

NVAA Jurisdictional Summary – Fairfax County
May 2015 – February 2016

Changes in Leadership

New Board of Supervisor Members: There are nine magisterial districts in Fairfax County, in which each elected Supervisor holds tremendous influence over the outcome of land use applications that are filed in their respective districts. The Fairfax County Board of Supervisor elections in November 2015 resulted in the election of two new supervisors who took office in January 2016: (1) Dan Storck in the Mount Vernon Magisterial District; and (2) Kathy Smith in the Sully Magisterial District. Fairfax County's elected officials have traditionally been supportive of multifamily development proposals, assuming that they are in substantial conformance with the recommendations of the Comprehensive Plan, and that any impacts of the proposed development are mitigated. It is too early to tell whether or not the inclusion of Supervisors Storck and Smith on the Board of Supervisors, and the coincident removal of Supervisors Gerry Hyland and Michael Frey, will result in any change to the discussions regarding these land use applications at the Board of Supervisors' public hearings.

New Planning Commission Members: Each Magisterial District Supervisor appoints a Commissioner to sit on the Fairfax County Planning Commission and to, most generally, provide recommendations to the Board of Supervisors on land use applications. In conjunction with the changes on the Board of Supervisors pursuant to the November 2015 elections, there were changes on the Planning Commission as well. Karen Keys-Gamarra was appointed to represent the Sully District. There was no change in representation of the Mount Vernon District. As with the Board of Supervisors, it is too early to tell whether or not the inclusion of Commissioner Keys Gamarra, and the coincident removal of Commissioner John Litzenberger, will result in any change to the discussions regarding land use applications at the Planning Commission public hearings.

Planning Commission Committee Discussions

Environment Committee: The Planning Commission's Environment Committee has most recently been reviewing a report from the MITRE Corporation entitled "Building Energy Technology Recommendations to Fairfax County." This report, was proffered in the hope that it would be a guide regarding energy efficient building technologies to developers and Fairfax County; however, MITRE's report concluded that, since energy

efficiency is a function of design, integration, construction and use of individual buildings, the determination of a particular technology's general effect (in terms of energy and economics) on future buildings is largely infeasible. The Planning Commission is continuing to review this report and to discuss methods for future and current buildings that are under consideration for redevelopment to include energy efficient design.

Recently Adopted Comprehensive Plan Amendments

Seven Corners Community Business Center (CBC) Area Study (2013-I-B2): On July 28, 2015, the Fairfax County Board of Supervisors adopted an amendment to the Comprehensive Plan guidance for the Seven Corners Community Business Center. The amendment includes guidance regarding mixed-use land uses and density, urban design, streetscape, public facilities and transportation in the Seven Corners Community Business Center area, resulting in an urban town center type development central to the area, with "urban villages" on the edges of the area. The amendment provides a form-based planning approach that includes elements of scale, relationships between uses, urban design, and function. If fully implemented, development will result in approximately 5 million square feet of residential uses, 900,000 square feet of retail uses, and 975,000 square feet of office uses.

Huntington Club Condominiums (2015-IV-MV2): On October 20, 2015, the Fairfax County Board of Supervisors approved a Comprehensive Plan Amendment to permit an option for the future redevelopment of a 19.5 acre aging condominium development adjacent to the Huntington Metro Station into a 3.0 FAR, mixed-use, transit-oriented development, in which 75% of the development intensity is residential and 25% of the development intensity is office mix. Of note in this approval was language that permits the sequencing of redevelopment to allow residential development to precede commercial development. This was a departure from previous approvals that required the approval of commercial uses in conjunction with residential uses.

Recently Adopted Zoning Ordinance Amendments

Noise Ordinance: On October 6, 2015, the Fairfax County Board of Supervisors amended Article 14, Performance Standards, Part 7, Noise Standards, by revising Sect. 14-700 to read as follows: "No use, operation or activity shall cause or create noise in excess of the sound levels prescribed in Chapter 108.1 of The Code." On November 17, 2015, the Board of Supervisors repealed Chapter 108 of the Code entirely, and replaced it with a new "Noise Ordinance" as Chapter 108.1 of the Ordinance. These revisions, while seemingly simple when referenced in the Zoning Ordinance, resulted in regulations that are more enforceable

that the previous regulations and which clearly define noise levels (and the typical types of noise generators) that may occur in the vicinity of residential uses.

Pending Zoning Ordinance Amendments

Special Districts: The Zoning Administration Division of the Fairfax County Department of Planning and Zoning is currently developing a Zoning Ordinance amendment that affects the Planned Development Commercial (PDC), Planned Residential Mixed Use (PRM), and Commercial Revitalization Districts (CRD) that will, if adopted:

- Allow for a higher FAR when the increase is recommended by the Comprehensive Plan recommendations;
- Require certain cellar space FAR to count toward the maximum FAR permitted in a development;
- Address parking ratios for commercial and residential uses, including parking reduction requests in the CRD; and,
- Permit additional uses that are not currently permitted, with limitations.

The hearing dates for this proposed amendment are not yet determined.

Development News of Note

Electronic Review of Zoning Applications: Fairfax County's Zoning Evaluation Division has been moving toward an electronic zoning application review process as part of its Economic Success Plan. It is anticipated that electronic review will speed up review process, while improving consistency and predictability, and significantly reducing the need for paper copies and plans. The first electronic application was recently accepted and, according to the County's website, planners were able to respond to their proposal with deficiency comments within four days of its submission, moving even faster than anticipated using the new e-Plans system. The county's current goal is to issue an acceptance determination on zoning applications within 10 business days or to send comments back to developers outlining the missing requirements from proposals within this timeframe.