

LUZ Chair Activities report for Period 11.18 through 12.11.2020

No December LUZ Meeting has been scheduled as of the date of this report

Developer Request for Use Determination – Seneca Corners (Teams Meeting 12.9.2020)

Attorney Lynne Strobel submitted to the Zoning Administrator a formal request for Zoning determination regarding the commercial parcels at Seneca Road and Georgetown Pike. She and her firm have represented the developers of this site since the first request for a Special Exception to zoning to permit the construction of the CVS Pharmacy and its drive-through window. Subsequently, Attorney Strobel investigated the possibility of a change in proffered conditions to expand the hours of operation to accommodate the undeveloped business parcel, as the developer had a potential client who wished to operate earlier than the agreed to conditions would permit. Both the adjoining HOA and GFCA indicated opposition to this change in development conditions. The current request is for the County to provide a determination as to whether this parcel, with the pharmacy and the yet to be developed C-8 parcel, constitute a “Shopping Center” under the terms and definition of the County Zoning Ordinance.

The development conditions including the special exception drawings are part of the overall agreed-to conditions in that the monument sign that is specified in the plans for this project is what is the limiting factor. Anything else would be a circumvention of the conditions.

GFCA LUZ submitted correspondence outlining the organization’s concerns designation as a “Shopping Center” could disturb the agreed upon conditions of development that allowed the development of the parcel and the Special Exception parameters. GFCA’s principal concerns, beyond amending the SE, was that additional signage would be allowable as a “Shopping Center”, such as a 20 foot tall sign on a pylon instead of the 8 foot maximum monument sign that was approved.

Ms. Wright of the County Zoning staff agreed with the position expressed by GFCA that there is only one sign provided for currently, but that the developer may wish to relocate the sign from the original position.

In a December 9th phone conference, Jennifer Falcone reminded Ms. Wright and Mr. Timberlake that Attorney Strobel previously testified to the Planning Commission that this project would be a neighborhood business and did not anticipate “...commuters pulling off at that location or to stop on their way home (Oct. 19, 2016, SE-2016-DR-009 Hearing)”. Falcone mentioned GFCA may object to variance from that position and that there will be a need to look at the changes that would be proposed.

Ms. Wright advised; a letter will be drafted by the staff that will be sent to Ben Wiles to obtain input from Supervisor Foust. She assumed that it would be shared with GFCA. Also, if there are any significant changes from what was discussed during this call, she would have no problem sharing it with GFCA.

Informally, staff disclosed the possibility of a future WAWA to be built (without gas pumps) on the undeveloped site. That prompted comments from Falcone that such a tenant might result in further discussions on use restrictions, and how that would impact the approved plans and conditions. (See attached GFCA LUZ Letter)

Plantation Drive – Request for Zoning Use Determination – Group Residential Facility (Teams Meeting 12.9.2020)

On December 9, a meeting was convened by Fairfax County staff and included the Zoning Director, her immediate staff, and Ben Wiles representing Supervisor Foust's office.

Also attending were residents from Plantation Drive, Norm Chirite and Bethany Rashid. GFCA Environment Co-chair Bill Denk and Environment Committee member Lindene Patton were in attendance, as was the LUZ Chair, Jennifer Falcone.

Norm Chirite made a presentation that reiterated his and the neighbors' concerns that there were issues that involved traffic and safety associated with the application. Also, he opined that this application would involve two separate filings, but that the intention would be to operate the two residential units as one unit. He raised concerns that using the previous residential treatment facility as "precedent" was improper" and should not be used by the Zoning Administrator in her decision. He also stated that he had evidence of fraud and misrepresentation in the applications and operations of the previous programs. Chirite described how the Federal law that mandates programs like this is being incorrectly applied to cover the nature of the proposed operation insofar as it will, as advertised, involve certain functions that could be reasonably described as outpatient services such as the weekly counseling services for parents of residents of the program, and that marketing programs would bring the public to the site for tours and other community educational purposes. According to Chirite, neither of these functions meet the Federal mandate encouraging approval of in-patient residential services.

He gave evidence that Plantation Drive is not an approved County road and is, in fact, a private driveway that measures approximately 10 feet in width. (Maguire Woods, in their letter to the Zoning Administrator, mentioned that the Zoning Administrator did not find any safety considerations, previously, that would have prevented the proposed use by Sagebrush, the former operator.) However, Chirite cautioned that the driveway is a significant factor and that young children are frequently on the roadway and that there are dangerous turns that should be considered in the determination review. Moreover, there have been previous complaints filed that the residents of one of the two former operations would walk between buildings to receive treatments which places additional risk to pedestrians on the driveway, in light of the fact that the previous programs generated regular vehicle traffic. In that connection, Lindene Patton expressed concern over emergency access by Fire and Rescue and other services that would likely use the driveway.

Falcone described the concerns of GFCA in connection with planned revisions to the zoning ordinance (zMod) as they would impact parking and traffic. She mentioned that the changes proposed in the ordinance are nuanced, and that the proposed use should be reviewed against these potential changes. She also expressed GFCA's support of the neighbors and their concerns about the impact of this type of operation would have on a residential neighborhood.

Springvale Road Bridge Working Group Update (Zoom Meeting 12.10.2020) *(Recap with approval of Working Group Coordinator, John Halacy)*

The Working Group met on 12.10.2020 to discuss the results of the survey conducted and how they have been transmitted to Supervisor Foust for review.

Background:

During the meeting on 11.23.2020 the group decided to forward the survey results to Supervisor Foust and explore the process to have him submit the issue to the entire Board of Supervisors to get approval to forward the issue to the State Bridge Engineer so as to obtain a design waiver so we can retain the single lane bridge design.

The group scheduled a preliminary call to Foust chief of staff Jane Edmondson to discuss the process. She suggested we forward the materials for review. Upon receipt she came back with questions, which we answered to clarify the process. (Call attendees: John Halacy-Working Group Coordinator, Bill Canis-Pres, GFCA, Peter Falcone, Jennifer Falcone. Scott Knight, Co-chair TRN, was unable to attend due to a conflict).

Jane's questions were about the process of distribution and collection of responses. We explained we forwarded the survey link to the HOA presidents or neighborhood lead, who then handled distribution. Responses were collected by the SurveyMonkey application which also provided the analysis and graphics.

During the follow up emails Jane mentioned VDOT had a virtual meeting scheduled with the Lexington Estates HOA which has 125 homes. We contacted Dev Margraf (a member of this working group) on 12.9.2020 to see if he would attend that meeting. He prompted his HOA president to send out the details, which hadn't been transmitted. Dev gave a summary with stated that even with short notice the turnout was about 15% of the HOA (about 20) homeowners. He said it was a similar meeting to the 10.21.2020 virtual presentation and that there were 4 or 5 representatives of VDOT on the call. Several of the HOA members inquired about a possible stop sign or stop light at Brevity to help them leave the neighborhood and slow the approach of traffic from the south. A resident asked if metering of traffic was a possibility; VDOT respond they had only seen it used on 66 and interstates.

Gary Runco (VDOT) mentioned that the Pastor of St Catherine of Siena Church was very interested in obtaining information about the issue and finding out how the replacement would impact his parishioners (about 50% of whom live outside of Great Falls). Mr. Runco also mentioned VDOT was aware of our survey although they had not seen it as of that date.

Working group members discussed next steps and Dev provided the contact information for Father Pokorsky Pastor of St. Catherine of Siena Church to facilitate forwarding information so the parishioners have the research performed by GFCA. Once that contact is made, the working group will forward the information for distribution to the parish, and if requested we will schedule a zoom meeting to discuss. John Halacy, Coordinator for the Bridge Working Group was scheduled to reach out on 12.12.2020.

The group also discussed the possibility of a traffic study, and research of fees to perform a study for the GFCA. Dennis Huber (working group member and resident of Springvale road at the bridge pipestem) has a contact that he is researching.

The December 2020 GFCa Newsletter email blast was transmitted on 12.9.2020 the same day of the meeting with VDOT. The newsletter update regarding the bridge included the following:

- GFCa’s concerns focus partly on the impact of simultaneous major road construction projects—the Route 7 widening to our south and the I-495 HOT lanes project to our east—that leave Great Falls roads to bear the burden of high volumes of traffic by drivers seeking alternatives to those congested major highways.
- In addition, Great Falls’ one-lane bridges on Springvale Road and Walker Road serve as an effective means of discouraging commuter traffic seeking to avoid bottlenecks on Route 7 due to construction and lane reductions approaching Tysons.

The information included in every newsletter to contact communications@gfca.org resulted in two angry and negative comments regarding the GFCa, and this survey. Additionally, the GFCa received 2 other negative comments during the distribution process.

A thread that ran on the Next Door app online in October resulted in both negative and positive comments regarding retention of a one lane bridge and is anecdotal and unscientific.

zMod Citizens Advisory Group Meeting (Go to Global Meeting 12.10.2020)

The meeting was called to review the proposed draft of the amended Zoning Ordinance that the Board of Supervisors authorized for Public Hearing by the Planning Commission on 1.28.2021 and by the full Board of Supervisors on 3.9.2021. Prior to that authorization, GFCa LUZ submitted a letter to Supervisor Foust and to Commissioner Ulfelder detailing questions and concerns over the proposal affecting Accessory Living Units, Home based businesses, and the removal of a zoning category designation - Residential Preservation. Staff is developing their response (See attached GFCa LUZ Letter).

Rivermont On Site Meeting 12.10.2020

A site visit was held after many postponements. The County staff included representatives from Stormwater Review, Land Development Services, and Supervisor Foust’s office. Others in attendance represented a stream restoration company, Christopher Consultants (the engineer for the developer), Melonie and John Sullivan (Walker Woods HOA whose lake has been damaged by runoff), Jennifer Falcone (GFCa LUZ Chair), Bill Bryan (Basheer & Edgemore representative).

Lighting

While this initially was a meeting to discuss all proffered conditions, Bill Bryan was very reluctant to engage in a discussion about the outstanding violations of the Dark Sky compliant light fixtures specified in proffer 30. While B & E retrofitted several fixtures back in April, it has been observed that homeowners have removed the remediation shrouds and are disregarding the proffer limits on color and lumens. LUZ chair reminded Mr. Bryan that there may be a problem in the language of the proffer documents that are forwarded to the homebuyers during their purchase orientation. She suggested it may be time for Basheer to remove all the fixtures and install Dark Sky compliant lighting that are tamper proof as required by the proffer, and also to reinforce the proffer requirements to all the residents. She suggested to county staff that the individual code compliance complaints were insufficient in nature and that staff is obligated to ensure that the developer complies by ensuring every

home in the subdivision complies, as this is a proffered condition. Falcone noted that the burden should not be on the community to ensure compliance by reporting these violations, rather it is the County's obligation to enforce the development conditions and proffers while the project remains under construction.

Erosion and Damage to Walker Woods Lake:

Melonie Sullivan (HOA President) has written a summary that will be added to this report for the record upon receipt. All attendees discussed the process of the requirements for Bathymetric surveys of the stream channels and the lake (one pre-construction, one mid-construction, one post-construction). There are 3 unsold lots, and several that are in the final stages of construction. Some stormwater facilities will not be brought fully online until post construction.

Several staff and others tried to represent that the damages, erosion and siltation to the stream beds and lake were not significant changes and implied that this was due to rain volume, and turtles and fish, not significantly increased by construction. It was countered by Melonie Sullivan that the condition of the lake had never been silted and in this condition until construction of the subdivision.

The proffered condition requires post construction remediation once a measurement is taken that exceeds a certain level. The developer expects that construction will be completed by June to allow for the best time for streambed restoration (July-September 2021) prior to lake remediation.

11120 Corobon Lane Site Plan Violation

In November it was reported that multiple dump trucks of dirt were filling the lot at 11120 Corobon Lane. Fairfax County Land Development Services received complaints from multiple sources. On November 20, 2020 a Notice of Violation Letter was issued to Bhatti Family Limited Partnership for :

1.non-compliance with the approved stormwater management plan
2. Failure to properly install or maintain stormwater BMPs or erosion and sediment control.

A meeting with county staff, residents of Corobon Lane and GFCA is scheduled for December 18, 2020 to discuss the violation and related matters. There is also concern that site development activity has resulted in the removal of trees that should have been protected by the Tree Conservation Area designated on the Development Plan.

Submitted by:

Jennifer L. Falcone

Attachments: CVS Correspondence
zMod Correspondence



October 23, 2020

Ms. Tracy D. Strunk
Director, Zoning Evaluation Division
Fairfax County Department of Planning and Development
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Request for Determination- SE 2016-DR-009

Dear Ms. Strunk:

The Great Falls Citizens Association (GFCA) reviewed the above captioned Request for Determination and offers the following comments and concerns. GFCA is concerned that a designation of the parcel as a "Shopping Center" could result in the installation of a sign other than the type specified in the approved development conditions and site plan.

As background, GFCA was actively engaged in the evaluation of the development conditions that led to the grant of this Special Exception (SE). With regard to that process and signage, the controlling development condition specifies the installation of a single "Monument Sign". GFCA supported the Approved Development Plan that included the placement of a monument sign on the Southeast corner of the parcel facing Georgetown Pike. GFCA continues to support this type of sign and its placement.

A "Monument Sign", as defined in Article 12-102 of the Zoning Ordinance, is a "...freestanding sign, typically no more than 8 feet in height...". GFCA is very concerned that in designating this parcel as a "Shopping Center", that action could lead to the installation of not only a larger sign than that which was specified in the development conditions and approved site plan, but, the installation of an additional sign. Further, Article 12-204.2 (D) provides "...Shopping Centers are allowed one freestanding sign, not to exceed 80 square feet in area and 20 feet in height. If a shopping center has frontage on 2 or more major thoroughfares, however, it may have a second freestanding sign (for a total of 2 freestanding signs)."

While Development Condition 8, states that all signage shall conform to the provisions of Article 12 of the Zoning Ordinance, GFCA believes that this SE imposes an important limit on the signage by restricting it to the monument signage (size and height limited by Zoning Ordinance) as described in Development Condition 5 and referenced and depicted on the Approved SE Plat (Sheet 4 of 19 of the Approved Development Plan).

Accordingly, GFCA objects to installation of any pole mounted, pylon mounted, free standing sign that that would exceed a height of eight feet.

Finally, GFCA urges fidelity to the terms provided in the approved development conditions and seeks assurances that the applicant is not seeking to install any other signage than the single "Monument Sign" described in the Special Exception Development Conditions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer L. Falcone". The signature is fluid and cursive, with a large initial "J" and "F".

Jennifer L. Falcone
Chair, Land Use & Zoning Committee

Cc: Supervisor John W. Foust
Commissioner John Ulfelder
Benjamin Wiles
Suzanne Wright
Jerrell Timberlake
Brenda Reagan
Lynne Strobel, Esq.



December 3, 2020

Honorable John W. Foust
Dranesville District Supervisor
Fairfax County Government
1437 Balls Hill Rd.
McLean, VA 22101

Dear Supervisor Foust,

On behalf of the Great Falls Citizens Association (GFCA), I am pleased to provide you with the following analysis, comments and questions in response to recent action taken by the Board of Supervisors to authorize advertisement of the proposed Zoning Ordinance Amendment referred to as zMod.

GFCA has been monitoring progress on this multi-year process of amending and consolidating the Fairfax County Zoning Ordinance. As Land Use & Zoning Committee Chair, I have participated in the zMod Citizens Advisory Committee and have facilitated several presentations to the GFCA by County staff on key elements of the proposed ordinance amendments in areas of signage, home based businesses, accessory living units, outdoor lighting, and agritourism. As the placeholders for the pending Agritourism Zoning Ordinance amendment have been removed and the process extended beyond the anticipated adoption date of the new Zoning Ordinance, GFCA Land Use & Zoning will address agritourism issues, should any arise, when that amendment is offered for review. Our concerns and comments are limited to the following:

Article 2 – Zoning districts

Residential – Preservation District

Comment: The proposal is to remove Residential-Preservation Districts from the Ordinance, on the basis that there is no land zoned to that district. The purpose and intent of this district is to protect water courses, stream valleys, marshes, forest cover in upland areas of watersheds, aquifer recharge areas, rare ecological or geographical areas, and areas of natural scenic vistas; to promote open, rural areas for the growing of crops, pasturage, horticulture, dairying, floriculture, the raising of poultry and livestock, and/or low density residential uses; and otherwise to implement the stated purpose and intent of the Ordinance.

- **GFCA opposes the removal of this permanent zoning district.** The proposed action suggests that preservation of natural resources that are beneficial to the County at large should only be pursued through time delimited programs such as the Agricultural and Forestal District. Because Fairfax County, and the Dranesville District in particular share an important role in the protection of the quality of the Chesapeake Bay Watershed, and as there are numerous areas

that would fall under the R-P zoning district provision, potentially, removal of this District would foreclose landowners of large tracts who envision the benefits of this use from seeking rezoning to this District. There are still lands within Fairfax County that could be zoned to this District. Removing this protection seems to be an incompatible policy choice, particularly at a time when the County is promoting environmentally-friendly policies.

Appendix 3 – Accessory Living Units (ALUs)

Administrative versus Special Permit

Comment: Staff proposes to allow interior ALUs that meet all the standards to be approved with an administrative permit rather than requiring a special permit and public hearing before the Board of Zoning Appeals.

- While GFCA supports efforts to expand affordable housing and resources for older adults and persons with disabilities in Fairfax County, GFCA objects to this proposal on the basis that elimination of the special permit process would also eliminate the opportunity for public notice and comment, an important aspect of ensuring the public’s awareness of a modification of use of a residential property.
- GFCA believes that dropping the special permit requirement could heighten the risk that the County would lose the benefits associated with a more comprehensive examination of applications that could reveal aggravating or the creation of dangerous road conditions or other factors that could unintentionally worsen the lives of nearby residents.
- **GFCA supports retention of current requirements for someone on the property to be at least 55 years old, or a person with a disability.**
- On April 9, 2020, Fairfax County Public Affairs published on its Web page that, as part of its Zoning Ordinance Modernization (zMOD) project, Fairfax County is looking for feedback on two uses that are allowed in a dwelling – accessory dwelling units and home-based businesses. The results state: “Of the 401 respondents who filled in this blank, most replied that there are no situations where they would support an administrative permit process. Regarding the removal of the age and disability requirement, the majority of respondents indicated they did not support the removal of the age/disability requirement (57%).
- **GFCA is concerned that the published results of that survey do not support the staff proposal in the areas, of Administrative versus Special Permit review process.**

Home-Based Businesses

Exterior Evidence

Comment: The staff reports that there may be no exterior evidence of a home based business that the dwelling is used in any way other than for a dwelling. Because of recent changes to the Sign Ordinance regulations, a yard sign that is permitted for all other residential dwellings is also permitted for this and any other accessory use. These yards signs are limited to a total square footage of 12 feet with no single sign exceeding four square feet in area or a height of four feet.

GFCA is concerned that, as advertised, this proposal would enable a home based business operator to circumvent prohibitions on commercial signage in a residential area.

Accordingly, GFCA seeks clarification on the following:

- **May yard signs in a residential area be posted which contain broad reference to the home based business?** For example, a home based business is prohibited from obtaining a commercial sign permit or erecting any form of permanent signage for the purpose of promotional advertising. Commercial signage and promotional advertising in a residential zone is contrary to the purposes and intent established in the sign ordinance to “...improve, promote and protect the public health, safety, convenience and general welfare; promote traffic safety; ensure that the First Amendment right to free speech is protected; protect property values; protect and enhance the aesthetic character of the various communities in the County; facilitate travel by identifying locations; protect against danger in travel and transportation by reducing distractions and hazards to pedestrian and automobile traffic; and, further the stated purpose and intent of this Ordinance.”
- As Fairfax County sign requirements and this ordinance do not regulate content of signs acknowledging the holdings in *Reed v. Town of Gilbert* and subsequent decisions, the **GFCA seeks clarification and assurances that “yard signs”, that are permissible under this Ordinance, will not be allowed to advertise the home based business on those premises, nor will any off premises yards signs, that are allowed, advertise any home based business.**

Customers or Clients

Comment: Staff reports that a range will be advertised to allow the Board to consider from zero to four customers on-site at one time and zero to eight customers on-site in any one day. If the use involves on-site customers, one off-street parking space must be designated.

GFCA is concerned that any change in the current prohibition on customers visiting home based businesses will create a burden on traffic, parking, noise, and other forms of disruption. Further, the designation of one parking space for an on-site customer seems inadequate, if more than one customer at a time is allowed, as contemplated by this proposal.

Moreover, this proposal appears to be unenforceable by the County, as it would be necessary to monitor either in person, or by paper audit trail, the numbers of customer transactions performed on a given day by the home based business. Recognizing that the County wishes to promote commerce, in a beleaguered economy, these changes could result in imposition of an administrative burden to oversee and enforce these proposed changes.

Further, not only does this provision appear unenforceable; but, because that it is so, it will most likely be regularly violated with excessive parking by some businesses creating conflicts with neighbors. **GFCA believes this should be limited to urban areas where there is already ample on-street parking, or to homes on 5 acres or more.**

In review of the survey result mentioned above regarding home based business, **GFCA is concerned that the range of customers proposed by staff does not reflect the survey results.** When asked if the respondents support the number of customers for single-family detached dwellings, the survey results reflect that the majority of respondents (56.2%) did not want customers. Moreover, many of the

respondents expressed concerns about traffic and parking. Some of the other responses noted concerns about noise, hours of operation (recommending 9 a.m. to 5 p.m.), trash, chemicals, and odors. **GFC** believes that this survey data is not adequately reflected in the staff proposal.

Employees

Comment: GFC is concerned that the parking provisions specified for employees do not adequately address the total amount of parking that a home based business would require for both the customers and employees. Moreover, it is reasonable all parking so designated would need to be off-street, unless in an urban zone, in order to prevent congestion and traffic disruption in a residential neighborhood.

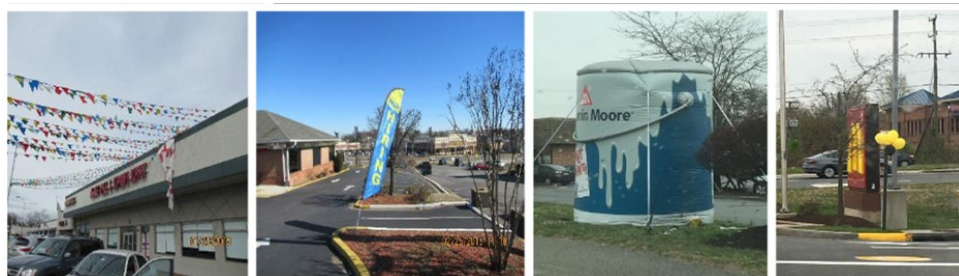
Article 7– Signs

Comment: GFC reiterates its concerns that the prohibitions mentioned in current Article 12 remain ambiguous and incomplete. This amendment does not cure that ambiguity. For example, proposed Section 5.B. of this Article includes language describing signs that are prohibited such as “A moving or windblown sign, not including changeable copy or electronic display sign, the hands of a clock, or a weathervane.” However, it is unclear and open to interpretation if the prohibitions of that section address “feather signs” which are fabric signs attached to a rigid pole on the top and sides or inflatable devices both of which are in widespread use by the sign industry and may, depending on interpretation, be windblown.

The plain language of 5.B leaves the question open to subjective interpretation. Although, more clarity is found on the County’s public website where a flyer has been posted that specifies prohibitions based on materials or design to include “Moving or windblown signs, such as inflatables or feather flags”.

This issue turns on whether one interprets a Feather sign as a flag as defined in the ordinance, or one considers it as a windblown sign. By definition, a “Flag” is not a “moving or windblown sign”. On the other hand, a Feather sign, because of its mechanics, may be interpreted to be a windblown and moving sign.

We understand that this was discussed with the Zoning Administrator and staff, previously, and was covered in agency outreach. **GFC seeks clarification and insertion of more definitive language in the sign ordinance to minimize subjective interpretation; or, insertion of the below images within the amendment.** The images, depicting flags, a feather sign, inflatable, and balloons, are found on the County’s Prohibited Sign Flyer referred to herein.



Images from Fairfax County Sign Ordinance Flyer depicting prohibited sign types

Finally, I would like to convey through your office our gratitude to members of staff, in particular, Ms. Carmen Bishop and Ms. Casey Judge and others who were most helpful in facilitating briefings for members of GFCA and the public on this topic.

An identical letter has been sent to your colleague, Planning Commissioner Ulfelder.

If you have any additional questions or concerns, please contact me at (703) 303-6094, or zoning@GFCA.org.

Sincerely,

Jennifer L. Falcone
Chair, Land Use & Zoning Committee



December 3, 2020

Commissioner John C. Ulfelder, Vice Chairman
Fairfax County Planning Commission
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035

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Moreover, this proposal appears to be unenforceable by the County, as it would be necessary to monitor either in person, or by paper audit trail, the numbers of customer transactions performed on a given day by the home based business. Recognizing that the County wishes to promote commerce, in a beleaguered economy, these changes could result in imposition of an administrative burden to oversee and enforce these proposed changes.

Further, not only does this provision appear unenforceable; but, because that it is so, it will most likely be regularly violated with excessive parking by some businesses creating conflicts with neighbors. **GFCA believes this should be limited to urban areas where there is already ample on-street parking, or to homes on 5 acres or more.**

In review of the survey result mentioned above regarding home based business, **GFCA is concerned that the range of customers proposed by staff does not reflect the survey results.** When asked if the respondents support the number of customers for single-family detached dwellings, the survey results reflect that the majority of respondents (56.2%) did not want customers. Moreover, many of the respondents expressed concerns about traffic and parking. Some of the other responses noted concerns

about noise, hours of operation (recommending 9 a.m. to 5 p.m.), trash, chemicals, and odors. **GFCA believes that this survey data is not adequately reflected in the staff proposal.**

Employees

Comment: GFCA is concerned that the parking provisions specified for employees do not adequately address the total amount of parking that a home based business would require for both the customers and employees. Moreover, it is reasonable all parking so designated would need to be off-street, unless in an urban zone, in order to prevent congestion and traffic disruption in a residential neighborhood.

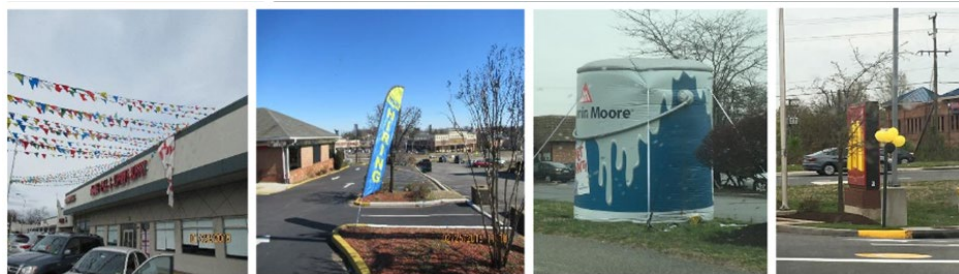
Article 7– Signs

Comment: GFCA reiterates its concerns that the prohibitions mentioned in current Article 12 remain ambiguous and incomplete. This amendment does not cure that ambiguity. For example, proposed Section 5.B. of this Article includes language describing signs that are prohibited such as “A moving or windblown sign, not including changeable copy or electronic display sign, the hands of a clock, or a weathervane.” However, it is unclear and open to interpretation if the prohibitions of that section address “feather signs” which are fabric signs attached to a rigid pole on the top and sides or inflatable devices both of which are in widespread use by the sign industry and may, depending on interpretation, be windblown.

The plain language of 5.B leaves the question open to subjective interpretation. Although, more clarity is found on the County’s public website where a flyer has been posted that specifies prohibitions based on materials or design to include “Moving or windblown signs, such as inflatables or feather flags”.

This issue turns on whether one interprets a Feather sign as a flag as defined in the ordinance, or one considers it as a windblown sign. By definition, a “Flag” is not a “moving or windblown sign”. On the other hand, a Feather sign, because of its mechanics, may be interpreted to be a windblown and moving sign.

We understand that this was discussed with the Zoning Administrator and staff, previously, and was covered in agency outreach. **GFCA seeks clarification and insertion of more definitive language in the sign ordinance to minimize subjective interpretation; or, insertion of the below images within the amendment.** The images, depicting flags, a feather sign, inflatable, and balloons, are found on the County’s Prohibited Sign Flyer referred to herein.



Images from Fairfax County Sign Ordinance Flyer depicting prohibited sign types

Finally, I would like to convey through your office our gratitude to members of staff, in particular, Ms. Carmen Bishop and Ms. Casey Judge and others who were most helpful in facilitating briefings for members of GFCA and the public on this topic.

An identical letter has been sent to your colleague, Dranesville Supervisor Foust.

If you have any additional questions or concerns, please contact me at (703) 303-6094, or zoning@GFCA.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer L. Falcone". The signature is written in a cursive style with a large initial "J".

Jennifer L. Falcone
Chair, Land Use & Zoning Committee