

**Residential Uses Subworkgroup
Remote Meeting – Adobe Connect
March 26, 2020**

Thom Stanton	Timber Trails & Go Tiny
Mackenzie Glassco	DBHDS
Judy Hackler	VALA
Sean Farrell	VBCOA
Ron Clements	Chesterfield County
Allison Cook	Arlington
Ellen Eggerton	Alexandria
Richard Grace	Fairfax County
Jane Kim	Fairfax County
Dan Willham	Fairfax County
Kenney Payne	AIA Virginia
Cindy Davis	DHCD
Pam Kestner	DHCD
Paul Messplay	DHCD
Thomas King	DHCD
Jeff Brown	DHCD
Richard Potts	DHCD
Stephen Reynolds	DHCD
Rajan Engh	DHCD

Mr. Brown began by suggesting we table the first item on the Agenda until later in the meeting and began by summarizing from the last meeting on August 9th.

R310.1

Mr. Brown pointed out specific elements that staff had changed per the recommendations from previous Residential Uses SWG meetings. He summarized the changes to use group language and State Regulated Care Facilities.

Mr. Clements raised a question about IRC changes in the proposal, as he recalled there was a change being made to the R-5 section. Mr. Brown said that's correct that in the language it makes changes to the R-5 section in Chapter 3. Mr. Brown said he recalled some of the issues in this section were brought up by Mr. Revels regarding short-term rentals and licensing. Mr. Brown stated that the group had previously agreed to stick with the concept regardless of how many people stay there, that once it's an R-5 it's always an R-5.

Mr. Payne mentioned that we also talked about Extended Stay hotels where people regularly stay longer than the requirement in the use group definition. Mr. Willham asked if people were actually staying longer than 30 days in reality. Ms. Cook said that in Arlington they are telling these types of places that they have to comply with the R-1 requirements for egress and life safety because it is more restrictive.

Mr. Clements added that based on the definition of “sleeping unit” if a structure has sleeping units and no dwelling units, it isn’t an R-1.

Mr. Brown said some hotels do contain dwelling units and transient stays. Mr. Clements said what if we modify it so that R-1 can contain dwelling units. Mr. Clements said R-1 was transient or more than one dwelling unit and it would still allow for Residence Inns with rooms with kitchens in them. Mr. Clements said if you get rid of the boarding house and congregate living facilities in R-1 it may work. Ms. Cook asked what would become of a congregate living facility with more than 10 occupants under this proposal.

Ms. Davis said if you leave the 10 occupants in there you need to add an exception. Ms. Cook recommended the text read: “Residential occupancies with more than 10 occupants containing sleeping units or more than two dwelling units where the occupants are transient in nature”

Mr. Clements edited it slightly to say: “Residential occupancies with more than 10 occupants, containing sleeping units or more than two dwelling units where the occupants are primarily transient.”

Mr. Brown recommended we do a list containing all of the following: 1, 2, 3 and add the above stipulations as a list.

Ms. Davis asked if we determined that bedrooms are not sleeping units. Mr. Clements provided the definition and some of the exceptions to it. She asked if we could write the text as: Residential Occupancies other than R-5 with the following (list the above).

Mr. Brown began drafting a proposal based on the suggestions in the room. Ms. Davis is recommending we bring forward the “sleeping unit” definition so that it remains clear to the group and in this proposal that sleeping units are not in dwelling units. Mr. Brown brought up the change and read it aloud and confirmed that the change in the definition keeps it clear that if you have dwelling units there are no sleeping units. The group agrees to scrap the list format and just include the two specifications as a single sentence.

Mr. Brown begins to make changes to R310.6 R-5 use groups. Mr. Clements said removing the 10 occupants limit makes it clear what an R-5 is, and Mr. Payne agrees but brings up that some localities are wanting to consider “Beach homes” as R-1’s when they should not be, but Mr. Clements says that where that occurred it was from pressure due to Zoning Ordinances and there was reluctance from the building department to classify beach homes as an R-1.

For R-3 facilities the group discussed how to classify a transition home and what would be needed for an adequate definition for both DBHDS and DSS needs. Several tweaks were made to this proposal and Ms. Davis recommended emailing this draft to Greg Revels as he was one of those most concerned with these use groups.

Mr. Brown brought up the proposed edit to VCC section 101.5 that was included in this proposal. Mr. Brown asked if anyone would adopt this as a solo proposal so it could be removed from the bulk SRCF proposal. Several people agreed this was a good proposal to be by itself and Mr. Payne offered to submit it.

Ms. Hackler said that section 308.2.1 is inconsistent from other parts of the SRCF section and they need to be correlated so that the exit discharge is on the level of egress access. That section needs to be

consistent with other SCRF requirements. Mr. Farrell brought up that the exit discharge may not have access to the public way. Ms. Hackler and Mr. Willham pointed out that in order for it to meet the definition of “exit discharge” it has to have access to the public way.

Mr. Brown read through the rest of the R310.1 proposal and asked if there was any concerns in the rest of the document. He will send the current version to Mr. Revels and then make sure the revisions still address his concerns.

R310.3(1)

Mr. Willham stated that he will withdraw his proposal at the full workgroup meeting so long as the previous proposal moves forward (R310.1), but would like to keep it just in case the other is not approved

Accessory Dwelling Unit

The next item on the agenda is the Accessory Dwelling Unit proposal and Mr. Brown summarized the prior discussions on this proposal. Ms. Cook summarized the existing practice of people trying to remodel a basement to allow for this, and Ms. Cook said this serves a purpose of allowing elderly to age in place and also promotes more housing options. Mr. Amiri went over the history of the need for this and its requirement outside of the issues with zoning. Ms. Davis followed up on this by emphasizing the need for a uniformity issue so that some parts of the state are not interpreting what constitutes a new dwelling unit. When is it no longer an accessory dwelling unit and it becomes a new dwelling unit. Mr. Amiri pointed out that there was a similar situation in the 80s when there was a societal need to change the family day care limit from five or less to 16 and this was due to the social need for more access to day care facilities. He compared that social need to the need for more housing options for localities. Several people noted that this section fits better in the VEBC. Mr. Clements said if it was in the VEBC it would have to be in Chapter 1 for it to be clear.

Mr. Farrell echoed the point Ms. Davis made above – that these ADUs are not prohibited already. It seems to be a land use or zoning issue. He does not want to solve an interpretation issue with a code change.

Ms. Cook provided some alternative language for the VEBC. Mr. Farrell wanted to assure everyone that if he was the only person who had concerns about using the Accessory Dwelling Unit terminology that he would defer to the group as he did not want to hold up the meeting.

Mr. Payne asked if we should avoid putting technical provisions in Chapter 1. Ms. Davis asked how the West Coast handles these and Mr. Stanton answered that they handled it through zoning.

Mr. Clements recommended that instead of defining an ADU, we should define when to require protections for a secondary dwelling unit. Ms. Cook agrees that approach seems interesting.

Mr. Farrell believes the code already allows a second dwelling unit to be rented out by the owner without triggering the requirements for protections for a second dwelling unit. To address the concerns, Ms. Cook alters the proposal to say “accessory living unit” and specify all the excepted requirements.

Ms. Eggerton asked that it be clear that there be a water cutoff in each unit. Ms. Davis clarified that it is already the intent of the proposal to require disconnect access to all major services disconnects or shut-offs.

Ms. Cook urged the group to delete provision 6 calling out the specific services that would be required to be accessed per the VRC. She indicated the potential conflict since item 5 already requires this by mandating compliance with the VRC for a dwelling unit.

Mr. Payne offered that he needs time to rethink this because it may not fit well in the VEBC. Ms. Cook agrees with the sentiment and says that there's a way to remove this from Chapter 1 by leaving a pointer for "accessory living unit" in Chapter 1 and moving the current provision to Chapter 3 under use groups for R-5.

Mr. Brown thanked the attendees and said we would be returning for another meeting to detail this proposal. Ms. Cook asked for DHCD to facilitate feedback from those who are in opposition to this concept so that we can address their concerns before the next meeting. Mr. Brown agreed that this was a good idea.

Ms. Hackler asked about Table 405.2 Fire and Evacuation Drill Frequency and Participation. There is an exception for Hospice under Group R. Should we include an exception for the Participation of I-1 and R-4 for residents on hospice? Ms. Davis said this will be tabled until our next meeting. Staff will review that question and provide an answer to DSS and DBHS before the next meeting.

DHCD Note: It appears that a hospice facility, not classified as Group R, would be classified as Group I-2. SFPC Table 405.2 only requires employee participation for Group I-2 facilities and should achieve what Ms. Hackler was suggesting.