year for a priority to these items have been Identified by the boards authorities or commissions and we place them party - they don't typically have a timeline Staff has gently not done research on these topics So we started with 24 items. We're proposing to move forward to the priority one work program We've added five new items so a total of 25

[00:09:12] And we do hope to bring most of these forward to priority one in the next few years So as Leslie mentioned we did go to the planning commission. They were supportive of the work program Next

step if the board is supportive We would like to bring it forward to the next board meeting for endorsement and then we would publish it onto our website and do a delivery announcement.

[00:09:35] And so we're happy to take any questions. Thank you very much. I appreciate the succinctness of the presentation. I'm pleased with where we are. It was interesting when we had our first meeting talking about the work program, we thought cannabis was going to be approved, and then it seemed like it wasn't, and then it did get that.

[00:09:51] So what I would propose to do when I do my board matter for us to adopt the work program, I could add cannabis to the work program then. I'm going to turn it to the chairman. Yeah, actually, on that topic, you said the delayed effective date is June of 2027.

[00:10:07] That's the delayed effective date of the code language that was approved by the General Assembly. But help me understand just a little bit on that one what the board needs to do. And do we need to do that between now and then, or are we doing that after that time frame?

[00:10:27] I think our target is going to be having updates in the ordinance. I mean, we've already provided interpretations to say that the pharmaceutical sale of cannabis is retail.

[00:10:44] But we don't specifically have anything in the ordinance, and I think probably we should. And so there may be some other tweaks. We also have some language in old language that we didn't change with ZMOD dealing with paraphernalia, drug paraphernalia establishments.

[00:11:01] So we probably should take that out or retool that. I think most of, and then the other thing that the bill does, it allows the board, and I'm not totally correct, but I think it allows the board to limit the hours of operation if they want to separately.

[00:11:22] you know, that authority was given to you directly. So that's something that the board may want to, as part of an amendment, we did that with alternative lending. We put actual hours of operation in the ordinance. So those are the things that I think we would want to look at. I also think that how this gets implemented and how notices to the locality is done, you know, that is also something that I think the board may have to, or we may need to get a larger group together to figure out how to do that because it's going to be my reading of it and i think we'll probably talk

[00:11:57] about it in another meeting is um there will be notice to the locality right like we do with virginia abc and now you've designated the zoning administrator as the agent for the board for the virginia abc whether you want to do that or do something different for cannabis but it'll be similar when they come in to get a um light when they have a preliminary license and they come in we'll get notified and then you know we can object the county could object depending and so those are all the kinds of things that i think and then there's a distance also there's

[00:12:30] a distance to schools religious assemblies a broader net that somehow would need to be looked at i'm hoping state would do that but i'm not right i don't know yeah i mean i only raise it because we you know this has been being looked at in richmond for a long time but it was off of seemed like it was off this year and now it's on again. And I just want to make sure that the permissive elements of what was approved for localities, that it's absolutely on our radar to expedite because we want to put anything we need to put in place prior to the, for lack of a better

[00:13:09] term, the legalization kicking in. And so I just wanted to make sure that was on our radar and it might have to prioritize other things just in terms of timing. So I appreciate that. And then Secondly, it occurs to me that this is likely, that this is Leslie's last work program, and maybe even her last land use policy meeting.

[00:13:34] Well, the next one's September 1st, and I don't know when her last day. So I did want to make sure, since this is the last one and this has been your baby for so long, that we said thank you, because I know it's a lot of work. I know it's a team effort, but I know how much work you personally put into this and how many years you've been doing this.

[00:13:52] And I, for one, am very grateful for everything you've done. Well, we'll make sure she's at the September 1st work session, probably presenting the whole thing. Yeah, so thank you. Thank you. Supervisor Alcorn. Yeah, thank you. Just very quickly, first of all, thank you, and again, especially Bill, all the work during the past year on knocking off some of these zoning ordinance amendments.

[00:14:16] So anyway, very good work. Glad to see some of those taken care of. The other piece to build on the chairman's comments, I think it would be really helpful specifically for cannabis for us to understand. I've not read the final version of what was done, but to understand what our options are.

[00:14:38] You know, where did the state basically give us choices and us to think about, you know, in whatever direction? Because I think we do need to spend a little bit of time talking about that and thinking about that.

[00:14:55] And frankly, talking with the community about that, too. So anyway, I'm not sure if that means a special meeting. We'll figure that out. I think the board needs to understand the bill, so I'll work with the chairman. and we'll figure out the best way for us to do that. Thank you. Supervisor Herity.

[00:15:14] Yeah, and you know what I'm going to talk about. Anyway, I know everything can't be Tier 1. I am very glad home daycare is on Tier 1. But, you know, we got a little bit of national, even international exposure on a 30-foot-tall, 60-foot-long building built 8 feet from a residential residence.

[00:15:37] And I know we've got a lot of those kinds of issues throughout the county. You know, I think that ranks a little bit higher rating than it has, but I know this goes out, as I've been told, public comment, and then it'll come back to the board again.

[00:15:55] The other is public uses in the RC. This is costing our school system real money. When you look at what they had to do at Willow Springs to get the density in the R1, because it goes through our 1RC, they spent a lot of money in order to make it work, and I think we need to take a good hard look at that.

[00:16:16] Centerville, we're having to probably don't need it for Centerville. There is another option for Centerville, but Virginia Run is going to be another one of those ones where the school system is going to have to spend real money and jump through hoops if we don't take a look at it and figure out what's permissible, and I don't know exactly when that is on their work program, but it is coming.

[00:16:40] So those are two just to kind of keep an eye on because we don't want our school system spending any more of our residents' money than they need to. And I did, I'm going to let staff answer that, but I did talk to staff about timing and we do have time, but if anybody wants to address that issue.

[00:16:58] Sure, Tracy Strunk, Director of Department of Planning and Development. We did look at all the public uses in the RC, the schools and fire stations and things like that. The Virginia run is on the

school CIP, I believe, for 31 to 35, and according to the records that our folks pulled up, they are currently at a 0.1, and the maximum is a 0.15.

[00:17:22] So there's a chance they actually could do it without going over that, but we recognize we also do have plenty of time before that comes up to sort of address that issue, and we have some ideas about some ways to not continue giving us a limit to bump up again, but to kind of keep it targeted.

[00:17:42] Thank you. Appreciate that. Okay. And Supervisor Palchuk. Thank you, Madam Chair. Thank you so much to staff. Thank you, and congrats, Leslie. I really appreciate this. I think it's helpful to have the updates, I think, to the public.

[00:17:58] The tier system and to us might be a little confusing, so it's important to make sure when we communicate this out what it means. Really, it's more seems to be just timing, right, kind of what phase we're in. I really appreciate that we are moving forward on the dwelling units and the housing initiatives.

[00:18:16] I just want to clarify one thing you said, Bill, around the religious assembly. What were you saying? How are we going to look at that? So for the religious assembly, we're looking at secondary uses. Currently, we allow child care, private schools, specialized instruction as part of a religious assembly when they go through a special exception or a special permit.

[00:18:40] So look at expanding that to consider potentially health clinics, art galleries, coffee shops. These are all things identified actually as part of faith in housing that would be allowed. So additional community uses that would be inside the religious assembly building, that would also be part of that special exception, special permit approval.

[00:19:01] It gives a little more flexibility of what uses could be on there. But again, it probably wouldn't be like a standalone drive-through. It would be within that building. I appreciate that. And then how, that's how we handle that. And then for the faith and housing bill, how will we be handling, you said, the housing portion?

[00:19:19] So the faith and housing, you know, it's by right. So we're working together with land development services to best figure out how to implement that to the site plan process or subdivision process to understand what they'll need to provide to us. So for the faith and housing, they have to have owned the property for five years.

[00:19:36] They have to, they're limited to 20 dwellings per acre. There are some additional provisions in that I have to meet, but there's also some flexibility of going above and beyond that if there's something within 500 feet. So it's just understanding the complexity of the bill and best to provide advice and interpretations for folks who will be going through that process here in January.

[00:19:58] Okay, I would say that last piece you said, the advice and interpretation is going to be key, right? That generally holds us up currently, right, just understanding the complexity of that. So I know in the past, and we have someone who focuses specifically on our religious organizations, faith-based communities.

[00:20:16] I forget who that is right now. Is that person going to be helping lead? Yes. Land Development Services is actually taking the lead on this. And so Michelle Guthrie and General Josiah are really projectly zoning is on board with that group along with our planning division and kind of promoting the

educational aspect of it to help the religious assembly uses and nonprofits understand how to become developers in some way.

[00:20:44] OK, that's helpful. And I see that Bill's here. And I'm just happy to hear that Jennifer Josiah is still involved with that. I know she did excellent work, as well as Michelle. Thank you. Bill, did you want to add anything? I would just echo what Mr. Malin has said. We are absolutely on board. Michelle Guthrie is our lead person.

[00:21:01] Jennifer Josiah is working closely with her with HCD and zoning to move this forward. We'll be ready. Thank you. Okay, I don't see any other comments. Thank you for all the work on this. I'll have a board matter on July 14 for us to bring it forward.

[00:21:18] And thank you. We'll go on to our next topic, which is going to be the home daycare. Thank you. Good morning. Jackie Camp with the Zoning Administration Division.

[00:21:36] I'll be presenting this morning on the home daycare facilities topic for a potential zoning ordinance amendment. The goal of the amendment is to decrease regulatory barriers and streamline processes to help increase the number and capacity of home daycares in the county, thereby expanding access to child care.

[00:21:56] We are hoping to receive feedback and direction on the options proposed to then draft text for an amendment to the zoning ordinance. In addition, we have provided a white paper that provides additional details on the topic. Access to high-quality, affordable child care is a critical component of a community's well-being.

[00:22:19] It's important for child development, supporting working families, and fostering economic stability. This map provided by the county's Neighborhood and Community Services shows the census tracts in blue where additional early child care programs are needed and where families may be struggling to access care.

[00:22:40] Part of accessing child care is finding care that is affordable for your family. There are two main licensed child care options for most families, a center-based care and home-based care. This graph shows the median annual price for licensed care for children under five in the county, with blue indicating the cost for center-based care and green for the mixed age classrooms of home-based care.

[00:23:10] In addition to being a more affordable option, many families prefer home daycares as they provide features such as small home-like settings, mixed age groups of children, flexible hours, convenient locations within their neighborhoods requiring less travel time, and consistency of the caregiver.

[00:23:29] All home daycare facilities have either a permit from the county's neighborhood and community services or a license from the Virginia Department of Education, depending on the number of children in their care.

[00:23:47] There are currently 1,158 licensed or permitted home daycares in Fairfax. A provider who cares for up to four children in their home is required by Chapter 30 of the county code to have a permit, renewed annually. A health and safety inspection is performed by a county child care specialist, and a fire safety inspection is completed by the Office of Fire Marshal.

[00:24:12] A provider who cares for 5 to 12 children is required by the Virginia Code to have a license from the Department of Education. The facility must comply with the state standards, and the home is inspected by a state Department of Education child care specialist.

[00:24:28] The license requires the provider to submit a zoning form to obtain confirmation that the facility complies with the zoning ordinance requirements. As with the county permit, the state license is renewed annually, including a home inspection by the state.

[00:24:45] Under the zoning ordinance, a home daycare facility is a dwelling where during the part of a 24-hour day, at least one, but not more than 12 children, exclusive of children who reside in the dwelling, receive care.

[00:25:03] Home daycares that are located within a single-family detached dwelling may care for up to seven children by right, and those located in all other dwelling unit types may care for up to five children by right. Home daycares are considered an accessory use and are required to be operated by the provider within the provider's primary residence. One non-resident person, paid or not, is allowed between 7 a.m. to 6 p.m. Monday through Friday. There must be no exterior evidence of the home

[00:25:37] daycare except play equipment. To provide care for the maximum 12 children allowed by the state, a provider must apply for either a special permit if the residence is in one of the conventional residential zoning districts or a special exception if the residence is within a planned district. Special permits require a public hearing with the Board of Zoning Appeals.

[00:26:04] Special exceptions require a public hearing with the Planning Commission and another hearing with the Board of Supervisors. A provider can also seek a special permit or special exception for an additional non-resident person or an extension of hours for that person. In reviewing an application, the Board of Zoning Appeals or the Board may require additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time or may require landscaping and or screening. Based on research and analysis, staff found that the special permit

[00:26:42] and special exception process can add time and cost for providers. The special permit applications took 104 days to receive a Board of Zoning Appeals decision, and special exceptions took 251 days to receive a board decision due to the additional planning commission hearing. As is required for most special permit special exception applications, the home daycare applications requires a zoning property plat, which can cost upwards of \$1,000 in addition to the application fee, which is soon

[00:27:15] to be or is 615 for fiscal year 2027. The last two and a half years of case data reviewed, all 53 applications that made it to the public hearing were approved. The majority requested and were approved for the maximum of 12 children. A review of development conditions found that many of the adopted conditions were standard across all applications. So, for example, required napping areas to have adequate egress per building code specifications, or designated parking spots that are open for pickup and drop-off.

[00:27:55] The last slides include two proposed options for consideration with the overall intent to remove potential barriers and or streamline the zoning process. Reducing regulatory barriers can increase the supply of home daycares, addressing supply, affordability, and parental choice.

[00:28:15] This is consistent with Goal 2 of the county's Early Childhood Strategic Plan to ensure all children have equitable access to high-quality early education across all the settings where they live, play, and learn. Now we're moving on to our options.

[00:28:34] Option one is to allow home daycares, so between 5 to 12 children, with an administrative permit and consider adding new youth-specific standards, if found needed, that reflect common development conditions, such as ensuring an area is available for drop-off or pickup.

[00:28:53] And consider increasing the allowed number of non-resident employees from one to two and review limits on hours, days for those non-resident employees, with an option to modify that with a special permit if needed. Option two is if a legislative zoning process is retained, modify the permissions and the submission and process requirements.

[00:29:22] We're proposing modifying the permissions by increasing the existing allowance to a larger number, such as 10 children, and up to 12 would require a special permit for single-family detached. Consider a lower number, such as 8, for all other dwelling types. Consider requiring an administrative permit for home daycares with over four children that do not require a special permit. This could allow for review of any youth-specific standards. Consider increasing the allowed number of non-resident employees from 1 to 2 and review limits on hours and days for

[00:29:59] non-resident employees with option to modify with special permits, similar to option 1. As with option one, consider adding new youth-specific standards if needed. Additionally, consider modifying the process by allowing home daycares proposed in plan districts to use the special permit process versus the special exception process.

[00:30:24] Allowing the special permit will decrease the length of the process with only one public hearing required. Additionally, consider modifying the submission requirements for a special permit. By allowing the submission of a current house location survey that indicates the location of the structures and layout of the property instead of the more detailed and expensive permit plat currently required.

[00:30:48] Since the home daycare use occurs mostly inside or for when children arrive, depart, or use the outside play area, the plat requirement is not needed for analysis of the land use impact and can cause delays in the application being accepted.

[00:31:04] If a submission is deficient and the review is paused, it lengthens the overall process time and can cost the provider more money to have to revise that plan. These are our next steps in our process.

[00:31:22] A meeting with the Planning Commission's Land Use Process Review Committee is scheduled for this Thursday night at 7.30 p.m., and based on the board's direction, staff will begin developing draft text for public outreach. Community outreach meetings could be scheduled for this fall, which will include targeted outreach and customized meetings with translation services to home daycare providers and coordination with our state and county child care agencies.

[00:31:49] Information about meetings and other project updates will be posted on our amendment webpage for this. Authorizations and public hearings could take place by early 2027. And that concludes my presentation. Thank you, Jackie. I appreciate all your work on this.

[00:32:06] A couple of things before I turn to the chairman. You know, one of the reasons the board brought this up is that we looked at some of these taking over 200 days, and we know how vital it is to have child care. I am very intrigued about the administrative permit process.

[00:32:26] I don't know where we're going to go. We're going to have community outreach. If we do choose that we want a legislative process, I think these all would need to go in front of the BZA and not to the

board, because that issue of two sets of public hearings at the Planning Commission at the board, it's just too much.

[00:32:44] The other thing that I've come to realize that I think is an issue is the Platt issue, because that can really hold something up when, if their shed is too close to their property line, now they have to go through this whole process when all they wanted to do is provide child care. As long as the facility is safe and we ensure those pieces, I think that is really a holdup in the issue. So I'm happy we're doing this. I look forward to your public outreach you're going to do and getting this done early next year. Mr. Chairman. Yeah, I concur with

[00:33:20] everything that you just said. I do think, you know, the reason why in the plan districts there's a different standard, obviously, is something that has been sticky at times with common space, open space, visitor parking, some of the issues that come up.

[00:33:37] But I absolutely agree, regardless of the zoning district, that they should be going to the BZA and not coming to the board, because going to the BZA still affords a public input process. It's generally a lot quicker. I absolutely agree with removing some of the administrative requirements, the Platt requirement and things like that, we absolutely should just be doing and be interested in the public input on that. I don't think the public is going to be much interested in that piece.

[00:34:04] I think the issue is going to be how many kids in each of the different zoning categories, and is there a chance for public input in some of these higher density communities. I think it's going to come down to that, frankly, based on my own experience. And so I think the BZA route still provides that, interested in what the public input is. But either one of these two process or any one of these two changes that we're considering, I see as an improvement over the process that we have in place today, regardless. And so which pieces of these we ultimately take, I think, will be determined based on the public input. But I absolutely

[00:34:42] appreciate the work that's been done by staff. I think this is well thought out. I could go along with any one of these changes, but I'm interested in hearing what the public input gives us. But this is absolutely a challenge, a problem. It takes way too long. Coming to the board seems a totally unnecessary step based on what we see and the fact that all of these have been approved and we have some general standards that we've been applying to all of these, which we can do still through the permit process and through the DZA process.

[00:35:11] So thank you. Thank you. I have Supervisor Alcorn, then Beerman, then Harrity. Yeah, thank you very much, Madam Chair. I also could live, I think, with either of these approaches, and I would, though, appreciate public feedback on that.

[00:35:27] So I'm glad, you know, today we're not giving specific direction. But I also do like the idea of having the BZA take these and do more with these. My one question, and I guess maybe it's more of a comment, you know, the drop-off areas, you mentioned that might be something that could be a standard, whether it's administrative or there's still a legislative option.

[00:35:52] I mean, these are kind of like loading zones, except they're parents and kids and not Amazon. And so I guess my question there is, do we have experience with that, putting that into the ordinance for other similar uses?

[00:36:11] And how might that look? Because I think, you know, from a true public impact, that could be one area where we need to be careful. any examples? Sure, Casey Judge with Zoning Administration Division. We do have a current standard for home-based businesses that there be a parking space designated, so we could look at something similar to that. We also have it for short-term lodging, but we do want to look at a variety of options for the potential standard. And I guess some of those, I mean, we're talking about, and I'm glad you mentioned the parking, I guess, depending on whether we allow two

[00:36:49] employees or whatever that might be something we would look at as a possible standard as well and and i guess one other question in terms of because usually we look at this parking issue in terms of on-site parking uh what about off-site parking do we have examples where frankly they're they're they're street parking close by uh is is that something that that we could look at it as another do we have other models where we've looked at that for similar types of uses so currently since the zoning ordinance doesn't apply to right-of-way we don't have anything that relates to public

[00:37:25] street parking but you know we could we do want to consider that in terms of you know how we draft our standards of you know do we need specific off-street parking on site for the employees oftentimes we're hearing that you know especially with our non-resident employees they're using public transit to get to the site so you know all of that's going to be part of the consideration and exactly how we want to draft that standard.

[00:37:45] Okay, I'm not sure if we can do it, but I would, as you look at this, looking at off-site parking, I think would be useful to understand that. And one of the other things that sometimes shows up in the development conditions is staggered drop-off times.

[00:38:02] So things like that happen so everybody's not there at once. Anything else, Supervisor Alcorn? Okay, I have Supervisor Bierman, Herity, and then Palchuk. Thank you, Madam Chairman. I'm broadly supportive of the administrative process and trying to have more of these things move as possible. You said 53 have been approved out of 53 that have gone to completion of the application, correct? That's a pretty good batting average. So it says in process two have been

[00:38:37] withdrawn um is that two uh including that that's just in the last uh two and a half sorry two and a half years that's that's it so really of the 89 submitted only to have been withdrawn or are there others that were withdrawn that aren't in process so this like you said it was two and a half years so that was the data for the two were withdrawn within those um you know some are in different parts of the process. So they could still be in a review process, or they could also be working on their application. It was, you know, provided back to them for deficiencies. So they're

[00:39:15] working through that. Okay. So it seems like most of these things are getting approved even through the public process. So an administrative process that makes it easier if we set the proper boundaries around the, you know, if we set the proper rules around parking, around other things, Makes a lot of sense. I do have a question about the fire marshal situation, a little bit confused.

[00:39:38] On page five, it says that the county NCS permit has a fire safety inspection for required for up to four people. But sorry, for children. But on page five of the white paper, it says that home daycares with five to 12 children do not.

[00:40:03] there's no requirement for a fire marshal what what's going on there why would we require the fire marshal to go if they're four but not if they're five to twelve so the the permit the county permit is in

the chapter 30 county code so that's a requirement that the county requires for the up to four for the county permit so once they get over that number from five to twelve then it's a state license requirement so they have to go through the state licensing which has a home inspection. And they're looking at a variety of safety and fire issues. And if there is something

[00:40:37] of concern, they do notify the county, either the fire marshal or building official, so they know about those. And then they have to come into compliance. Okay. So even though it looks like they're not getting inspected, they actually are getting inspected by a different body that is considering fire safety issues. And if there's a fire safety issue that arises, we then send a fire marshal out there. Yes, but they are being inspected by like a home, a child care specialist and not like a building official. So, you know, we're also talking about that as well as if there's

[00:41:13] any, you know, changes or considerations that we could do through an administrative permit that would be similar to some other processes that we do. Okay. Thank you. Thank you. I have Supervisor So on slide eight, if I could, so this talks about the ones that kind of have got into the process and actually submitted an application.

[00:41:37] You know, when I talk to home daycare providing communities, it's the fear of going through the process that keeps some of them. Do we have any kind of, I know it's a hard question, any kind of feel on how many come in and then just never come back?

[00:41:52] I mean, and those are the ones that are hard to tell because we don't know whether they exist or not. How many people have wanted to get above seven and just figured it was too much, 200 days, as the chairman said, is a long time, you know, coming up with a plat, all those things.

[00:42:15] And they just, and it's important because, I mean, like housing, the more daycare you have, the more affordable it becomes. So to the extent we can get more within, with given restrictions, it's better. I mean, when this came before the board last time, I didn't support the seven days.

[00:42:33] I thought it was too low, especially when you've got state licensing requirements above that. I like the administrative permit at 12, and obviously the key is that we include some of those development conditions that are in all the approved ones.

[00:42:52] The big one I will point out, and we had this in my district once where we had a resident who decided they were going to buy the house next door and do another daycare. So, I mean, I think the residency requirement is key because otherwise you're going to have people buying homes to run daycare businesses, which I don't think we want either.

[00:43:13] So I just figured I'd throw that point out, and I would say the no plat requirement. But I think we need to make this as easy as we can. We've seen the fear in the eyes of the people that have had to come before the board and the planning commission.

[00:43:28] It's a hard process, and I think we've got a lot of them operating out there, you know, and doing good things in the community. So I'm in favor of option one. So I appreciate all the hard work, and I think this is a really important issue.

[00:43:44] Thank you. Supervisor Powcheck, loss in Sizemore Heiser. Thank you, and thank you to the staff. I strongly support option one. I know it's gotten better. I recently met with someone who was one of

the original permits, and I know how difficult it used to be. But I do want to make sure that we think about a couple things before moving to public outreach.

[00:44:06] So number one, you know, I'm happy to see Tony's little covers behind you. I want to make sure that the outreach we do on this is focused on targeted universalism, that we are working with neighborhood and community services, office for early childhood, that we really are ensuring it's very easy to come out and say no, but that we really are understanding and ensuring that people have a voice who are most impacted by potential changes. As we know, the ALS population, child care has actually superseded the cost of housing, which is hard to imagine. So absolutely, in a county where we have so many

[00:44:45] single-family homes, I think it's important that we ensure that there's good use of those, and especially we know, I know my daughter as an infant was in a home daycare, right? So the infants, the two-year-olds, which are also the most costly because they do require the most supervision. Home daycares are often the primary choice for many reasons, right? So let's make sure that we are understanding the impacts and how ensure more compliance. I agree with that Supervisor Herity said in a way of let's make sure that we don't make it harder to comply, right? So the way I wish we'd gone farther and we're going with accessory living units, I think for home daycare

[00:45:23] We need to ensure that we are bringing in the compliance, knowing that there is such a high demand for these in-home providers. And this is not their specialty. Land use is not. So let's continue to ensure we support them. And one thought I had, because I was looking through all of the surrounding jurisdictions, and I appreciate that jurisdictional review, you know, I really like where Arlington went.

[00:45:50] And maybe because our homes are so different, our communities are so different, perhaps considering that there should always be a plan for pick up and drop off, just a plan that we have staff members dedicated to working with our childhood providers on ensuring, I mean, our staff have seen all of the potential plans, right?

[00:46:13] So I would say between your office and perhaps partnering with someone in NCS to work through each application and just try to make sure we avoid any unnecessary impacts on the community. But it really is, I think, administrative permit with the right supports and barriers in mind.

[00:46:33] And so whether that means, you know, the pick-up and drop-off, it seems to be the major issue. And then also just ensuring the safety. I appreciate, I believe the state sort of followed our guidance a little bit in permitting home daycares.

[00:46:50] But let's ensure that we are complying, that everyone is working together, and that we are working with our NCS colleagues and our daycare providers, especially now that we oversee the Northern Virginia, the capital region, for early childhood programs.

[00:47:07] I think we're a really prime spot to ensure greater access with greater flexibility at something that is such a high cost for families, but also such low pay for the employees. So I think getting it right and having the appropriate barriers and flexibility will be critical.

[00:47:25] But I would say, number one, let's make sure that the outreach we do is targeted and working with Tony Zoller-Coffer's office on that. Thank you. Supervisor Lusk, Sizemore Heiser, and Stuart. Thank you very much, Madam Chairman. I'll start by saying this affordability question is one that is clear and distinct.

[00:47:47] I think about what I paid for child care, and I thought I paid a lot many years ago relative to what the costs are today. This is astonishing. I mean, the infant cost is basically tuition at University of Mary Washington, approximately, and almost University of Old Dominion.

[00:48:07] So this tells me that we have a problem. I also calculated that if we looked at the change between the infant versus the mixed classroom over five years, it's \$37,700 of savings.

[00:48:24] That's a pretty significant amount of money. I appreciate that we're looking at trying to find a way to make this program more available, making it eligible to more residents. I also appreciate that we're looking for a way to reduce the cost on those who would apply for these home daycare options.

[00:48:48] And I think option one, from my standpoint, I'll agree with Supervisor Palczak, Supervisor, I'll agree with my colleagues here who have expressed support of option one.

[00:49:06] And I think ultimately we should be doing what we can to address this affordability issue. I think the thing that I appreciate, too, is seeing the map and the supply and demand for early childhood care.

[00:49:23] And I guess the question I would ask here is, you know, kind of the plan for us to address some of these access gaps. I know the decision that we're proposing here will help, but I think we've got some areas that show some significant needs.

[00:49:45] And we're hopefully going to be able to target the areas where that need exists and to be able to provide these opportunities. I'll just close by thanking the staff for the work on this item, and thank you for trying to make it easier for the providers and then looking for ways to reduce the costs on the residents.

[00:50:09] Thank you so very much. Thank you. Supervisor Seismore Heiser, then Stork, and then Herity wanted to go back. Thank you, and I agree with the points I made to my colleagues. I also agree I think option one is a good option to pursue. The couple of things I just wanted to bring up, first, I really appreciate the options and the hard work that went into this, but I was curious what sort of stakeholder engagement you did in developing the different options, you know, especially in terms of perhaps those, I think I saw there was 241 applicants and 55 or 56 made it through, the ones that apply but didn't make it through.

[00:50:45] What were their challenges? Or maybe in the areas where we have larger gaps, is there some outreach to do that? To hear the people who are trying to provide child care, what barriers did they encounter? Where would they think fixes might be? I was just kind of curious what you, what that was incorporated in this.

[00:51:02] Sure. A lot, you know, pretty much at the beginning before we do our, you know, outreach to the providers, you know, talking internally to staff that work with these applicants that come through, talking through that. Also, we've had been in coordination with our state and county child care agencies.

[00:51:19] So they have, you know, relationships with the providers. So they are supportive of this as well and glad to see, you know, ways to help the providers get through these processes. So once we, you know, get to the outreach portion, then we'll definitely talk more to the providers on, you know, these options and what their thoughts are on those.

[00:51:41] Great. And I would encourage the families as well. Yes, yes, and the families as well. I think in conjunction with that, as you're taking this more out in the community with those stakeholder engagement meetings who are in this meeting, I would encourage us to work. This is a recurring theme you'll hear from me with our communication staff because I don't want people to see this as a negative possibility but more opening up opportunities, right, for more child care.

[00:52:05] So, you know, especially around ensuring that our processes are still very robust and very similar to what our surrounding jurisdictions are doing for reviewing these applications. I think that's important as well to reassure the public, especially when it comes to something like child care, right? So I think that would be important as we're working through this.

[00:52:24] And then the last thing I just wanted, I know some of my colleagues touched on the parking requirement. And looking at some of our surrounding jurisdictions, they seem to stagger parking requirements based on the number of children in daycare. I think a couple of them under four, there was no parking requirement. And I was wondering if that's something we're looking at.

[00:52:42] To look at the undernumbered less than four. Well, just as an option, right? Because I think what I'm guessing, I haven't done the work you all have done, But I'm guessing that some of the barriers in some of these areas may be that there may be more people living in townhomes and not in single-family homes, right, where access to parking is more limited because they may not have a driveway to be able to designate as a parking spot.

[00:53:02] And so I'm wondering if that might be one of the barriers to providing in-home daycare in some of the areas that have greater need. And so I was looking at just what our city, I think Fairfax, maybe City of Falls Church has staggered requirements where under a certain number of children in daycare, there's no parking.

[00:53:19] A certain number of other children, there's a parking spot. I'm just looking at things like that to help encourage people who are living in areas that may not have parking spots. Yeah, absolutely. I think if that's like a direction that the board wants to go, we'll definitely be looking and analyzing that and looking at similar uses that we have in the county under the zoning ordinance for parking requirements.

[00:53:38] Hey, Jackie, why don't we provide them with an option on that so they have a direction to go? Okay. Thank you. And, again, I appreciate your work, and this is so important for our families. One of the things I hear about the most is the lack of child care and affordable child care.

[00:53:56] So I really appreciate your work. Thank you. Supervisor Stork and then Herity. Thank you, Madam Chair. And on that point, parking, do we permit folks to, if you will, purchase parking spots from a neighbor or someone else? They may also, or is there any kind of restriction?

[00:54:12] In other words, if they don't have anything immediate, can they say, I've contracted with my neighbor to, you know, rent one of their driveway parking spots or something? I just, I'd throw that out there. I think we need to look for every possible flexibility. And if there's a contractual agreement or something, that might give us confidence to be certain that that's more likely.

[00:54:33] I support option one. Absolutely not surprised about how child care costs have gone up because it's we're investing in people and people are more expensive than, frankly, technology. And we know it's I don't think it's going to change. I think of anything, it's going to get more expensive. And we also

know that that's essential to to our families and society that I think we all care about, that we we make more investments in young people and families who are trying to have young people.

[00:55:00] So I, again, strongly support that. A couple things I have is, one, noticing and community engagement. This has been really one of the bigger challenges that I encounter is, you know, I didn't know, blah, blah, blah. And how do we notice folks at this application or this person is considering this?

[00:55:20] And then the other part of this, and frankly maybe in my mind the bigger challenge and the bigger frustration of neighbors is accountability for somebody complying with the terms or following through on the terms. So if you could speak to both of those issues, I'd appreciate it.

[00:55:39] So in terms of the community engagement challenges, absolutely. You know, like Jackie mentioned, this is kind of our kickoff, and so we do plan to have a really robust outreach program working with NCS and really targeting both the, you know, the providers themselves to hear kind of what standards might be appropriate.

[00:55:57] You know, we want to meet them where they're at, but also make sure that we're not having any neighborhood impacts as well. And in terms of, you know, making sure someone complies with the standards, That is, you know, we are looking at administrative permit process potentially, which does then you come into zoning to submit that permit process.

[00:56:13] While it removes the public hearing, we still would be, you know, looking to make sure they're complying with the standards when they're applying. So if we have a parking standard, they're demonstrating that they're meeting that. So hopefully that can help address, you know, making sure that the standards are met at the time of establishment. And then, of course, we would work with code compliance going forward on if there are any, you know, noncompliance with those standards.

[00:56:34] And I think that's where the challenge is. I don't doubt that initially they're meeting that standard or they've committed to, and you all have accepted that. I have lots of questions over time whether or not that continues to be the case. And with respect to just the noticing itself, I'm applying in my neighborhood to do child care.

[00:56:55] What happens? How do the neighbors know that? And then how do we communicate that to them? Sign in the yard. We send, you know, letters to them. We go through the HOA. We do all of the above. can you just elaborate a little bit on that? Sure. So currently with the public hearing process, we do have that public notice, you know, the sign in the yard, the letters. Now with the administrative permit, that would not be something that we're proposing any sort of notice process because it would be administrative. So there's not really, you know, anything that we could do if somebody comes and has a concern necessarily. We'd be looking at objective standards and criteria that if they meet those standards at the time of submission of the administrative permit, we would issue the administrative permit.

[00:57:35] And again, just with the other uses in the zoning ordinance, we would have the complaint basis for our code compliance, making sure they're complying with any standards. I would also add, similar to when we had the original discussion on ALUs, we did put together, because the administrative permit would go through the PLUS system.

[00:57:54] So, you know, people could look it up on PLUS. We'd have a probably, I would imagine, we'd have a separate PLUS record for that. And with ALUs, we prepared a report that downloaded how many came in and what that was so people could get notified that way.

[00:58:10] I think the difficulty with some of these that I read through when I was looking at the jurisdictions is that if we put use standards, we can't put standards that we cannot enforce. I mean, they have to be specific. I agree. I think that's been one of our big challenges, to be honest.

[00:58:26] It is, because, and that's why, you know, the special permit process or the legislative process allows a little bit more flexibility for some of that, and it does allow more community input. I know, I think, and I don't remember if it was the City of Falls Church or Arlington, where the zoning administrator, and I cringe, but, you know, it's like, okay, we issue the administrative, somebody applies, and we send out notices, and then they can come, you know, they can send us information.

[00:58:58] about, well, what am I supposed to do with that information? I don't have a way to say no. And it's kind of like some other discussions we've had about posting for tree preservation and other kinds of things that it makes it difficult because the expectation becomes, you know, the zoning administrator could say no, and we really can't.

[00:59:16] So that's one of the... Well, I hear you will agree to disagree because I think that information is helpful at least in understanding what may be a concern. And if nothing else, ensure that there's better accountability in the enforcement of that going forward.

[00:59:33] Because that's really what I hear about more than anything else is that criteria they don't necessarily have a problem with, but they're not complying with it. You know, they have too many cars on the street or whatever. I mean, you know the issues. So I feel strongly that we need to notice the neighbors with some kind of letter, and we need to sign the yard, even if it doesn't mean – even if it means you can't do much other than inform the neighbor, here's what the criteria is.

[00:59:57] And the enforcement piece of that, we've got to find a way to do it non-after hours, you know, late in the day, early in the morning, et cetera. So thank you all very much. Thank you. Supervisor Herity. I realized when I made my comment, I said I didn't support seven. I think the by-right number needs to be at least 10, and then your administrative permit above that and for conditions.

[01:00:20] So I just wanted to clarify my comments. I think it's kind of both things instead of just the one thing. And then the other thing I forgot to say is I hear good things from the daycare community about the way staff helps them through the process. So it's a difficult process, but I wanted to say thank you for that.

[01:00:36] Was that quick enough? That was great because we have ALUs next. Thank you for all the work. Thank you for all the outreach you've done and will do. I mean, the board is very interested in option one, but you know there's some issues there. So we look forward to the work you do when you get back to us.

[01:00:53] And I'm going to turn us to accessory living units, and I think Casey's kicking us off. Yes, great. Thank you. Good morning. Casey Judge again with Zoning Administration Division. I'm joined by my co-lead on this project, Carmen Bishop, and we're here to talk about the proposed amendments to accessory living units, or ALUs.

[01:01:13] All right, so just kind of to remind us where we have been and where we're going. So we first presented to you all in December, and we've had a variety of community outreach since then, including a survey and some targeted public outreach meetings that staff has hosted. We'll also be going to the Planning Commission this week, and then we'll have upcoming community meetings scheduled in the next two weeks with our goal for authorization and public hearings by the end of this year.

[01:01:37] So as part of our outreach, we have a robust community outreach plan. We are working on a community engagement portal that will be coming soon to our dedicated ALU website, which will include additional ways for community members and community groups to stay engaged and provide feedback on the proposals.

[01:01:54] So an ALU is defined as a secondary dwelling unit that's established in conjunction with a single-family detached dwelling unit. So an ALU does contain eating, sleeping, living, and sanitation areas, and it's occupied by somebody as their residence. So we do see a variety of occupants of ALUs, ranging from in-laws to au pairs to caretakers, and we also see a variety of ALU arrangements.

[01:02:16] So you'll see on the left-hand photo, that's an ALU in a basement, So you can't even really tell that it's there. The top right is an addition that has an ALU in it. And then the bottom right is actually a detached ALU. It's existing over the garage. It's a finished area over the garage.

[01:02:34] So we do have a lot of goals with this amendment. One of the overarching ones is to align with the housing action plan. We do see ALUs as a valuable tool in the Affordable Housing Toolkit. We see ALUs as providing more housing options as well as flexibility for different ways to live for our older adults, our young professionals, and caretakers throughout the community.

[01:02:54] ALUs can also support households in affording their mortgages by providing supplemental income there. We also aim to clarify and update the regulations to reduce the number of zoning interpretations that are required. So we hope that having clear standards will ensure consistency and predictability in the process of establishing legal ALUs. We also do want to streamline the process for establishing ALUs and removing unnecessary impediments. As we presented in December, we have reviewed the ALU regulations for surrounding jurisdictions. As you can see on this chart, the trend is to allow for both interior and detached units, either by right or with

[01:03:31] administrative approval. And most jurisdictions also do not specify a minimum lot size requirement for detached ALUs. Other jurisdictions do allow for an ALU to be occupied by more than two people, usually three or four people. And then we also have noticed that other jurisdictions do not require renewal of the approval. Some jurisdictions, a little bit of a mixed bag on this one, do allow ALUs in two-family and townhouse units. We're also seeing similar trends nationwide.

[01:04:01] The white paper and draft text that have been distributed and posted online includes various options for changes to the ALU regulations and identifies the preliminary staff recommendations, And that's what we'll be highlighting over the next few slides. So, as we presented in December, the administrative permit is often perceived as a barrier by potential ALU applicants.

[01:04:26] Creating an ALU does often require a building permit, and the zoning review for compliance with the zoning ordinance standards can take place as part of the review of that building permit without the need for a separate zoning administrative permit.

[01:04:42] The advantage of this would be to streamline the process and remove that perceived barrier. It is acknowledged that a building permit might not always be needed, or it might be a trade permit which does not undergo zoning review.

[01:05:00] And it will also be more difficult to track the numbers of ALUs without the separate zoning permit. But the standards, they would still apply, and they can be enforced without a separate zoning

permit. So if the administrative permit process is removed, then the renewal and recordation requirements would go away as well.

[01:05:24] And although not required, it is recommended that consideration be given to removing the owner occupancy requirement. So the building permit process, it is more about the configuration and construction of the space rather than issuance of a permit to a particular individual that doesn't transfer to a future individual.

[01:05:45] And the owner occupancy requirement can be a limiting factor in a variety of ways, for instance, with military or other relocations, or even for a builder who wants to build a dwelling and market it with an ALU.

[01:06:03] Now, we have heard concerns about property maintenance without the owner occupancy requirement, but certainly property upkeep varies among individual owners or renters, and we do have a separate property maintenance code.

[01:06:21] If the administrative permit process is retained, the owner occupancy renewal and recordation requirements, they could be either retained or removed or even in some cases revised. All right, one of the main topics as part of this review has been whether to reduce the minimum two-acre requirement for a detached ALU.

[01:06:47] So currently, only about 4.7% of the single-family dwellings in the county are on a two-acre or more lot. So that's really limiting opportunities to have a detached ALU. As part of the community survey and meetings, we reviewed options for placing a detached unit on typical R1, R2, and R3 lots.

[01:07:13] And based on a review, we are recommending a tiered approach. So for properties that are 36,000 square feet or more, that would be like your typical R1 district, that it could be allowed by right or with the administrative permit.

[01:07:32] It would still be subject to the standards, but no special permit required for that. Then the next tier would be your 15,000 to 36,000 square feet. That would bring in your R2 lots, and then that would only be allowed with special permit approval, and then below the 15,000, it would not be allowed.

[01:07:53] There are other standards that do regulate the location and bulk of detached units, including setbacks, rear setback coverage, height, and maximum size. So regarding size, detached ALUs are currently limited to 1,200 square feet, and this cannot be increased by the BZA, even with the special permit process.

[01:08:19] So staff does propose to maintain this 1,200 square foot size, but to allow the BZA to approve a larger size. So there have been many examples where we've seen structures being renovated that already exist, and we think that reusing the existing structure can have environmental and other benefits, so we do want that flexibility to be allowed on a case-by-case basis.

[01:08:37] On lots that are 36,000 square feet or less, a freestanding accessory structure is currently limited to 20 feet in height, unless it's modified by the BZA with special permit approval. However, there's no strict maximum height for those larger lots. So we do want to add a 35-foot maximum height limitation for the lots that are greater than 36,000 square feet, and we would also make sure that the ALU is still subordinate to the size of the principal dwelling.

[01:09:04] For interior ALUs, they're currently limited to a maximum size of 800 square feet or 40% of the principal dwelling, whichever is less, with an option for a larger size through special permit approval as well. The entire basement or cellar that's existing as of May 10, 2023 can also be used.

[01:09:24] So staff proposes to increase the interior size to 1,200 square feet while maintaining that 40% limitation just to make sure that the area is still subordinate to the principal dwelling. So this size is consistent with the average special permit size that's been approved for interior ALUs.

[01:09:40] This often we see a space that's being filled in over an existing addition or over top of an existing garage. And we also do want to recommend removing the removal of the date limitation on the basement, as these areas are generally not visible from the public street and in most instances are less than 50% of the size of the dwelling.

[01:09:59] So, ALUs are currently not allowed in single-family attached dwellings. However, as I noted earlier, several jurisdictions do allow them in duplexes or townhouses. And state legislation that was recently passed allows detached ALUs with these dwelling types.

[01:10:16] So, given the parking limitations for our townhouse communities in Fairfax, we have maintained the requirement that they only be permitted and associated with a single-family detached dwelling. but we do include an option for the board consideration for interior ALUs with single family attached dwellings. For occupancy, it is currently limited to two persons in the ALU, and we have received feedback that there are various scenarios that could benefit from increasing that number. Oftentimes, there could be older couple or maybe persons with disabilities

[01:10:53] that want to have a caregiver live with them or you might have a couple with a child that would like to occupy an ALU space. So the draft text does include a recommendation to increase that number to three people with an advertised range for up to four people. Currently to for a property to be allowed to have an ALU it needs to meet a parking standard. It needs to have the required number of parking spaces for the dwelling. So that means it can't be non-compliant with regard

[01:11:30] to the current parking standards in the zoning ordinance, plus it needs to show one additional parking space. So for instance, in some instances, a single family detached dwelling is required to have two off-street parking spaces. And so then in order to have an ALU, they need to show that they actually have three so parking has been identified as a general concern however you know we do note that there are no limits on the number of vehicles that a resident can have whether the

[01:12:03] dwelling has a ALU or not and no other accessory uses in the zoning ordinance have a specific additional parking rate for them. And so we do recommend removing the requirement for additional parking for an ALU. It would, of course, still be a requirement for the principal use for the dwelling. The draft text also includes other recommended clarifications. We've included

[01:12:37] graphics to show possible configurations of ALUs. We've introduced the semi-detached term to address this configuration that we've been seeing. It includes clarifications to the definition, also expressing the intent that when there is an interior ALU, the exterior appearance of the dwelling continues to be that of a single-family detached dwelling. The white paper also lists other standards that are recommended to be removed because they repeat other code requirements or existing processes. And also we have a number of standards that are recommended

[01:13:17] to remain as is or with minor edits. So as Casey showed on the timeline earlier, our next steps are community outreach, another round of that I should say. And so this will include us hosting virtual community meetings and also standing up that community participation portal with the toolkit in case uh hoas or land use committees would like to host their own discussion and then provide their feedback that way because casey and i can't make it out to every hoa in the county

[01:13:52] um but um and then we do hope to be able to bring um this amendment forward for public hearings before the end of the year thank you we are happy to answer questions i appreciate that um thank you for all the work on this. I think this is the right time for us to do this, because I could hear it in how you were talking about this, right? We have experience. We've heard from people. I think it's really important that we look at less than two acres for the detached. You know, things that you never thought about, the owner-occupied. Back when we did this, when we were doing ZMOD and all

[01:14:30] that, there were concerns raised about the problems with owner-occupied. I do think we need to have conversations about that and think about that. I think a great example is a military family. They're overseas, but their house has an ALU. How can that be used, right? So I am open to where you want to go. I think it's good to have community feedback. And I know we've heard from some communities that are concerned maybe that the survey wasn't done in a way that they think is scientific. Our job here is to get as much information as we can from the community in

[01:15:07] all different ways and then we take that information we get and in the end we're going to have a process and we're it's going to go to the planning commission it's going to come to us and we're going to vote so i don't want people to think oh this is what you heard and this is where you're going this is a process right and we want the community involved in the process and we'll get to a place in the end but i think it needs to be a broad discussion although i will say that i think you're in the right place about the attached dwellings and nalus but we'll see where it goes Mr. Chairman. Yeah, I agree with that. And I think on top of that, in addition to the imperfect outreach, because there's always going to be imperfect outreach, there is a difference between

[01:15:46] no community outreach and ultimately the board may be disagreeing with the outcomes of the community outreach. And it's always frustrating to me because you can listen to someone and still disagree with them. Didn't mean you didn't listen to them. And I think it's important for us to listen to the community on this we may have a different opinion we may not um i guess the so first of all generally speaking i i agree with all of these changes i guess the one that concerns me the most um is the townhome one and it only does because of the complications with homeowner

[01:16:20] association bylaws and parking um and i'm not sure you know we have townhome communities all over Fairfax County that don't have any on-site parking for the individual units. There are some that have garages, some that have driveways, some that use community HOA-owned common open space.

[01:16:40] And I know we had this challenge in the past with the inability of HOAs to have parking standards that assign parking to people that that wasn't legally allowed because that was owned by the entire community, not by specific units. And so you do have units across the county right now that technically, when they go to sell their townhome unit, don't even have parking that they can prove is exclusively for their use legally. And so it does start to concern me when we get into townhouses and we

think about parking, what does that mean? We have a lot of townhomes where garages are used for things besides parking. That's a headache for zoning enforcement. And then we have the

[01:17:19] differences in units, and they may be valued the same from an assessment standpoint, but they're not because some have this on site and some don't and so i don't know how you're going to look at whether you can count parking that is owned by other people i.e an entire homeowners association towards a parking standard that meets the occupancy of the unit and so i think that's a technical piece we're going to have to work through clearly we're not the first people who have dealt with this so i'm interested in further discussion on that specific piece but i think generally speaking, the other items in here I'm fine with. Certainly, you know, want to hear what

[01:17:57] the community feedback is on this. There are no two neighborhoods exactly the same. And so I think the feedback we're going to get might be specific to problems that may or may not be able to entirely be addressed by the ordinance. But I'm looking forward to seeing what that is. And I do appreciate all the work that's been done. I think this is, to use one word to describe this, I would describe it as modernization. We've come a long way. We have experience now. We know what's happening legislatively across the country, including in Richmond, to try to provide more flexibility for affordable housing. And this is the right time for us to be able to address this.

[01:18:35] So I appreciate the timeliness, too. So I know we're going to get done in 10 minutes. Supervisor Palczyk-Bearman Stork. Thank you, Madam Chair. I'll be very brief. Thank you. This is a huge step forward. Before I make my comment, do you have before you how many accessory living units have been approved administratively since we passed ZMOD?

[01:18:55] I believe it's less than 200, maybe 100-some. But Jimmy might have it. I was told it was that there were 24 approved out of 41 applications in an email to my chief a little bit ago, but I don't know whether that was administrative approval or otherwise.

[01:19:12] The whole point is Dolly and I are on the same page. There aren't a whole lot of these things, correct? Yes, as of October, we had the numbers. That was a 203 administrative permit, 24 special permits since 2001. Okay. Sorry, 2021. 200 administrative. Okay, thank you.

[01:19:27] Sorry. I would have gone farther the last time. We had very limited speakers at our outreach meetings, and some of them were because some of us called people who we know were interested and needed to understand how to get better engaged.

[01:19:44] So I would say we're moving in the right direction. I appreciate for the minimum lot size, we only have 4.7% of single-family detached dwellings in the county have two acres or more. 4.7%, they're mostly in his district. There's some in Oakton, too.

[01:20:02] So I would say absolutely we need to minimize, clearly look at reducing the lot size for detached. Otherwise, we're not really moving the needle at all. We are also at a time where the median single-family detached is a million dollars, the median price.

[01:20:21] So absolutely, I think if we didn't then, I do think we need to move further now. And looking at the minimum, you know, the 15,000 square feet I think is a good change because we were at almost an acre before.

[01:20:41] Sorry, moving down. I had my numbers here. moving down we were at almost an acre I believe 10,500 would be about a quarter acre square feet trying to make the math for those of us who think in acres so I think looking at the options I appreciate that you have 10,000 and 15,000 I think that's helpful but let's maybe put it in plain English for people what that means what are you know how much acreage that is because people understand the acreage of their home and their community and then I would say you know for the you know i would move forward with all your recommendations the townhouse i think i have

[01:21:16] maybe a slightly more nuanced approach or we just need more conversation because i keep thinking about quarter mile to metro half mile to metro what does that mean so much of providence does have townhomes and multi-family homes and each one is a little bit different the parking is a little bit different each one but if we really want to move the needle toward transit oriented development and reducing, you know, making more space for people, unless for cars. I think we need to at least have that in the conversation. So I would say, let's make sure we're hearing from

[01:21:53] the community. And as I shared with child care, better, more targeted, more equitable, more representative outreach. I had some HOAs that have done their own surveys, and that's really helpful. So maybe if we want to do sample surveys for our HOA associations and civic associations to share with their community, they often get higher response rates than we do. So that's one option is to help amplify the message by partnering with our associations. I just want to put in a quick plug for this community engagement toolkit that we want to stand up. We've been talking to

[01:22:31] our community engagement specialist, and it would essentially be kind of like your personal survey and a way for them if they, you know, some discussion prompts, if they, just to help facilitate a smaller discussion and getting that feedback submitted easily and directly. So we hope that will work, and we'll hope that your offices will help us get the word out. Okay, Beerman Store Thank you. On slide five, it looks like we have, in general, a more cumbersome process than

[01:23:10] basically all the other jurisdictions. What do we know about the numbers of ALUs in Loudoun County or Montgomery County, for instance? That's a great question. We might need to get back to you on that. I do know, I believe in Loudoun County, they don't have a permit, correct? So they wouldn't be able to provide us numbers since they don't have a way to track that. But on the other ones, we do have some general numbers. I think Arlington, Fairfax, Falls Church, we have a couple of numbers that we could share as well. Have you done any research into whether or not the more permissive, you know, permissive rules in Montgomery County have ruined Potomac or

[01:23:49] anything like that? We do not have that research available. See, I'd love that research because because Atomic isn't all that dissimilar from jurisdictions that happen to be in my district as well. And I'd love to hear how their experience has gone with ALUs. And I'll leave it at that.

[01:24:10] Thank you. Thank you. I have Stork, Herity, and Alcorn. Okay, two questions. Does it matter whether you're on sewer or septic? It actually doesn't. So we have met recently again with the health department. And so for properties on septic, adding a bedroom is what needs to trigger that review, whether the bedroom is for an ALU or just an addition for the house. So those all are routed and they all need review by the health department. So the ALU is really not the factor.

[01:24:50] So it's whether it really is enough septic capacity or not. Okay. Thank you. And then on slide five, could you go across with the recommendations that you've made, go with the cross and tell us how that would change slide five yes okay so we do you know have options on pretty much most of these so we

have our staff proposal right now actually proposes a buy right option so we would come in line with the other jurisdictions on the interior the detached we also we do have that minimum lot size so you know other jurisdictions do not have a detached minimum lot size but we are proposing to maintain one for our staff recommendation

[01:25:31] So that's a checkmark? Check with a caveat asterisk, probably. I'm trying to get to the same criteria, the same formula you used here. Yes, yes. Yeah, maybe it would be helpful if we could then add with the proposed options kind of then. If you want to just send that to us later, that would be fine. I'd like to be able to understand.

[01:25:47] Absolutely. Thank you. Wow, I love that. Herity Alcorn, Sizemore Heiser. I'll try to be quick and do mostly questions. On the owner occupancy requirement, do you have any research on surrounding jurisdictions? And maybe if you could just share that, what most of them are doing on owner occupancy.

[01:26:09] And I think getting that later, unless you got it real quick now. Absolutely. We will take a look and we'll share that as well as with this table and the other requests. Perfect. Thank you. On occupancy, going up to three people, how do we reconcile that with four unrelated people in a dwelling unit?

[01:26:31] Sorry, having some mic issues. So for the ALU, then you would be able to have your four unrelated in the principal dwelling with three additional people in the accessory living unit. So that would bring the total occupancy then up to seven people. Seven unrelated people.

[01:26:47] Correct. Okay. Okay. I agree with your recommendation and no on townhomes. And we had a little side conversation that we've got all kinds of different parking arrangements in townhomes.

[01:27:03] But I think the one thing we have in common across all of them is that they all have parking issues. So I would agree with no on townhomes unless we want to start over parking townhome communities and providing that would provide the ability to do that.

[01:27:19] But we've got a lot of history. And then just kind of a point of clarification as we go through this process, if HOAs don't allow ALUs, obviously this doesn't override that. It's not our issue to enforce it, but it doesn't override that.

[01:27:38] So I think at some point it might be helpful as we go through this process just to make that clear, especially the enforcement part, because people want us to – people call our offices all the time to enforce HOA requirements, and we have to tell them that's not our job to do.

[01:27:54] So page two of the white paper has a little box, HOA covenants and short-term lodging questions. Yes. And that's in there, which I appreciate you being proactive with that. Yes, yep, I do too. Thank you. Thank you. Supervisor Alcorn, then Sizemore Heisman. Yeah, just very quickly, on slide 11, and Pat just mentioned this, so staff is not recommending detached, a change on including detached in the ALU program.

[01:28:19] Is that correct? That's right. But we wanted to include this for awareness because, you know, it is allowed under the state legislation. While that state legislation doesn't apply to Fairfax, it is applicable to other jurisdictions.

[01:28:36] And so we wanted you to be aware, and we wanted to hear your feedback about it. Yeah, no, I appreciate that. No, I concur with the chairman and Supervisor Herity. I think this is going to be too risky.

But if there is a discussion, I don't think we have that many townhomes within a quarter-mile metro, but, you know, something more targeted maybe.

[01:28:57] I mean, I'm open to having the conversation. I just can't get my head around how it works, but thank you. Thank you. Supervisor Sizemore, hi, sir. I'll try to be brief because several of my questions, I second what my colleague, Supervisor Stork, said about that chart, and I think that was on my comments.

[01:29:14] But the thing I want to mention that I haven't heard yet is when you do your stakeholder outreach, I'm not sure which groups you've spoken to or not, but there is a huge set of families who are buying homes in Fairfax City for their children who are intellectually, developmentally, or neurodivergent adults.

[01:29:31] 44 homes in the same neighborhood in Fairfax City, And it's a model that's used in other places, and they've run into regulatory issues, but it's a great model to provide a place for people who need a home to live where they don't have to live in their home can be independent.

[01:29:50] And so I'm just kind of curious, when you have the owner occupancy requirement, if you've considered situations like that where, you know, there are families trying to make, obviously Not anyone can afford to do that, but there is some. And then they're renting out some of the rooms in the homes to others and sometimes to a caretaker, sometimes not.

[01:30:09] It's very organically done. But I'm just curious if those are the types of situations you've looked into or plan to look into as you're looking at this. Because I think the owner-occupancy aspect of that is a real barrier. We can definitely take a look at that example. We hadn't heard of that one. I'm happy to connect you.

[01:30:25] Our stomping ground is the group that's leading. I'm happy to connect you with Mike Kepler. That would be great. Thank you. Okie dokie. We are only a little bit over. Actually, my phone says it's 11. Oh, we're done. This meeting's adjourned. Thank you, staff, for all your work and how creative you are with how you do your outreach to the community.

[01:30:45] Thank you.



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