

# **Impact of Local Regulatory Processes and Fees**

---

## **On Ability to Deliver New Housing Units**

**Fairfax County VA**

9/4/12

Prepared for:

George Mason University  
Center for Regional Analysis

Prepared by:

Agnès Artemel  
Artemel & Associates Inc.

The Washington area needs to add up to 731,500 new housing units by 2030 to meet the needs of the region's net new workers. This study examines the extent to which local regulatory processes and fees can make new housing units more difficult to produce and more expensive once they are built.

---

This is the third of three reports examining the costs imposed on new residential development projects by local jurisdictions (including State and Federal requirements passed through the jurisdictions). Costs examined included all costs and fees related to obtaining approval of a new project, from initial concept through construction permit, which were formulated by or under the control of the locality. Costs and fees considered include application, review, and inspection fees; proffers and contributions; and the value of studies and consultant time to support the application process. Not included are the capital costs of building roads, public facilities, or environmental improvements.

To research costs, it was necessary to gain a full understanding of the development review process in each jurisdiction. Only residential projects were considered. The research was conducted largely through the use of documentation on processes and fees posted online by each jurisdiction, followed by reading staff reports on specific actual projects that are currently in or have recently completed development review, and then checked with one or more staff members to clarify specific details. The fees quoted are generally those in effect beginning July 1, 2011.

The first phase of the analysis of fees imposed on new development was a broad survey of development review processes and fees in 15 Washington metropolitan area jurisdictions, five in Maryland and ten in Virginia. The Executive Summary of this initial report is reproduced here.

The second phase was a focus on Montgomery County, Maryland, a large and growing county with a variety of housing types, a complex development review process, and strong planning and analytical capabilities coupled with explicit policy direction in the management of growth.

The third phase examines Fairfax County, Virginia, also a large and growing county. Fairfax County has largely urbanized, and much of its new construction is on infill or redevelopment sites. The County's emerging policy direction is to concentrate growth in transit areas and revitalization areas.

## Table of Contents

|  |    |
|--|----|
| Executive Summary of Washington Metropolitan Area Report | 4  |
| Executive Summary, Fairfax County                        | 9  |
| Introduction   | 12 |
| Findings   | 12 |
| Complexity   | 14 |
| Fees   | 15 |
| Time Frames  | 16 |
| Case Study Results                                       | 18 |

### Exhibits

|  |    |
|--|----|
| Exhibit 1: Summary of Fees and Costs Commonly Applied                        | 11 |
| Exhibit 2: Cost Elements in a Residential Project Application (Case Studies) | 19 |
| Exhibit 3: Cost Elements – Negotiated Conditions                             | 35 |

### Appendices

|   |    |
|---|----|
| Appendix A: The Development Review Process in Fairfax County            | 21 |
| Appendix B: Costs and Fees Added During Development Review and Approval | 36 |
| Appendix C: Case Studies  | 40 |

**Part 1:**  
**Executive Summary**  
**Of the Washington Metropolitan Area Jurisdictions Report**

## Executive Summary: Washington Area Jurisdictions

Local government regulations and fees imposed during the development approvals process add to the cost of a delivered new housing unit.

Local Government regulatory processes add to housing costs in three ways:

- Direct fees imposed during the approvals process
- Sometimes lengthy timeframes for approval (six to eighteen months for projects requiring a public hearing, plus land development plan review, plus building development plan review)
- Difficulty of navigating the development approvals process (multiple submissions, numerous public outreach sessions)

Generally, projects that encounter the highest levels of costs, time, and difficulty are either:

- Multi-family projects in previously developed urban areas, particularly those that are mixed use or transit-oriented developments
- Single-family or townhouse projects in “greenfields” areas that are underserved by infrastructure.

### Costs Imposed by Jurisdictions include<sup>1</sup>:

- Application and review fees
- Need for specialized studies (traffic impact, transportation management, archaeology, noise, tree preservation, urban design)
- Explicit proffers, impact fees, and excise taxes
- Negotiated conditions
- Water and sewer availability and connection charges
- Special topics (Chesapeake Bay Act, Affordable Housing)

The amount of these fees and costs varies by a multitude of factors:

- The jurisdiction, zone, and neighborhood the property is in.
- Is the development by-right or subject to a public hearing process?
- Can it be handled as a subdivision or is it complex enough to require a development site plan or development special use permit?
- Is the necessary public infrastructure already in place, or will the project cause capacity to be exceeded?
- Does the project generally comply with the Comprehensive Plan and Zoning, or is a density increase being requested?
- How many layers of permits are needed?
- Is the project within a specific sector plan or neighborhood plan with additional requirements imposed on development? Is it in a special zone that requires additional review and processing, such as a mixed-use zone, adjacent to a transit facility, within a Resource Management Area?

### Application and Review Fees

- Phase I –Application through Public Hearing

---

<sup>1</sup> Terminology differs between jurisdictions. In this summary, terms that are commonly used by several jurisdictions are referred to; these may not exactly match the terminology in a specific jurisdiction.

- Comprehensive Plan Amendment, Rezoning, Preliminary Subdivision, Development Site Plan, Special Exception; plus specialized permits such as Board of Architectural Review, Transportation Management Plan, Variances.
- For a prototypical 58-unit townhouse project requiring multiple application fees and subject to public hearing, application fees range from \$21,000 to \$56,000 in the Virginia Counties/Cities studied, and \$3,500 to \$9,100 in the Maryland Counties.
- Phase II – Land Development
  - Final Site Plan, Final Subdivision, Grading, Erosion and Sediment Control, Inspections, Bond Fees
  - These fees depend on the size of the property, whether it is in a critical resource area, and the type and extent of infrastructure improvements being made – they are highly project- and location-specific.
- Phase III – Building Permit
  - Overall building permit application; Mechanical, Electrical, and Plumbing; inspections; Certificate of Occupancy
  - These fees are tied to the square footage of building, the construction type, and the number of elements related to each trade (for example, number of plumbing fixtures, linear feet of pipe)

### Specialized Studies

These studies are prepared in support of an application to document particular aspects of the project. Transportation-related studies are the most frequently observed. They are usually undertaken by a consultant on the developer’s project team; some jurisdictions charge a separate fee to review them.

- Transportation Impact Analysis -- \$25,000-\$100,000
- Archaeology or Historic Resource Analysis -- \$15,000-\$50,000
- Noise Analysis -- \$15,000-\$20,000
- Urban Forestry/Tree Management – \$10,000-\$25,000
- Landscape and Urban Design -- \$50,000+

In addition, the developer may commission other studies to demonstrate the positive benefits of the proposed project:

- Economic Impact Analysis -- \$15,000-\$20,000
- Fiscal Impact Study -- \$10,000-\$20,000

### Explicit Proffers, Impact Fees, and Excise Taxes

These costs are intended to mitigate the impact of development, and as such are tied to a community’s need for new roads, schools, police/fire/rescue services, libraries and community facilities, and the like.

- Five of the Virginia jurisdictions have specific impact evaluation methodologies and guidelines for developer proffers (*shown per unit*).
  - Fauquier: SFD: \$28,631; TH: \$27,804; MF: \$20,365; transportation additional, depending on impact
  - Loudoun: SFD: \$45,923 - \$59,470; TH: \$30,716 - \$40,385; \$17,837 - \$23,758 (rate varies by region of the county).

- Prince William: SFD: \$37,719; TH: \$31,927; MF: \$19,526
- Spotsylvania: SFD: 33,285; TH: \$24,088; MF: \$11,539
- Stafford: SFD: \$43,015; TH: \$36,977; MF: \$23,774
- All five Maryland jurisdictions have excise taxes (*shown per unit*).
  - Calvert: SFD: \$12,950; TH: \$10,325; MF: \$7,750
  - Charles: SFD: \$12,097; TH: \$11,473; MF: \$8,730
  - Frederick: SFD: \$15,185; TH: \$13,089; MF: \$2,845 plus a tax of 10 to 25 cents per gross square foot of building.
  - Montgomery: SFD: \$33,331; TH:\$25,840; MF not in a high-rise: \$17692; MF in a high-rise: \$9,608 (lower at Metro stations, higher in Clarksburg)
  - Prince George’s: Outside the Beltway: \$14,227; Inside the Beltway: \$8,299 for schools; Outside the developed tier: \$6,718; Inside the developed tier: \$2,240 for public safety.

### Negotiated Conditions

Most jurisdictions have Standard Site Plan Conditions and some have Design Guidelines that set forth what is expected of a quality development. These conditions form a base line for the submission of a site plan for new development. In addition, there are frequently negotiated conditions that are site-specific and address particular aspects of the land being developed or the location or the type of project proposed. In the five Virginia jurisdictions without specific proffer guidelines, negotiated conditions cover the gamut of expectations of “community benefits” that are requested of the applicant. These five jurisdictions are the more urban ones and have lesser capital needs than the suburban or rural jurisdictions; consequently the negotiated contributions focus more on design and amenities than on actual public facilities.

- Virginia jurisdictions with negotiated proffers:
  - Alexandria: negotiated fees are tied to the estimated total community benefits needed in a specific small area plan, and currently range from \$9 per square foot to more than \$28 per square foot. These fees are included in the implementation sections of plans such as Eisenhower East, Braddock Road, Landmark Van Dorn, North Potomac Yard, and soon, Beauregard.
  - Arlington: fees are based on capital needs identified in a sector plan, e.g. Crystal City.
  - Fairfax City: recent negotiated conditions have been tied to landscaping, sidewalk width and design, lighting in the historic district, and provision of hiking/biking trails.
  - Fairfax County: negotiated conditions cover a broad range of topics but appear to be less costly than in more urban jurisdictions. The new Tysons Corner plan will probably break new ground on negotiated conditions, probably similar to those in sector or neighborhood plans.
  - Falls Church: there have been few development applications in the past three years, and no consistent data are available to establish a baseline of typical costs.
- Virginia jurisdictions with defined impact-based proffers
  - Capital needs are covered through the formal proffer system
  - Additional negotiated conditions may deal with design, landscaping, lighting, or provision of amenities, rather than items resulting from “impacts”
- Maryland jurisdictions
  - Negotiated conditions deal with items beyond schools and transportation – the two primary capital needs covered by the Maryland impact fees and excise taxes.

## Utility Fees

These are fees to connect a new housing unit to the public water and sewer system. In the case where public water and sewer is not available to a development, the developer must build the needed facilities as part of the land development.

- Water: Fees for water hookup vary widely, and range from \$2,000 to \$9,750 per unit in the jurisdictions studied. Frequently, a separate “meter fee” is charged, with the fee depending on the size of the meter; for a single family or townhouse unit, the smallest meter is assumed and results in a fee of \$175 to \$275 per unit. Fees are sometimes split into an “availability fee” and a “connection fee” but both are needed.
- Sewer: Sewer tap fees for the jurisdictions in this study range from \$3,000 to \$21,000 per unit.

## Special Topics

- Chesapeake Bay Act (Virginia) – Virginia imposes special requirements on 8 of the 10 jurisdictions in this study by defining Resource Protection Areas and Resource Management Areas; a proposed project will incur fairly heavy costs in complying with the Act’s limitations on sediment emanating from construction activity and impervious surfaces.
- Affordable Housing: almost all Washington area jurisdictions have expressed concern about their ability to provide housing affordable to the area workforce. In the past, inclusionary zoning was the preferred method of obtaining affordable housing. The field is now evolving to trading density bonuses for affordable housing. The affordable housing developer contribution may be in actual onsite units, a donation of land for housing to be built by others, or cash into a housing trust fund.
  - Alexandria and Arlington have specific guidelines for affordable housing contributions. In Arlington, the published rates begin at \$1.73 for projects under 1.0 FAR to \$4.62 between 1.0 and 3.0 FAR. Alexandria requests \$1.50 per gross square foot for rental projects and \$2.00 for sales projects; additional square footage achieved through a density bonus is charged \$4.00 per gross square foot.
  - Fairfax City, Spotsylvania County and Stafford County have not published an affordable housing policy.
  - The remaining Virginia jurisdictions provide sliding scale density bonus when affordable housing units are included.
  - Maryland jurisdictions tend to rely on inclusionary zoning or incentives. Density bonuses of up to 22% are available when more than 12.5% MPDUs are provided.

## The Bottom Line

- Among Virginia jurisdictions, Fauquier, Loudoun, Prince William, and Stafford Counties tend to be highest, primarily due to the capital needs that result from the development of former farms into subdivisions.
- Virginia urban jurisdictions tend to use negotiated conditions rather than proffers; these vary greatly, but are likely to be highest in areas subject to a fairly recent small area plan or sector plan, or when a rezoning is required.
- Local jurisdictions fees can easily add \$40,000 to \$60,000 to the delivered cost of a townhouse unit.

**Part 2:**  
**Fairfax County, Virginia**

# Complexity, Fees, and Lengthy Timeframes Can Hamper the Provision of New Housing Units in Fairfax County, Virginia

## Executive Summary

The Washington Metropolitan Region is forecast to need up to 731,000 new housing units by 2030 just to meet the needs of workers moving to the area to fill jobs created here. Of these, 61% are multi-family units.

To what extent are local jurisdictions in a position to approve the development and construction of these new housing units? Many factors enter into the supply of housing units, and into the questions of type and affordability of these units.

An important set of factors relates to the way that local jurisdictions approve new housing developments. Approval of new housing projects has become cumbersome, expensive, and risky. Local jurisdictions are trying to achieve diverse public policy objectives through the development review process. These objectives center on the provision of adequate public facilities (schools, roads, emergency services, parks and recreation), and affordable housing. As budget pressures on local governments intensify, new development projects are increasingly being made to pay for facilities that may previously have been the responsibility of the state or local government. At the same time, local governing bodies are listening to their residents who attribute increased traffic and noise to growth and development, and trying to make sure that potential impacts are limited or mitigated.

Over time, regulations have become more complex, the fees charged to review applications have increased, and an ever-growing set of “voluntary proffers” are applied to new projects. As public opposition to new projects increases, the timeframes for approval have become lengthier. As a result, new development projects face an increasingly daunting trio of hurdles before gaining the necessary permits to build new housing:

- Complex application and review processes
- A growing number of fees, both for application review and tied to the provision of various facilities for public use
- Lengthy timeframes for review and approval.

The combination of these factors can add \$30,000-60,000 to the cost of new single-family or townhouse units, and \$15,000-20,000 to the cost of each multi-family unit. These costs are eventually passed on to the purchaser of the units as part of the sales price, or to the renter, allocated to the stream of monthly rents. Even if an adequate number of units can be built, their affordability as un-subsidized units is under pressure.

This study has analyzed Fairfax County’s development review processes and fee structure. In conducting the analysis, we have reviewed the County’s Zoning Ordinance and specific regulations that are referenced in development review; we have read numerous detailed staff reports on specific development projects in the Comprehensive Plan Amendment and Rezoning review stages. We have also discussed our preliminary findings with and asked questions of County staff.

Specific instances of complexity, cost, and lengthy timeframes are discussed in detail in the main body of this report and in the appendices that follow. The key conclusions are:

## **Complexity**

Fairfax has used a consistent approach to development review for a number of years. Staff reports for Comprehensive Plan Amendments and Rezoning cases follow a format that shows little variation between cases. Proffers are negotiated during review, and a project is usually not put forward to the Planning Commission or Board of Supervisors until development conditions are largely agreed upon. In that sense, the development review process may be more well-defined than in nearby jurisdictions.

Complexity comes in when a project takes a long time getting to construction due to amendments in the development plan or changes in market conditions. In the interim, regulations may change, particularly those dealing with stormwater management. In those instances, it is possible that site plan approval may be delayed, or that the site plan will not be able to conform to the approved rezoning and proffers. This may cause added rounds of submission and review.

## **Fees and Costs**

Fees for the actual applications are not unusually high in Fairfax County. Cash proffers are lower than for Montgomery County because they are not treated as impact fees. Negotiated contributions generally follow a fairly predictable formula put forth by each department or agency in its review documents. Fees are generally structured to partially reimburse the County for staff costs involved in the review process. There is frequently a maximum on fees such as for site plan review. Expenses increase when a resubmission or a new insert to plan documents is required. These result in increased fees to the County, as well as in additional expenses for engineering consultants and legal support.

## **Timeframes**

A by-right project may get approved in under 18 months. If a Comprehensive Plan Amendment is needed, followed by a Rezoning, the time frames can be more lengthy, about 24-30 months. Site plan approval may also take time if certain environmental issues are uncovered, particularly related to the design of stormwater management facilities. Several projects included in the six case studies had been going through a series of approval processes for more than two years.

## **Range of Costs per Market Rate Unit**

Exhibit 1 on the next page summarizes the main categories of costs and fees applied throughout a development review cycle, shown as a range of costs per market rate unit. The fees and costs used to develop this table are based on six case studies of actual projects, further documented in Appendix C.

# Summary of Fees and Costs Commonly Applied During Development Application and Approval

Exhibit 1

## Fairfax County VA

Based on Six Case Study Projects

| Fee                                    | What It Is  | Where It Applies   | Range of Cost per Market Rate Unit *                                  |
|--|---|--|---|
| Development Review Application Fees    | Fees for staff review of applications, including Rezoning, Special Exception, Subdivision, Site Plan, Record Plat   | As a proposed development project works its way through multi-level review steps   | Single-Family/Townhouse: \$2,000-\$10,000; Multi Family \$500-\$1,000 |
| Cash Proffers                          | School, parks and recreation, transportation and other proffers paid in cash  | All projects on a per unit or per person basis   | SF/TH \$6,000-\$12,000; MF \$4,000-\$6,000                            |
| Affordable and Workforce Housing       | Units provided at reduced sales price or rental rate for people at or below 65 to 70% area median income for affordable housing and 100 to 120% of median for workforce housing | Any site with more than 50 dwelling units; under 50 units, a developer can apply for a density bonus in certain districts for provision of ADUs at 12.5% of total in SFD/SFA and 6.5% of total in MF | \$4,000-\$12,000  |
| Legal/Arch/Engrg Additional Fees       | Costs for the developer's legal and A&E team for delays or extra review steps beyond normal time frames   | When a project faces public opposition, during a Rezoning or when amendments are needed after the start of project review  | \$1,200-\$17,500  |
| Studies                                | Traffic, noise, natural resource inventories are required as part of review process. Sometimes historic preservation studies, landscape, streetscape studies                    | To most projects in development review   | \$400-\$8,700   |
| Conditions -- Extra cost               | Cost of meeting streetscape standards, tree cover, noise, bicycle/pedestrian needs  | Usually identified during review cycles; amount depends on location  | variable  |
| Land Development Review and Inspection | Review and inspection fees for multiple levels of permits or approvals related to site plans or subdivisions  | to all new projects as needed depending on their specific characteristics  | \$400-\$6,200   |
| Building Permit Application            | Fee paid to Department of Public Works and Environmental Services to obtain actual building permits   | All projects   | \$460 SF; \$376 TH; \$1,500 MF  |
| Water and Sewer                        | Availability and connection charges for water and sewer   | All new projects   | \$10,000-\$12,000   |
| Outside Agency Review                  | Fees charges byVDOT, utilities, and others  | to all new projects as needed depending on character of project  | \$20-\$200  |
|  | RANGE of COSTS PER UNIT   |  |   |
|  | Single Family and Townhouse   |  | \$29,100-\$66,500   |
|  | Multifamily   |  | \$17,500-\$21,600   |

\* all costs calculated from six case study projects (Appendix C). Costs may vary when other projects are considered. Costs are calculated based on number of market rate units in the project (excluding affordable/workforce units)

# Impact of Local Regulatory Processes and Fees on Ability to Deliver New Housing Units

## Introduction

The Washington Metropolitan area needs to add up to 731,500 housing units by 2030 just to meet the demand created by people moving to this area to fill the anticipated 1.05 million net new jobs (George Mason University housing conference, Fall 2011). Of these, between 52,100 and 110,900 housing units are forecast to be needed in Fairfax County, Virginia.

Will the needed housing units be able to be produced? Many factors enter this question – including whether local regulatory processes and fees affect the ability of developers and builders to produce the number and type of housing units to meet the region’s forecast needs.

Local governments, faced with complex public policy issues, shrinking budgets, and need for public infrastructure such as roads, schools, emergency services, and even parks and recreation, have been using a variety of mechanisms to ensure that proposed development projects pay their own way; they are also moving to an “enterprise system” of development review, where application and review fees more closely match the true personnel costs of the review process. Finally, there is an effort to negotiate additional community benefits in exchange for development rights. All these elements add to the cost of developing new housing units.

The development review process itself impedes development of new housing units, through its complexity, extended timeframes, and uncertainty.

This study examines the development review process and related fees in Fairfax County. It follows a more general overview of development processes and fees in jurisdictions in the Washington metropolitan area conducted in Fall 2011. Montgomery County, Maryland is also the subject of a detailed analysis, published separately.

## Findings: Impediments to the Development of New Housing Units

### General Observations

In Fairfax County, as in many of the Washington Metropolitan Area’s jurisdictions, multiple public policy objectives are satisfied using development review as a tool. Lack of sufficient capital funding, and sometimes lack of authority from the State<sup>2</sup>, result in the jurisdiction being unable to deal with specific problems directly. New development projects then become the means whereby “public benefit” objectives are reached. These public benefits may include things like new bicycle paths; extensive landscaping; green roofs; bus stops; recreational facilities; and many other categories. In addition, new development projects may be tasked with making up deficiencies in existing development – for example, inadequate turn lanes to support existing traffic volumes, or excessive runoff from existing impervious surfaces.

Fairfax County does not have an Adequate Public Facilities Ordinance equivalent to other Washington Metropolitan Area counties like Fauquier or Spotsylvania Counties which publish detailed methodologies and guidelines for cash proffers for schools, fire and police protection, new roads, libraries, and other public facilities based on forecast capital needs. Yet, the County does expect developers to provide contributions to these and other facilities. In some cases, there is a suggested amount, for example the Schools proffer of

---

<sup>2</sup> Virginia is a Dillon Rule state – localities only have those powers specifically granted to them by the General Assembly.

\$9,378 (currently) per forecast net new pupil. In other cases, the amounts will be negotiated on a project by project basis. The lack of published guidelines on expectations for proffers, other than for schools, means that the property owner faces a complex and uncertain negotiation which culminates in the submission of a Proffer Statement prior to the Planning Commission public hearing. After the Board of Supervisors holds its public hearing and approves a set of proffers, these will run with the land and be permanent conditions on the development of a particular site. However, the total amount of these proffers is hard to estimate at the time the development application is initially submitted, and may vary, usually upward, as the project winds through its approval steps.

Vacant undeveloped land has been vanishing at a rapid pace in Fairfax County, with the results that there are very few greenfield properties left to develop. Applications coming to the County now almost always involve a rezoning, and sometimes even a Comprehensive Plan Amendment. These processes open up the project to public input and review, resulting in a greater number of conditions, likely higher expenditures for specific proffers, and a lengthening of the span required for approval of the application. Although the County staff do not specifically track units created through rezoning versus other processes, they believe that a substantial proportion of new units results from either rezoning actions or through variances approved by the Board of Zoning Appeals.

A related factor is that many applications are now for infill projects – meaning a redevelopment of existing property or putting new housing in left-over lots. Both cases can trigger a wave of resentment from people already living in the neighborhood. Existing residents often fear densification and traffic, even if the new project gets rid of neighborhood eyesores and provides amenities for all. Once again, the result is longer processing timeframes and more concessions for public benefit.

Although elected officials and county staff are sensitive to the need to not unduly burden a new housing project, they are faced with a multitude of otherwise unfulfilled needs and a process that has become rigid, complex, and resistant to accommodating changed market conditions.

## Specific Topic Issues

A few specific areas receive great scrutiny and result in added costs and conditions. Initially, schools, roads, and affordable housing were the focal points. Then stormwater management and parks and recreation became issues. As time goes on, additional topic areas gain in importance, for example the fairly recent addition of requirements for Earthcraft or LEED Certification. Provision of public art and options for universal design are increasingly being included in staff report discussions and proffer statements for projects going to Planning Commission and Board of Supervisors.

### Schools

Fairfax County's Residential Development Criteria, a section of the Comprehensive Plan's Land Use Policy Plan, make the case for school proffers. A specific methodology was adopted in 2003 and is still being used that takes into account the number of students expected to be generated from each specific type of housing unit. For each net new student anticipated to result from the project, a proffer of a set dollar amount per student is expected, where the cost per student is the result of another methodology based on the capital cost of providing school facilities. The formula is currently being updated to take into account 2011 data on housing units and student counts, and on school construction costs.

### Transportation

The Fairfax County Department of Transportation reviews all projects and makes recommendations for dedication of right-of-way and for construction of turn lanes. However, when the forecast number of vehicles generated by the project exceeds a specified threshold on state-controlled highways, the project must go through what is called a "527 process" wherein the Virginia Department of Transportation reviews a traffic impact analysis and recommends road improvements to be paid for or installed by the developer.

## **Affordable Housing**

The County has an affordable housing ordinance that applies to sites being rezoned where more than 50 dwelling units are to be built. A density bonus may be granted on a sliding scale in exchange for provision of affordable dwelling units (ADUs) at more than 12.5% of total single-family or townhouse units, and at more than 6.5% of multi-family units.

In 2007, workforce housing was added as a category for high-density mixed-use centers. ADU's may be split between "affordable" and "workforce" units, which have different thresholds of percentage of area median income (AMI) for eligibility.

Projects falling below the 50-unit threshold are frequently asked for cash proffers to the County's affordable housing unit trust fund.

## **Parks and Recreation**

In reviewing development applications, the Fairfax County Parks Authority frequently recommends two different types of fees, one for facilities supporting the forecast new residents of the project, and the other for region-serving facilities. There is a recommended cost per unit or cost per user for each of these.

## **Stormwater Management and Watershed Implementation**

Federal regulations to address the quality and quantity of stormwater runoff to the Chesapeake Bay have become stricter over the years, causing delays and redesigns of stormwater management facilities as applications work through site plan review. New development projects must construct stormwater management facilities that meet specified and strict targets for pollutant control. The ever stricter new requirements make it difficult for projects to comply, particularly those that have been in various stages of approval for several years and find that their initially approved solution no longer meets requirements. As this report was being finalized, Fairfax County and the Virginia Department of Transportation filed a lawsuit against the United States Environmental Protection Agency challenging a new rule governing Total Maximum Daily Load limits for Accotink Creek. These limits would unduly burden not just new development projects but also existing homeowners and commercial property owners, who would have to retain, reuse, and/or infiltrate Stormwater runoff from roofs, driveways, and other impervious areas.

## **Site/Subdivision Plan and Building Permits**

The land development process and building construction permitting present their own challenges. Land development is characterized by a multitude of application types and multiple reviews and inspections as land development takes place.

Building permits are fairly straightforward, but costs will depend on construction type and number of fixtures. Many different reviews and inspections may be required as construction of dwelling units progresses.

## **Summary**

Like in every jurisdiction in the Washington Metropolitan area, developers of new housing units in Fairfax County are faced with a multitude of challenges before their concept of potential new housing units translates into new residents moving in. While every jurisdiction's processes and costs are different, and all have specific hurdles to a project moving forward to approval, the costs imposed on new units by local regulatory processes fall into three broad categories: complexity, cash outlays (fees and costs), and timeframes.

## **Complexity**

Comprehensive Plan Amendment and Rezoning processes trigger requirements for public input processes and more and more frequently, special land use studies on a large parcel or multiple-parcel scale. An

engineered development plan and narrative proffers are often part of these applications. If a project is delayed for market or other reasons, it is possible that it will have to go back through the process for an amendment to address either changed circumstances or new regulations that have taken force in the interim.

The site plan review process involves multiple agencies, some of which work faster than others, and not all of whom may agree on what needs to be done. Often stormwater management facilities have difficulty achieving approval, causing the entire site plan to be rejected or reworked. A redesign may cause applying for a Proffer Condition Amendment or some other type of amendment to the existing approvals.

The sheer variety of land development applications which can be tracked through the County's online PAWS System indicates how detailed and technical the review process is. There are almost 400 individual processes that have been given tracking codes (see Appendix B). These include reviews for grading, soils, conservation, parking, tree banking, major and minor site plans, and a multitude of waivers.

A few reviews must also be conducted by outside agencies, including the Virginia Department of Transportation (VDOT).

## **Fees and Costs Imposed in the Course of Development Review**

### **Application Fees**

Most include a baseline flat fee plus additional fee based either on acres, units, or square footage. What ends up being expensive is the cumulative effect of fees: rezoning, plus baseline site plan or subdivision, plus fees for review of individual elements. Amendments or resubmission requirements can add 25% to 50% to the original fee.

### **Cash Proffers**

Fairfax County does not have a set list of proffers tied to capital facilities needs, unlike Spotsylvania, Fauquier, or Stafford Counties which publish a schedule of impact fees each year. It does have recommended amounts per student or per unit for a few specific items, but these amounts are considered staff recommendations and may vary from project to project. The staff negotiates with the developer to ensure that these requests are reflected in the proffer statement submitted by the developer, but there may occasionally be a difference.

In every case studied, a schools facility payment has been requested, calculated for net new students projected to be generated by the proposed project based on a methodology and data that provide a per pupil cost. (Schools facility payments apply only to residential projects).

Transportation payments may take the form of an amount equivalent to a one-year deposit to a multi-family project's approved Transportation Demand Management fund (additional payments to keep the fund going in future years are made annually by the owner of the building or its component units). Needed road improvements (turn lane, trail construction, curb and gutter) generally are constructed by the developer rather than being paid for in cash.

The Fairfax County Park Authority has been requesting two types of cash proffers, one for on-site amenities and the other for County-wide facilities. The on-site requirement may be met by the developer actually providing picnic tables, community meeting rooms, swimming pools, and the like on-site, or if that is not possible, by paying an equivalent value amount into a fund. In a few cases, developers are asked to improve a nearby facility that will likely be used by the residents of the proposed project. Off-site payments include such things as paying for improvements to a County park or historic facility. Generally, the FCPA cites a flat fee per dwelling unit as the basis for its proffer request.

Affordable housing requirements are usually met by provision of on-site units. For projects under the 50 unit threshold, there is often a request for a cash proffer equivalent on one-half of a percent of the projected sales price of the units.

Proposed projects are also being asked to pay a Watershed ProRata fee during site plan review. This fee represents the project's share of future improvements to the nearby watershed (there are 30 different watersheds identified in Fairfax County, and each is the subject of a watershed management plan adopted by the County), and developers seem to prefer paying into a fund than having to make specific improvements themselves.

### **Land Development Review and Inspection Fees**

Each type of review has its own fee, and multiple inspections of the status of construction of roads, private streets, stormwater management facilities, and other public facilities are required and result in additional fees.

### **Building Permits**

The permits for construction of residential structures are also obtained from the Department of Public Works and Environmental Services; fees cover the cost of reviewing plans, issuing permits, performing inspections, and other expenses related to the enforcement of the Uniform Statewide Building Code. Detailed building permit fees were not collected and analyzed in this study, as they are highly dependent on construction type and specific details of particular projects.

### **Other Cost Items**

Negotiated items that are included as conditions during the site plan review also add to costs. These are highly specific to each project and difficult to project. These items include curb cuts, sidewalks and trails, bicycle racks to be provided on site, landscape elements, lighting, and signage. Recently a public art requirement has started appearing, particularly for larger projects in urban locations.

The County appears less stringent than other area jurisdictions on requiring very costly items such as underground parking, complete undergrounding of overhead utilities, and extensive detailing of architectural and site design.

Water and sewer availability and connection charges can be a major item, running several thousand dollars per unit. Fairfax Water collects the majority of these fees, although the Alexandria Sanitation Authority and Falls Church Water may be the service providers in a few cases.

### **Timeframes**

If a project is able to proceed by-right, with just a subdivision or site plan process, the overall time frame may be kept reasonably short (six to 18 months), unless stormwater management provisions become an issue. In the case of infill or redevelopment projects, which are ever more likely as the county urbanizes, rezoning processes will lengthen the approval time frames, and the necessity for proffer or development plan amendments after approval may be another factor causing delays.

Four of the case study projects went through a rezoning process. The elapsed time after the application was accepted for processing varied from six months to about a year for the rezoning to receive Board of Supervisors approval. Added to that time in all cases is the time required for the developer's design team to plan and engineer the site layout, and for the legal team to have a few meetings with neighbors and civic associations. In one of the four cases, a special study leading to a Comprehensive Plan Amendment was required, adding about a year to the process. Finally, the land development approvals can take about a year. On average, then, the time elapsed for a rezoning and site plan averages two to two and a half years.

For projects that were partially through the approval process (perhaps rezoned or in site plan review but not through issuance of building permits) when the recent downturn in the economy and consequent reduction in demand for new housing units hit, bringing the project to full approval is proving problematic. Part of the issue is that market demand has changed, requiring changes to the way the project was designed, and potentially amending or negating prior approvals. Developers are finding that they need to amend proffers approved several years ago (in cases where an approved project has not been built due to negative market conditions) because at today's levels of market demand and pricing, the earlier proffers make the project no longer economically feasible. Another issue is that technical requirements may have changed in the interim, causing redesign of the site plan to meet new requirements.

Two case study projects received rezoning approval then had to change the development concept due to market conditions and the need to change specific design aspects of the project. Both had to retrace a portion of the approval process, both going through a proffer condition amendment. Both also had a series of revisions and rejections during the site plan review process. Each was "in process" for a period of several years.

A by-right project may take 18 months to be approved, while a project requiring a rezoning may take 24 to 30 months, or even more.

### **Recent Efforts to Streamline and Simplify the Process**

Fairfax County is currently focused on an examination of its Comprehensive Plan and how effective it has been. Simplifying the development review process or reducing costs does not appear to be a major effort currently, although a number of initiatives have been taken over time to simplify a few aspects:

- Final Development Plans may be processed concurrently with Rezoning applications before the Planning Commission.
- In Community Revitalization Districts, concurrent processing of rezonings and site plans is available; Board of Supervisors members may request concurrent processing in other areas.
- The Zoning Evaluation Division plans to initiate an on-line application review process during the next calendar year, which may shorten some review times.
- Availability of Expedited Plan Review for Building Permits (for a fee). Reviews are conducted by certified independent private peer reviewers rather than County staff.
- For projects that include several units of the same house model, developers/builders can file a set of Masterfile plans that can be approved once and used repeatedly.
- The status of reviews and comments are available online at the County's LDSNET site (Land Development Services net), or FIDO site for Building Permits.
- Preferential timing for review of "green" site and building plans may be available.

In general, the development review process appears to have been very consistently managed for a number of years, with little change in the format or content of staff reports.

The Tysons plan and related development reviews are probably ground-breaking, but insufficient time has elapsed to be able to analyze these relatively new development proposals and reviews.

### **Emerging changes**

The County is currently undertaking a review of its Comprehensive Plan in terms of its objectives and what has been achieved from 2000-2010. It is also continuing to conduct special studies for areas experiencing changed circumstances or growth pressures, including the Penn Daw CBC (April 2012); North Kings Highway at the Huntington Metro Station; Reston Master Plan; and Route 28 Station North and South.

Other new initiatives and changes include the upcoming Green Buildings Policy; implementation of stricter Stormwater management guidelines; and a possible lowering of the 50-unit threshold for providing affordable housing units.

## Case Study Results

Six case studies were selected in order to obtain an accurate view of costs, process steps, and time elapsed. Four were single-family or townhouse projects, and two multi-family. In one case, the housing units were completed and occupied, and in another, they were under construction. The remaining cases had not completed the full spectrum of approvals. No projects in the new Tysons Plan area were included, as the processes there are still too new to draw conclusions.

Exhibit 2 on the next page provides a summary of the findings related to costs for six projects. Significant cost elements include application fees, cash proffers for schools, parks and recreation, and affordable housing; watershed pro-rata contributions, land development review and inspection fees, and building permit fees. Among the highest expenses are architectural, engineering, and legal fees required to take the project through many layers of approval and a lengthy timespan for approval. Costs for Stormwater management and building permits are understated, as these items are highly project specific and difficult to quantify.

The cost per housing unit is larger on small projects as there are fewer units over which to spread application and other costs. For example, a rezoning is a fixed fee plus a fee per acre; this tends to affect single-family development more, as they consume more land and thus incur a higher fee.

For the particular case studies analyzed, the costs identified ranged from \$29,000 to \$66,000 per single-family house or townhouse, and from \$18,000 to \$22,000 per multi-family unit. Different case studies may yield different results.

### Cost Elements in a Residential Development Project Application

Fairfax County VA

#### Cost Element

##### Fees to County

##### 1. Application/Review

Total

Per Unit

##### 2. Proffered in Cash

Total

Per Unit

##### Studies

Total

Per Unit

##### Affordable Housing

##### Other Expenses

Total

Per Unit

##### Land Development

Total

Per Unit

##### Water and Sewer

Total

Per Unit

##### Unit Construction\*

Total

Per Unit

##### Totals

Minimum Per Market Rate Unit

| Cost Element                 | Case Study Projects                            |   |   |  |   |   |
|------------------------------|--|---|---|--|---|---|
|                              | Required<br>R-1 to PDH-4; 2.28<br>acres, 8 SFD | Required<br>R-1 to R-3; 2.3<br>acres; 6 SFD | Required<br>R-1 to R-12; 1.73<br>acres; 17 TH | Required<br>R-1 to PDH-2; 11.99<br>acres; 20 SFD | Required<br>R-4 and C-5 to PRM;<br>3.38 acres; 245 MF<br>(incl. 29 affordable)      | Required<br>C-3 to PRM; 4.59<br>acres; 290 du and<br>70,000 sf of<br>commercial |
|                              | DU Case Study #1                               | DU Case Study #2                            | DU Case Study #3                              | DU Case Study #4                                 | DU Case Study #5  | DU Case Study #6  |
| <b>1. Application/Review</b> |  |   |   |  |   |   |
| Total                        | 45466  | 62104                                       | 33066   | 65106  | 47568   | 45121   |
| Per Unit                     | 5683   | 10351                                       | 1945  | 3255   | 220   | 156   |
| <b>2. Proffered in Cash</b>  |  |   |   |  |   |   |
| Total                        | 88547  | 75014                                       | 108768  | 120600   | 1231560   | 1142500   |
| Per Unit                     | 11068  | 12502                                       | 6398  | 6030   | 5702  | 3940  |
| <b>Studies</b>               |  |   |   |  |   |   |
| Total                        | 70000  | 50000                                       | 30000   | 85475  | 75000   | 75000   |
| Per Unit                     | 8750   | 8333  | 376   | 4274   | 347   | 259   |
| <b>Affordable Housing</b>    | 0.5% of total value<br>of units sold           | 0.5% of total value                         | 0.5% of total value                           | 0.5% of total value                              | 15 "affordable" at 50<br>and 65% of AMI; 14<br>"workforce" at 80 and<br>100% of AMI | 0.5% of value of sales<br>price to Trust Fund<br>(exempt from on-site<br>reqmt) |
| <b>Other Expenses</b>        |  |   |   |  |   |   |
| Total                        | 125000   | 105000                                      | 75000   | 293647   | 350000  | 350000  |
| Per Unit                     | 15625  | 17500                                       | 4412  | 14682  | 1620  | 1207  |
| <b>Land Development</b>      |  |   |   |  |   |   |
| Total                        | 36995  | 37100                                       | 38825   | 46458  | 111995  | 110718  |
| Per Unit                     | 4624   | 6183  | 2284  | 2323   | 518   | 382   |
| <b>Water and Sewer</b>       |  |   |   |  |   |   |
| Total                        | 91600  | 66900                                       | 202750  | 222720   | 2469600   | 2923200   |
| Per Unit                     | 11450  | 11150                                       | 11926   | 11136  | 11433   | 10080   |
| <b>Unit Construction*</b>    |  |   |   |  |   |   |
| Total                        | 3680   | 2760  | 6392  | 9200   | 384000  | 433500  |
| Per Unit                     | 460  | 460   | 376   | 460  | 1778  | 1495  |
| <b>Totals</b>                | \$ 461,288                                     | \$ 398,878                                  | \$ 494,801                                    | \$ 843,206                                       | \$ 4,669,723  | \$ 5,080,039  |
| Minimum Per Market Rate Unit | 8 \$ 57,661                                    | 6 \$ 66,480                                 | 17 \$ 29,106                                  | 20 \$ 42,160                                     | 216 \$ 21,619   | 290 \$ 17,517   |

\* Not all building permit fees are included.

Costs per dwelling unit are based on market rate units only

Notes: Costs estimated on the basis of staff reports and ZAPS/PAWS data for actual development cases (Appendix C)

## **Appendices**

**A: Development Process in Fairfax County**

**B: Fee and Cost Tables**

**C: Case Studies**

## Appendix A. Development Processes in Fairfax County

This section details the various components of development review in Fairfax County – the regulations, agencies, process steps, and topics involved. There are four phases to the development process: 1) Planning and Zoning review; 2) Site and Subdivision Plan review; 3) Building Permits and Inspections; 4) Release of bonds once all public improvements have been completed.

### Regulations

Codes regulating land development and the construction of buildings are derived from federal, state, and county laws, regulations, resolutions, and policies, as well as specific standards set forth by a variety of agencies.

The major governing documents for development review are the Zoning Ordinance, Comprehensive Plan, Subdivision regulations, and Public Facilities Manual.

### Zoning Ordinance

Chapter 112 of the County Code is the zoning law of Fairfax County, setting forth the regulations for the particular district the project is in. Regulations that may affect residential development include the following Articles:

- 3 – Residential Districts
- 6 – Planned Development Districts
- 7 – Overlay Districts (historic, water resource, highway corridor, etc)
- 8 – Special Permits (addresses compatibility of uses)
- 9 – Special Exceptions (independent living, rooming houses, waivers on lot sizes, yard requirements, parking, open space and other detailed requirements)
- 16 – Development Plans (review process for Planned Development Districts)
- 17 – Site Plans

### Comprehensive Plan

The Fairfax County Comprehensive Plan is the guide to the long-range physical growth and development of the County that is used as the basis for land use decisions. The Comprehensive Plan sets forth ranges of desired development.

The Fairfax County Comprehensive Plan consists of a Policy Plan, four Area Plans, and two detailed maps, the Comprehensive Plan Map and Transportation Plan Map. The Policy Plan was initially adopted in August 1990, and contains the County’s objectives, policies, and guidelines to guide planning and development review in eleven functional areas. It has been amended 31 times between 2002 and 2010. Notable amendments include the Residential Development Criteria (2002), Revitalization (2002), Chesapeake Bay Preservation (2004), update to the Countywide Transportation Plan Map (2006), Green Buildings (2007) Guidelines for Transit-Oriented Development (2007), Workforce Housing (2007), and Universal Design (2008).

The four Area Plans are the detailed means of implementing the Policy Plan’s goals and objectives at a Planning District and Community Planning Sector level. Area I consists of Annandale, Baileys Crossroads, and Lincolnia; Area II is McLean, Vienna, Tysons, and the area around Fairfax City; Area III includes Bull Run, Pohick, and Upper Potomac – basically the formerly rural southern and western portions of the County, as

well as the Dulles area, Herndon, and Reston; Area IV is primarily the Mount Vernon area, Lorton, Springfield, Franconia, and Rose Hill.

The Board also adopted a Concept for Future Development, which is comprised of the Concept Map, showing the general location and character of future land uses; the Land Classification System which creates eight broad categories describing the future character for each area; and the Land Classification System Guidelines, giving explicit instructions for land use, transportation, environment, public facilities, and parks and recreation. The Concept for Future Development seeks to focus growth in the County's activity centers, including the Tysons Corner Urban Center, seven Suburban Centers, six Transit Station areas, 11 Community Business Centers, and three Industrial areas. These together account for about 10 percent of the County's land areas. The remainder of the County is designated as Suburban Neighborhoods (residential subdivisions and commercial and public uses serving them) and Low Density Residential Areas (large lot development and preservation areas). A staff report containing proposed revisions to the Concept for Future Development and its associated map was issued in April 2012.

### Residential Development Criteria

This is Appendix 9 of the Land Use Element of the Policy Plan, that was adopted in September 2002 to evaluate residential development. It provides criteria for residential development in the areas of: site design; neighborhood context; environment; tree preservation and reforestation; transportation; public facilities; affordable housing; and heritage resources. These criteria apply when a rezoning is requested. The Public Facilities section for the first time included a per pupil offset for the Schools. The Affordable Housing section included a contribution of 0.5% of the value of units if on-site affordable housing units are not provided.

### Subdivision Ordinance

Chapter 101 of the County Code establishes the requirements for subdividing land.

### Public Facilities Manual

The PFM sets forth the guidelines which govern the design of all new public facilities serving new development. Most sites have some type of public facilities: for example any private streets on the site are considered public facilities; thus a part of the process will be a Public Facilities Manual review during the subdivision or site plan process.

### Fairfax County Code

The County Code includes the following sections pertaining to the development process:

- Chapter 61 – Building Provisions
- Chapter 62 – Fire Protection
- Chapter 64 -- Mechanical
- Chapter 65 – Plumbing and Gas
- Chapter 66 -- Electrical
- Chapter 67.1 – Sanitary Sewers and Sewage Disposal
- Chapter 71 – Expedited Building Plan Review
- Chapter 101 – Subdivision Provisions
- Chapter 102 – Streets and Sidewalks
- Chapter 104 – Erosion and Sediment Control – addresses erosion on construction sites
- Chapter 117– Expedited Land Development Review
- Chapter 118 – Chesapeake Bay Preservation – protects local streams and the Bay from pollution due to land use and development
- Chapter 122 – Tree Conservation Ordinance

- Appendix Q – Fee Schedule

### Virginia Uniform Statewide Building Code and Statewide Fire Prevention Code

These codes guide the review of building permit applications.

### Virginia DOT Secondary Street Acceptance Requirements (SSAR)

The SSAR establish the features of newly constructed streets in order to be accepted into the secondary system of state highways.

### Watershed Management

Individual watershed management plans specify techniques and tools to restore and protect the County's 30 watersheds, and are used as a basis for requesting pro rata share contributions.

There are numerous other regulations that pertain to specific aspects of land development and building construction.

## Lead Agencies in Development Review

Multiple agencies participate in the review of each application, whether as an original rezoning application or land development or building construction.

DPZ (Department of Planning and Zoning) – administers the Zoning and development review process, including Rezoning, Special Permit, and Special Exception processes

DPWES (Department of Public Works and Environmental Services) – in charge of land development, site and subdivision plan review and building construction review processes

Fairfax Water Authority – provides water service to Fairfax, Loudoun, and Prince William Counties and part of the City of Alexandria. Its Planning and Engineering Department reviews site plans in order to provide connections to the water mains.

Fire Marshal – reviews applications and building permits related to the Fire Protection Code.

Health Department – reviews applications relating to on-site sewage treatment and dispersal.

Housing and Community Development – administers the County's rental housing program and first-time homebuyer program

Redevelopment and Housing Authority – involved in affordable and workforce housing programs

Fairfax County Department of Transportation – reviews site plans for compliance with secondary road standards, driveways, curb cuts; also plans roadways, oversees construction, etc.

Park Authority – reviews projects in light of the park master plan's identified needs and administers developer contributions for parks as proffered during rezoning actions

Office of Revitalization – reviews projects within specific defined commercial districts

School Board – the public schools' Department of Facilities and Transportation Services calculates school capacity in the service area for each rezoning application and recommends a school proffer amount.

In addition, a number of outside agencies may be involved, depending on the characteristics of the application.

Architectural Review Board – protects significant resources within an historic overlay district

Environmental Quality Advisory Council – environmental protection and enhancement

Geotechnical Review Board – regulates development in areas with marine clay and problem soils

History Commission – works to preserve the County’s history

Northern Virginia Soil and Water Conservation District -- stream restoration, soils, and pond management

Virginia Department of Transportation – reviews traffic impact studies as part of the 527 process, sets forth requirements for access to state-controlled roads, publishes criteria for acceptance of secondary roads.

## **Development Review Process**

The development review process includes several distinct stages:

- 1) Approvals requiring public hearings, such as a rezoning or special exception
- 2) Land development approvals, including site plan, subdivision plan, grading plan, record plat
- 3) Building construction approvals, including building permits, electrical, mechanical and plumbing permits, and fire protection systems, followed by the release of bonds.

## **Planning and Zoning Review through Public Hearings**

This includes the Comprehensive Plan Amendment, Rezoning, Proffer Condition Amendment, Special Exception, Special Permit application processes. These applications can be tracked through the County’s ZAPS online system.

**Comprehensive Plan Amendment** – The County’s Comprehensive Plan is amended through one of three processes: Area Plans Review, Board-Authorized Plan amendments, and Special Studies. Area Plans Review is a process followed every five years whereby anyone can nominate a site for a land use change. The most recent Area Plans Review was the 2008 North County and 2009 South County APR, and the BRAC APR. Board-authorized amendments are also called out-of-turn amendments, are considered outside the normal Area Plan Review cycle. They tend to be focused in the county’s activity centers and are calculated to be for a median parcel size of 10 acres, according to the recently-released staff report reviewing the Comprehensive Plan. Special studies are initiated by the Board of Supervisors to explore planning policies for areas experiencing change on a long-term nature. Between 2001 and 2012, 13 special studies were adopted, generally in activity centers. They tend to be for larger areas (median size of 237 acres) and provide for greater intensity and more flexibility in mixed use centers. Each of these processes requires substantial time and public input before resulting in a plan change. A developer or owner-requested rezoning or development application is not generally concurrent with the comprehensive plan update, but happens subsequently, although in designated revitalization areas they can be concurrent.

**Rezoning** – The Rezoning application process is used when a proposed use is not allowed in the zoning district of the subject property. Rezoning approval must precede land development applications. A rezoning will trigger the use of the Residential Development Criteria, which provides specific requirements for site design, transportation improvements, and public facilities including schools and affordable dwelling units. Since 1975, proffers have been part of the rezoning process in Fairfax County.

A rezoning requires a staff review process as well as public hearings before the Planning Commission and Board of Supervisors. Proffers are evaluated in the staff report as part of the staff recommendations.

They are frequently based on a “Statement of Preferred Conditions” submitted during the staff review process by all property owners and the contract purchaser (developer). The proffer statement typically addresses how the development will deal with transportation impacts, provision of pedestrian facilities and connections to mass transit, environmental protection, tree protection, provision of stormwater management facilities and best management practices, noise mitigation measures, buffering and other landscape features, urban design features, commitments for affordable dwelling units, and commitments to address public facility impacts. The proffer system in Fairfax County thus differs from the ones used in other counties in the Washington Metropolitan Area (such as Loudoun or Spotsylvania), where proffers are fixed monetary amounts calculated pursuant to a detailed methodology and used to offset specific impacts

of the new development in terms of the adequacy of public facilities. The proffer statement will reflect negotiations with the County (usually reflecting community concerns) about the extent and wording of conditions and features on the proffered development plan. The proffer statement must be submitted in writing and signed in advance of the public hearing before the Board of Supervisors. The staff report will generally point out discrepancies between the Proffer Statement and the recommendations made by individual reviewers, and make a recommendation for the Planning Commission and Supervisors to consider.

The rezoning application also includes a statement of justification (application's conformance with the Comprehensive Plan and unique features and amenities), and a development plan (graphic depiction of proposed land use with supporting notes and tabulations). The development plan is frequently supplemented by a landscape plan, cross-sections, and building elevations. Traffic studies and noise impact analyses may be required. Developers are advised to meet with the Supervisor of the Magisterial District the project is located in, and to contact homeowner's and civic associations surrounding the site. In some cases, a broader association exists that will also want to have a review and advisory role. These larger geographic associations include the Lee District Land Use Committee, Mount Vernon Council of Citizens' Associations, Mason District Land Use Advisory Committee, the Sully District Council, and West Fairfax Civic Association. In addition, a minimum of 25 owners of property in the close vicinity of the application property must be officially notified by certified mail; the property is posted, and there is a notice in the newspaper of record.

The Planning Commission consists of 12 members (one for each Magisterial District and three at large). The Board of Supervisors is an elected body consisting of ten members (one for each Magisterial District and the Chairman who serves at large).

All proffered conditions and development plans are legally binding become part of the land records and zoning for the property. They must be included on the subdivision plat or site plan submission documents.

Use of a professional archaeologist, certified home energy expert, landscape architect, tree appraiser, traffic consultant, noise expert, etc. are frequently specified in the proffers or conditions.

**Special Permit** – These applications require submission of a plat showing layout of proposed buildings, access, vehicular circulation, parking, open space, etc. and an affidavit showing all parties having a financial interest in the property. The Zoning Evaluation staff reviews the project and works with the applicant to resolve specific issues identified in the review. Public hearings are held by the Board of Zoning Appeals after adjacent property owners have been notified by Certified mail, with specified posting of the property and notice in a newspaper. This process is required by law to occur within 90 days from acceptance of the application. Special permits relate to compatibility of uses.

**Special Exception (SE)** – A special exception may be required if one or more lots needs waivers for lot size, building heights, parking, open space, minimum yards, or cluster provisions, or for specific uses including child care centers and gas stations. This process also requires submission of a plat and affidavit. It is reviewed by the Zoning Evaluation Division to resolve issues such as access, landscaping, screening, required yards, tree preservation, and stormwater management. The project is scheduled for public hearings at the Planning Commission and Board of Supervisors. Certified notices must be sent for both public hearing processes, and as for rezonings and Special Permits, the property is posted and a notice placed in the newspaper of record. This process takes 5 to 7 months from acceptance of the application.

### **Land Development**

Site Plans and Subdivision Plans are the primary applications dealing with review of development plans for land, to ensure that the environment and the health and safety of residents are protected during the development process. Public improvement plans and grading plans are also part of land development

review. The major elements evaluated during the site plan review process are: erosion and sediment controls; drainage and water quality provisions; curbs, gutters, streets, sanitary and storm sewers, water mains, and fire protection access; integration with existing and future development; adequate tree cover and landscaping; and review of compliance with the Zoning Ordinance, Public Facilities Manual, conditions of approval, and proffers.

If the project includes any public improvements, the developer must enter into an agreement with the county to construct the improvements specified in the plans and must post a bond to cover the cost of completing the improvements.

**Subdivision Plan** —divides a tract of land into lots, streets, and open space; results in the creation of recorded lots and takes into account conformance to master/sector plans, adequate public facilities, site utilities, and density.

If land is to be subdivided, whether townhouse or multi-family, and public improvements are necessary and the project is a Development Plan, Rezoning, or Special Exception, the applicant must submit a subdivision plan to the Environmental and Site Review Division (ESRD). ESI, an outside Engineers & Surveyors Institute Peer Review process may be used. The subdivision plan is reviewed by ESRD and outside agencies such as VDOT, the Fire Marshal, Fairfax Water, the Park Authority, and the Health Department. There is a field check for soil erosion, and then ESRD and outside agencies make a recommendation of approval or change. Revisions and a second plan submission may be needed to secure approval. The applicant may then submit estimates for bonds and agreements. If staff approval has been received, bond must be posted by the applicant prior to approval of the final plat. After this approval, a Final Subdivision Plat process begins with submission of the plat to ESRD. The Plat is reviewed, bonds are secured, and a Final Plat is approved. The applicant then records the Final Plat. ESRD distributes the final plat, creates addresses, and reviews and approves a Grading Plan for each lot, completing the site-related review process.

In cases where no public improvements are necessary, the application can go straight to the Final Subdivision Plat process.

**Site Plan** – detailed plan with emphasis on design and site details, including landscaping, lighting, building location, and environmental factors. The site plan must incorporate any approved special permit or special exception conditions and plat, and proffers. The site plan package must also include as needed a grading plan, drainage study, parking study or other required documents. Adjacent property owners are notified by certified mail. The review process is conducted with staff of Land Development Services in the Department of Public Works and Environmental Services. After all site plan issues have been resolved and a site plan has been submitted, the documents move on to Bonds and Agreements, then to construction permits. This entire process is estimated at 6 to 9 months.

In cases where public improvements are necessary, but the project is not a Development Plan, Rezoning, or Special Exception, a Preliminary Plan Review is required, and when staff approval has been received, the project can enter the Subdivision Plan process.

If no subdivision is required, the project will enter a Site Plan process. A project consisting of only one single-family infill lot simply goes through a Grading Plan process. The Site Plan process involves submission of a review set of the Site Plan, review by the county and outside agencies, possible resubmission, and upon receiving a recommendation of approval, securing bonds/agreements, and easements. Prior to final approval, the developer may submit advance documentation on Stormwater Maintenance Agreement, Conservation Deposit, Pro Rata Share Agreement, VDOT permit, Responsible Land Disturbance Certificate, and Building Permit Application. Once the entire package has been approved, the land development review process is complete.

Construction and utility permits must be obtained before work can begin.

About 400 types of applications are processed in Land Development, including the following categories of actions that are tracked in the LDS system:

- Bathymetric (4)
- Conservation (9) – with sample items
  - CON – Conservation Plan
  - CONC – Conservation Plan Conservation Deposit
  - CoNCD – Conservation Plan Conservation Deposit Reduction
  - CONCF – Conservation Plan Conservation Deposit Final Release
  - CONCP – Conservation Plan Conservation Deposit Replacement
  - CONI – Conservation Plan Insert
  - CoNLD – Conservation Plan Landscape Deferral
  - CoNLDF – Conservation Plan Landscape deferral Release
  - CONLDP – Conservation Plan Landscape Deferral Replacement
- Drainage (4)
- Easement (2)
- Environmental Site Assessment (4)
- Flood Plain (4)
- Building Height Certification (4)
- Infill (10)
- Landfill (4)
- Lot Validation (1)
- Minor Site Plan (31)
- Public Improvement Plan (30)
- Parking Study (2)
- Preliminary Plat (8)
- Photometric (2)
- Planned Residential Community (8)
- Pre-Site Plan (2)
- Reserve Plan (1)
- Rough Grading Plan (26)
- Record Plat (7)
- Resource Protection Area Plan (4)
- Recycling Study (4)
- Site Plan (46)
- Sanitary (2)
- Subdivision Plan (41)
- Sports Illumination Plan (2)
- Soils Report (4)
- Tree Banking (4)
- Traffic Impact Analysis (4)
- Waiver (102)
- Water Quality Impact Assessment (4)
- Zoning Application (4)

**Grading Plan** – required when a project disturbs more than 2,500 square feet of land; used for infill lots for new homes or for projects that don't include construction of new structures (driveways, etc.)

**Bonds and Agreements** – This step is required when public improvements are to be constructed. The applicant must post a bond to guarantee completion of the improvements and pay remaining fees.

**Record plat** – places the approved subdivision on the land records of the County, with details on lot dimensions and other physical features of the plan. A record plat is the last step before applying for building permits.

### **Building Permits**

A building permit is required for new construction of residential buildings. The process involves submission of the building permit application, and specific plans: structural, mechanical, electrical, plumbing, architectural, and site-related plans. The County approves the application and its component plans, verifies site-related matters have been approved and issues the site and building permit. The applicant may then submit an application for the various trade permits (mechanical, electrical, plumbing). Electrical and plumbing permits do not require a plan submission as compliance with building codes is verified during inspections. Mechanical permits require a Residential Heat Loss and Heat Gain Certification and a Manual J calculation. Trade permits may be applied for online as well as in person. Once the trade permits are received, actual construction may begin. A series of inspections is performed (building, electrical, plumbing, mechanical, health, public utilities, urban forestry, site-related). After each building passes final inspection, a Residential Use Permit is issued. Final steps are submission of as-built plans and release of bonds. At that point the County review process is complete.

The County estimates that a complete Building Permit review process for residential construction is about 4 months. Review prior to the start of construction is estimated at 4 to 5 weeks, but the overall time frame is longer to account for inspection cycles during construction.

### **Reviews by Topic Coordinated by Planning and Zoning**

Each department or agency will review a development application based on the specific topic area it is responsible for. Since Fairfax County does not have a structured proffer system tied to adequate public facilities, but rather relies on proffers obtained through rezoning, these topic reviews tend to be geared to evaluating whether the proposed application meets the various regulations in the Zoning and Subdivision Ordinances, the Comprehensive Plan, the Public Facilities Manual, and other portions of the County Code. There are no Adequate Public Facilities payments or Impact Taxes, although the Fairfax County Public School system has developed an evaluation methodology to request a per pupil payment for net new pupils forecast to result from new development requiring a rezoning.

### **Comprehensive Plan**

The Comprehensive Plan is being amended to facilitate mixed use in activity centers and to encourage growth in activity centers. The Comprehensive Plan allocated 36% of its residential development potential to the County's activity centers, or 196,000 units out of a total potential of 542,000 units. Recent Plan Amendments have provided for more multi-family units and fewer townhouses in areas such as Tysons Corner, and the Van Dorn and Vienna Transit Station areas, with the result that 74% of the multifamily development potential is now in activity centers.

The Plan potential for single family detached units increased by almost 4,700 over the last decade, with 90.5% of the total single family development potential outside of activity centers.

The Comprehensive Plan Potential Application (CPPA) database, maintained by the Planning Division of P&Z, quantifies potential development scenarios according to Comprehensive Plan provisions. The Comprehensive Plan Amendment Tracking System (CPATS) tracks and quantifies changes in development potential as a result of adopted Plan Amendments. The Plan's potential for housing units has increased by 32.4% from 1991 through 2010, to a total of 542,027 housing units.

Comprehensive Plan amendments have been made to preserve neighborhoods, create parks, manage critical watersheds, improve water quality corridors, and prevent losses of industrial areas.

For the future, amendments are foreseen in these areas:

- Redevelopment in older areas (revitalization areas)
- Balancing new development and redevelopment with maintaining and improving quality of life for residents.
- Countywide stormwater management
- Supply of housing in activity centers needed to improve the jobs/housing balance
- Extending trails, parks, and recreational facilities.

### **Schools Facilities Payments**

In January 2003, Fairfax County adopted a School Impact Methodology to be used concurrently with implementation of revised Residential Development Criteria. The Impact methodology is premised on the number of additional students projected to result from a new development times the average capital cost per student. The County Schools maintain a Proffer Account as a fund managed by DPWES. Contributions may be made without restriction or assigned to a particular school project. With each residential rezoning application, the Office of Facilities Planning Services for the Fairfax County Public Schools prepares a memorandum showing capacity, current enrollment, projected enrollment, current capacity balance, and projected enrollment and capacity balance in four years for the schools which students from the proposed new residential project would attend. The proposed number of units in the new project is multiplied by a student generation ratio based on the county-wide student yield ratio for each of three school levels (elementary, middle, high). A proffer amount of \$9,378 per student is applied to the new students that would be generated by the project for the suggested total proffer. Capacity of the school pyramid serving the project is not a factor in the proffer request.

### **Transportation Payments**

Rather than specific payments for transportation based on trips to be mitigated (as in Montgomery County), Fairfax County requests developers to make certain public improvements to roads, sidewalks, bicycle and pedestrian trails, and other facilities as part of the negotiated proffers during a rezoning application. In multi-family or mixed-use projects, applicants are asked for a TDM (Transportation Demand Management) study and a payment equivalent to the first year's funding of the plan (with additional annual payments to be made later).

VDOT requests and reviews Traffic Impact Analyses for projects generating more than a specified traffic volume on state-controlled roads, under what is called the "527 process". This process was created in 2006 with an amendment to Chapter 527 of the Code of Virginia to better coordinate state and local transportation planning. In Fairfax County, most roads are state-controlled and maintained. From 2006 through 2011, the threshold was 100 peak hour trips for residential uses. By act of the General Assembly, the new 2012 threshold, applying to all land uses, is 5,000 vehicle trips per day.

In late 2011, revisions to the state's Secondary Street Acceptance Requirements (SSAR) were adopted. Plats submitted through 1/31/12 were to comply with the 2009 version of the regulations.

Under Gov. Kaine, regulations were passed to mandate that all roads must connect to other roads, effectively eliminating cul-de-sac designs. However well-intentioned this was, it has resulted in some proposals finding it difficult to design a workable layout, particularly for small infill properties. Some cost is associated with trying to comply with the requirement, or finding alternatives that are not necessarily the best for the particular site.

## **Stormwater Management**

Relevant regulations can be found in the Public Facilities Manual (PFM) and pertain to provisions for the Chesapeake Bay Ordinance regarding Resource Protection Areas, floodplain regulations, downstream drainage, Stormwater detention, and site outfall.

Initially, the objective was to rechannel or disperse water flows, and filter water to remove phosphorus and nitrogen. Developers have had to spend considerable sums on retention ponds, filtration systems, and other elements of Best Management Practices (BMPs). Builders of multi-family projects in infill locations are having to seek exemptions from the prohibition on having certain facilities within the residential structure.

Recently, new stormwater regulations have been adopted by the Virginia Department of Conservation and Recreation, which will translate to new requirements at the County level. According to the engineering firm christopher consultants, “the new regulations result in more stringent requirements for permissible water runoff quality and quantity from development sites. The localities are required to implement these requirements prior to July 1, 2014, but can do so at any time prior to that date. The localities also have the ability to require applicants to meet the requirements now if a property is being considered for rezoning or other land use entitlement.” At the County level, new Stormwater regulations and updates to the Public Facilities Manual are under development.

In the meantime, localities lack the funds to retrofit existing public facilities, paved impervious surfaces, and older developments with state of the art facilities to control water discharge. As a result, new development projects are not only taking care of their own needs but may be contributing the relieving the overall burden.

## **Parks and Recreation**

The County’s Policy Plan provides standards and criteria for parks and recreation facilities, including parkland acreage standards and park facility service level standards. For example, the local parkland standard is 5 acres per 1,000 population; specific facility standards include one playground per 2,800 population, and one youth baseball field per 7,200 population. The Policy Plan refers to 21 distinct facilities and provides a population based standard for each. The reference for on-site recreation needs is the Zoning Ordinance, 6-110 and 16-404.

The Fairfax County Park Authority, an agency independent of the County Government, reviews applications for on-site needs as well as Countywide needs. THE FCPA makes requests for proffers for park and recreational facilities which may or may not reflect the policies of the Board of Supervisors.

Within Planned Development Districts, applicants are urged to proffer cash or amenities valued at \$1,700 per non-ADU unit. Based on the Countywide Comprehensive Policy Plan, FCPA also requests a “fair share” contribution of \$893 per new resident. For the project in Case Study 5, the FCPA request totaled \$822,716, including \$365,500 for on-site amenities and \$457,216 as a fair share contribution.

## **Urban Forestry**

Requirements have evolved from initially focused on attaining a specified amount of tree cover, to now a more extensive and detailed inventory, with a report and evaluation by a certified arborist.

## **Infrastructure Modifications**

Often, particularly in infill areas, adjacent properties do not have adequate infrastructure (older facilities built to different design standards than prevail today). A new project then has to make off-site improvements to tie in, adding to road and water and sewer costs.

## Housing

### *Housing in the Comprehensive Plan*

The Comprehensive Plan recognizes that housing affordability is a growing problem in the County, and may contribute to the shortage of workers in the service sector. The Plan identifies as critical issues:

- Unaffordability of for-sale or rent housing
- Declining Federal support
- Need to ensure neighborhood stability and conservation
- Limited supply for special populations, such as the disabled and elderly
- Shortage of sites for affordable housing.

The Board of Supervisors has formulated as its housing goal a policy that affordable housing should be located close to employment opportunities, and be a vital element in high density and mixed-use development projects. It should be encouraged through more flexible zoning where possible.

Current policy calls for 12 percent of new residences to be set aside as work force or affordable housing, available to residents making from 70 to 120 % of area median income, and available to the handicapped or disabled. The proportion of each is described in the developer proffers and finalized in the site plan process.

In the new Tysons Plan, the target has been set at 20% of all new residential units. The Tysons Plan also recommends that new nonresidential development contribute \$3.00 per square foot to a housing trust fund dedicated to providing affordable and workforce housing in the Tysons plan area.

Bonus densities are available in exchange for more affordable housing ADUs. The housing may be provided in the form of housing units, land dedication, or cash contributions.

### *Housing in the Zoning Ordinance*

#### Affordable Dwelling Unit Program

The Fairfax County Zoning Ordinance contains the County's regulations pertaining to the Affordable Dwelling Unit Program. It applies to any site which is undergoing a rezoning, special exception, site plan, or subdivision process which will result in 50 or more new units located within an approved sewer service area. In R-2 through R-30 and P Districts, even in cases where the project is under 50 units, the developer may apply for a density bonus for provisions of ADUs. In single-family detached or attached developments, when 12.5% of the total units are provided as ADUs, a density bonus of up to 20% is achievable. In multi-family projects of a "garden apartment" style, a bonus density of up to 10% may be achieved for providing at least 6.25% of total units as ADUs. In multi-family projects with an elevator and four or more stories, the density bonus rises to 17% for a 6.25% ADU provision. A sliding scale applies. Generally, the ADUs are to be of the same dwelling type as the market rate units constructed on the site.

The Fairfax County Redevelopment and Housing Authority (FCRHA) is tasked with developing specifications for affordable housing units both for sale and for rent; these specs are then reviewed and approved by the Affordable Dwelling Unit Advisory Board. The rental and sales prices are to be structured to make the units affordable to households whose incomes do not exceed 70 percent of the median income of the Washington area.

The ADU Advisory Board may also permit an owner/developer to convey an equivalent amount of land which would be necessary to provide the required number of ADUs, or contribute to the Fairfax County Housing Trust Fund an amount equivalent to the fair market value for the lot. These options are not the preferred option, but may be available in case of physical or economic infeasibility of providing on-site ADUs at the required level, when the public benefit is still served.

In projects of less than 50 units, based on a Board of Supervisors formula, it is common for the developer's Proffer Statement to include a proffer of one half of one percent of the total sales prices of all units, to be paid into the Housing Trust Fund. Actual units or donation of land are preferred but have been difficult to achieve.

Affordable Dwelling Unit Rental Program: The Board of Supervisors approved an Affordable Dwelling Unit Ordinance in 1990 which provides low and moderate income households the opportunity to live at privately-owned and managed market-rate apartment communities, at a reduced rent. In each participating property, 2/3 of the ADU rental units are reserved for households with incomes up to 70% of the metropolitan area median income (AMI) and the remaining 1/3 are set aside for households with incomes up to 50% of the metropolitan area median income. Maximum rents for units where rents are set at 50% of median income ranged from \$774 for an efficiency to \$1,105 for a 3-bedroom unit; at 65% of median income, rents ranged from \$1,006 to \$1,437. Rents and income limits are updated annually. As of June 2011, 41 multi-family complexes were listed as participating in the program, providing a total of 788 units. The specific units within a complex need not be identified as ADUs, but the total count by number of bedrooms is noted on the site plan and is a condition of the approval of the site plan and building plan.

Affordable Dwelling Unit Sale Program: In the case of a for sale project, the specific units that are ADUs are identified on the site plan and building plan, and designated in the condominium declaration. The Zoning Ordinance provides a sequence of who may purchase new ADUs – initially the FCRHA, then individuals, then nonprofit housing groups, and conditions for those purchases. The County analyzes County-wide cost factors and establishes a cost calculation formula to determine sales prices, and amends those periodically. The Ordinance intends that the owner/developer not suffer economic loss as a result of providing the required ADUs. However, the cost of land and associated acquisition costs are excluded from the calculations.

### ***Workforce Housing***

Workforce housing was the subject of a 2007 amendment to the Comprehensive Plan. The definition of affordable housing was revised from housing affordable to households with incomes that are 70% or less of AMI for the Washington area (affordable housing) to housing for households with incomes up to 120% of AMI (workforce housing). The target is 100% of AMI for rental developments in wood and masonry construction, 120% in steel and concrete construction. Workforce housing is intended to provide housing for a range of incomes in high density mixed use centers such as Tysons Corner, and Transit Station Areas, Suburban Centers, and Community Business Centers. The Board of Supervisors expects Affordable or Workforce housing units to constitute 12% of all housing in those areas. Guidelines for the provision of Workforce housing are included in the Housing section of the Policy Plan. Board of Supervisors Workforce Dwelling Unit Administrative Guidelines were adopted October 15, 2007. The guidelines include a sliding scale of bonus density, up to 20%. Minimum unit sizes of 450 sf for efficiencies, 600 sf for 1-bedroom units, and 750 sf for 2-bedroom units are specified.

### ***Housing Supply and Demand***

Fairfax County's total housing units increased by 17% from 1990 to 2000, and by 9% from 2000 to 2012. Total new units from 1990-2000 were 54,000, while 33,500 units were added from 2000-2010. In the first of these decades, single-family housing construction predominated, while in the second, multi-family units comprised almost half of all units built. In the decade of the 2000s, almost 1,600 multi-family units were built each year, while 800 townhouses and 951 single-family detached houses were built each year. Multi-family units tended to be built along major transportation corridors – Lee Highway, the Dulles Corridor, and Route 1.

**Capacity for Residential Development**

The Comprehensive Plan Map provides residential density ranges, while the four Area Plans contain detailed land use recommendations; together these provide a range of development options that cover 56% of the land area in activity centers. In the remainder of the County, only 1% of land area comes under the “options” provisions, consistent with preservation goals outside of activity centers.

The County calculates that the Comprehensive Plan’s capacity for housing units has grown over time, reaching 542,000 units in 2010. The highest growth rate has been in multifamily units, whose development potential has almost doubled since 1991.

The County’s current Comprehensive Plan provides a remaining development potential of 144,770 units. Of these 70% are multifamily units, and only 7% are townhouses.

|   | <i>Remaining<br/>Potential</i> | <i>GMU<br/>Forecast Need</i> |
|---|--------------------------------|------------------------------|
| Single Family<br>(Detached and Townhouse) | 41,070                         | 51,250                       |
| Multifamily                               | 103,700                        | 59,700                       |
| Total                                     | 144,770                        | 110,950                      |

While on a County-wide basis there appears to be sufficient planned capacity for housing (albeit a shortage of single-family detached and attached units) the need to rezone land may impede actual production of the needed units, particularly for multi-family units.

Activity Centers with the most unbuilt single-family detached units include the Huntington Transit Station Area (239 units), the Dulles Suburban Center (254 units); the Centerville Suburban Center (474), and Franconia-Springfield Transit Station Area (491 units).

Only two activity centers have significant potential for townhouses: Fairfax Center (2,067 units) and Lorton-South Route 1 (3,695).

Tysons corner has 42,217 unbuilt multi-family units, and Reston-Herndon 16,089 units. The Dulles Area and the Beltway South Industrial Area have potential for more than 10,000 multifamily units each. Other activity centers with significant unbuilt potential include Merrifield (6,623 units), and Baileys Crossroads and Franconia-Springfield with 3000 to 5000 units each.

**Housing Policy: The Housing Blueprint**

This is a plan to eliminate homelessness in 10 years, reduce waiting lists, and meet affordable housing demands for people who are members of the County workforce or are elderly or disabled. With the Housing Blueprint, the County has shifted its focus away from acquiring and managing properties to a growing reliance on partnerships with the private nonprofit community.

Previously, the Board of Supervisors had approved a “Penny for Affordable Housing”, basically the equivalent of 1 cent on the real estate tax rate for all County taxpayers; this program was later cut. The County’s FY2013 budget commits close to \$12 million for affordable housing for the neediest families, while nonprofit groups are expected to assist.

## Water and Sewer Hookups

Fairfax Water is the primary provider of local water service, although Falls Church Water and three other providers may be used in some areas of Fairfax County. An application and availability fee payment are required prior to having a water service connection installed. This process may take six to eight weeks.

Sewer service depends on the watershed the property is located in. In some cases, the Alexandria Sanitation Authority will be the sewer service provider. Normally, obtaining a sewer permit will require payment of a sewer availability and connection fee as well as lateral spur fees, and potentially other fees.

## Negotiated Conditions

There is a long list of negotiated conditions that are frequently asked of new development projects. Exhibit 3 outlines conditions that are included as part of the approvals for the six case studies examined. These are items that the developer is asked to build or provide in the course of land development (usually) or in construction of the housing units (sometimes). All have associated costs. These conditions, set forth in the proffer statement, may include (but are not limited to):

- Right-of-way dedication
- Road frontage improvements
- Access restrictions
- Maximum number of units; maximum gross square footage
- Streetscape improvements
- Utility undergrounding
- Transportation management plan (Transportation Demand Management)
- Bicycle racks
- Bush shelters
- Traffic lights
- Traffic calming
- Pedestrian crossings
- Parking requirements
- Stormwater management/BMP
- Landscaping
- Noise attenuation
- On-site recreation facilities
- Design specifications – materials, elevation details
- Energy efficiency provisions
- Lighting
- Creation of a Homeowners Association
- Signage
- Data wiring
- Green building standards
- Universal design options for handicapped accessibility

**Cost Elements in a Residential Development Project Application**

| Fairfax County VA               |   |  |   |   |  |   |
|---------------------------------|---|--|---|---|--|---|
|                                 | Kettler Sandburg                            | Tysons Court                             | Potters Glen                                | Herndon Crossing                              | City View at Penn Daw  | Beacon at Groveton  |
|                                 | Case Study Projects                         |  |   |   |  |   |
|                                 | Required<br>R-1 to PDH-4; 2.28 acres, 8 SFD | Required<br>R-1 to R-3; 2.3 acres; 6 SFD | Required<br>R-1 to R-12; 1.73 acres; 17 TH  | Required<br>R-1 to PDH-2; 11.99 acres; 20 SFD | Required<br>R-4 and C-5 to PRM; 3.38 acres; 245 MF (incl. 29 affordable) | Required<br>C-3 to PRM; 4.59 acres; 290du and 70,000 sf of commercial     |
| <b>Preferred Conditions</b>     |   |  |   |   |  |   |
| Architectural/Site design       | y site layout, bldg mat                     | y masonry facades                        | n   | y FCA for architecture                        | y high quality materials   | y quality materials   |
| Recreation/Regional             | y cash                                      | n  | p   | y cash  | y cash   | y cash  |
| Minimum Open Space              | 20% min, 38% provided                       | n  | 25% req'd; 28% y provided                   |   |  | y 20%   |
| Stormwater Mgmt                 | y underground infil.                        | BMP infiltration y trench                | y 2 options                                 | y pond  | y BMP, 2 undgd vaults  | underground SWM, y BMP  |
| Tree Preservation/Forestation   | y 75% req'd; deviation                      | y perimeter planting                     | w waiver                                    | y   | n waiver   | n   |
| Noise Berm                      | n setback req'd                             | y 7ft noise w all                        | n   | n   | y unit noise attenuation   | y unit noise attenuation  |
| Right of Way Dedication         | curb & gutter, y private road               | y  | n   | y private street                              | y 600,000  | y 88 ft from centerline right turn, frontage improvements on 3 streets    |
| Construction of Turn Lanes      | n   | n  | n   | n   | y left turn, right turn  | y calming   |
| Pedestrian Circulation/Sidewalk | y 4-5 ft                                    | y 5 ft sidewalk                          | y 5' sidewalk                               | n   | y 5 and 6 ft sidewalk  | y calming   |
| Bicycle Circulation/Trails      | y 8 ft width, asphalt                       | y 10ft trail                             | n   | y on and off-site                             | n  | y   |
| Bicycle Racks                   | n   | n  | 2-4 spaces per du (garage and driveway); no | n   | y for 40 bicycles  | y indoor  |
| Parking                         | according to zone, no garage                | 4 spaces/du, no                          | y garage conversion                         | no garage conversion; y 18 ft long driveway   | at least 1.6 spaces per y du   | 663 spaces in y structure   |
| Landscaping                     | y conversion retaining wall, y caliper      | y 30% cover                              | y trees, screening, 7ft y wall              | y   | y screening, fence, y landscaping  | min caliper; irrigation y system  |
| Streetscape                     | n   | n  | n   | n   | y 4 to 9 ft planting strip   | underground utilities, y landscape 3 frontages                            |
| Lighting                        | n   | p  | n   | n   | y per zoning   | y per zoning  |
| Energy Efficiency/LEED          | y Energy Star                               | y Energy Star                            | y Energy Star                               | y CABO model                                  | y LEED Silver  | CABO Model; LEED y certification  |
| Signage                         | n   | n  | n   | n   | y per zoning   | y per zoning  |
| Public Art                      | n   | n  | n   | n   | p in traffic island  | n   |
| HOA Covenants                   | y prior to record plat                      | y maintain BMP                           | merge w ith previous y phases               | y maintain streets                            | y property   | y   |
| Neighborhood Specific           | Cedar Comm Png Sector of Vienna P y D       |  |   |   | Highway Corridor; Richmond Highway Revitalization; Penn Daw CBC          | Highway Corridor; Richmond Highway Revitalization                         |
| Development Plan Binding        | y proffers binding                          | y proffers and GDP                       | y proffers and GDP                          | y Final devel plan cash, parcel dedication    | y CDP/FDP amenities w orth y \$365,000                                   | y CDP/FDPA  |
| Parks                           | y cash                                      | y cash                                   | n use existing                              | y   |  | y amenities; dog park transit, TDM, 2 bus shelters w orth y \$15,000 each |
| Proximity to transit            | y bus shelter                               | n  | n   | n   | n  | n   |
| Universal design                | y options at no cost                        | y options at no cost                     | y options at no cost                        | n   | n  | n   |
| Broadband wiring                | n   | p  | n   | n   | n  | y   |
| Construction monitoring         | y access, hours                             | y hours                                  | n   | n   |  | hours, rodents, y contacts  |

## Appendix B Fee/Cost Tables

Fees indicated below do not represent all fees; rather they are the most commonly-assessed fees pertinent to residential development.

### Application Fees

#### APPLICATIONS WITH PUBLIC HEARING

##### Rezoning

|                                    |                                       |
|------------------------------------|---------------------------------------|
| Rezoning to R District             | \$27,280 plus \$570 per acre          |
| Rezoning to Planned District       | \$27,280 plus \$1,345 per acre        |
| Amendment to a Proffered Condition | \$13,640 plus \$570 per affected acre |

##### Special Exception

|                          |         |
|--------------------------|---------|
| Minimum yard requirement | \$910   |
| Lot width waiver         | \$8,180 |

#### LAND DEVELOPMENT

##### Subdivision (maximum of \$12,900)

|                           |                                       |
|---------------------------|---------------------------------------|
| Subdivision Plan Base Fee | \$4,700 plus \$860 per disturbed acre |
|---------------------------|---------------------------------------|

##### Review (capped at \$3,370 cumulatively)

|   |         |
|---|---------|
| Sites subject to rezoning                       | \$1,980 |
| Sites subj to special exception/ special permit | \$1,390 |
| Sites subject to variance                       | \$1,030 |

##### Review based on site conditions

|                                |         |
|--------------------------------|---------|
| BMP facility                   | \$2,280 |
| Floodplain area                | \$ 695  |
| Problem soils                  | \$1,030 |
| Stormwater management facility | \$ 855  |

|              |                     |
|--------------|---------------------|
| Resubmission | 50% of original fee |
|--------------|---------------------|

##### Preliminary plat

|                   |                           |
|-------------------|---------------------------|
| Less than 10 lots | \$3,400 plus \$64 per lot |
| 10 lots or more   | \$5,535 plus \$64 per lot |
| Resubmission      | 25% of original fee       |

##### Record (final) Plat

|                            |                         |
|----------------------------|-------------------------|
| Initial                    | \$590 plus \$30 per lot |
| Resubmission               | \$300                   |
| Reapproval of expired plat | \$515                   |

|  |  |
|--|--|
| <b>Site Plan</b>   | \$7,100 plus \$860 per disturbed acre                                  |
| Maximum  | \$46,040   |
| Resubmission   | 50% of original fee  |
| <b>Grading Plan</b> for building permit on existing lot      | \$1,030 for first lot, \$855 each additional lot                       |
| For infill lots  | \$1,640  |
| <b>Additional Fees for Review of Studies and Other Plans</b> |  |
| Drainage study   | \$1,590  |
| Floodplain study   | \$2.25 per linear foot of baseline plus \$495 per road crossing or dam |
| Parking reduction  | \$2,280  |
| Resource Protection Area delineation                         | \$340  |
| Water Quality Impact Assessment                              | \$1,340 (bonded lots)  |
| Soils report, bonded lots                                    | \$2,775 per lot  |
| As-built plan for sanitary sewer                             | \$515  |
| As-built plan for subdivision or site                        | \$350  |
| Environmental site assessment                                | \$2,580  |
| <b>Bonding and Agreement Fees</b>                            |  |
| Agreement package processing                                 | \$1,995 (value exceeding \$10,000)                                     |
| <b>Site Inspection</b>                                       |  |
| Per acre per month   | \$37.50  |
| Minimum  | \$1,305  |
| Maximum  | \$23,475   |
| <b>Public Utility Fees</b>                                   |  |
| Storm Drainage   | \$1,510 plus \$3.25 per addl linear foot over 100                      |
| Stormwater Management Ponds                                  | \$1,505- \$3,000   |
| Dedicated Streets  | \$2,110 for first 100 feet plus \$8.80 per additional                  |
| Private Streets  | \$1,712 for first 100 feet plus \$7.05 per additional                  |
| Sanitary Sewer Systems                                       | \$2,104 for first 100 feet plus \$6.80 per additional                  |
| <b>Fire Prevention Review</b>                                | \$128 per hour   |
| <b>Site Permits for Construction of Public Improvements</b>  | \$300 per permit   |

There are additional fees for amendments, extensions, waivers, exceptions, modifications, and exemptions.

**BUILDING PERMITS**

Base Fee for New Construction

|                         |  |
|-------------------------|--|
| Multi-family            | \$0.137 to \$0.175 per square foot                             |
| Townhouse               | \$237 to \$376 per unit (under or over 2,250 sf)               |
| Single-Family Detached  | \$460 (under 3,849 sf)   |
| Mechanical Permits fees | 1.96% of the value of equipment to be installed plus misc fees |
| Electrical Permits      | \$196 plus \$10.45 per appliance plus misc fees                |
| Plumbing Permits        | \$47.45 plus \$7.05 per fixture                                |

**WATER AND SEWER**

**Sewer Availability Fees**

|                           |   |
|---------------------------|---|
| Single-family             | \$7,750 (Fairfax); \$7,937 (Alexandria Sanitation Auth) |
| Townhouse or Multi-family | \$6,200 per unit  |

**Water (Fairfax Water)**

Availability (individually-metered)

|               |         |
|---------------|---------|
| Single family | \$3,600 |
| Townhouse     | \$3,600 |
| Multi-family  | \$2,880 |

Multi-family may also be charged by size of the meter in cases where units are master metered.

|                                      |  |
|--------------------------------------|--|
| Local Facilities Charge (Connection) | \$8,500 per connection to an existing main |
|--------------------------------------|--|

(may be waived if applicant has paid the cost of the installation of the main to which the connection is to be made, for example in development of subdivisions)

Service Connection Charge

|                            |                          |
|----------------------------|--------------------------|
| Installed by Fairfax Water | \$1,300 (3/4 inch meter) |
| Installed by Developer     | \$ 450 (3/4 inch meter)  |

### **Impact Taxes and Cash Proffers**

Fairfax County does not charge Impact Fees according to a set schedule per unit based on availability of public facilities. It does however have a series of guidelines for payments to be made in conjunction with new development projects for items such as schools, or parks and recreation.

#### **School Fees**

Currently \$9,378 per net new student.

#### **Parks and Recreation**

Variable; approximately \$1,700 per unit for onsite facilities and \$893 per unit for “fair share” of county facilities.

#### **Affordable and Workforce Housing**

0.5% of the sales value of the new homes built.

## Appendix C. Case Studies

Fee schedules for various regulatory processes related to development review were obtained, and the listed fees applied to actual development projects either already built or currently working their way through the development review process, to determine what the fee load on these projects, including school and transportation impact fees, would be if they were being processed today. The projects reviewed were:

Single-family:

- 8 unit single-family; Dunn Loring area; rezone to PDH-4; has not completed rezoning process
- 6 unit single-family; Tysons area; in Subdivision review; homes are being marketed
- 20 unit single family, built and occupied, Herndon area; homes built and occupied

Townhouse:

- 17-unit townhouse project; Franconia area; in site plan review

Multi-Family:

- 245-unit multi-family; Penn Daw/Richmond Highway area; in Rezoning process after lengthy Comprehensive Plan Amendment and special study
- 290 unit multi-family, currently under construction; Groveton area of Richmond Highway. Units being marketed for lease

All these cases involved a rezoning. As Fairfax County has become urbanized and filled in, it is rare that a new development project can be done by right through a simple site plan process. In general, almost any project will now be an infill project, where a few townhouses will be built on the site of a large lot older single family home, or where a multi-family structure becomes more appropriate than existing lower-density attached or detached housing or strip commercial uses.

A Rezoning however is the trigger for longer processing times, school proffers, and multiple negotiated conditions. As such, the new development has to have more intensity of use to justify the time and expense of the Rezoning process and its proffers and conditions.

Much of the information on timeframes, conditions, and costs were obtained from staff reports for the public hearing processes at Planning Commission and Board of Supervisors; and from the County's ZAPS and PAWS online databases. Wherever possible, actual costs and fees were obtained from these databases. In other cases where processing was not complete, fees were estimated as if paid according to currently in force fee tables.

### **Case Study 1: Kettler Sandburg, RZ/FDP 2010-PR-019 (Porter at Sandburg Street)**

This is a rezoning from R-1 to PDH-4 and development plan for two parcels in the Dunn Loring area. One parcel is vacant and the other has a vacant single-family detached home. The development project would provide eight single-family detached homes on 2.28 acres. The application also requires a deviation of tree preservation target requirements, a waiver of a requirement pertaining to private streets, and approval of proffers and development conditions.

#### Timeline and Milestones

|           |   |
|-----------|---|
| July 2010 | Conceptual development Plan/Final Development Plan engineered drawings prepared |
| 9/28/10   | Revised CDP/FDP plan sheets; additional revisions through 11/18/11              |
| 10/7/2010 | Application accepted for processing   |

|          |  |
|----------|--|
| 7/29/11  | Application amended based on community and staff feedback to reduce density and change proposed zoning from conventional cluster to PDH-4. |
| 8/12/11  | Proffer statement; three additional amendments before staff report   |
| 12/1/11  | Staff report   |
| 12/15/11 | Planning Commission public hearing scheduled   |
| 1/26/12  | Planning Commission public hearing scheduled   |
| 5/21/12  | 527 Review determination   |
| 5/22/12  | Expedited review halted  |
| 5/24/12  | Staffing meeting for Planning Commission   |
| 6/8/12   | draft staff report due   |
| 6/27/12  | final staff report due for release   |
| 6/28/12  | Planning Commission public hearing   |
| 7/12/12  | Rescheduled for Planning Commission public hearing   |
| Xxx      | Board of Supervisors public hearing  |

Current status: Has not yet received Rezoning and Final Development Plan approval

Staff Reviews and Comments

DPZ Environment and Review Branch: comparison to Comprehensive Plan provisions; environmental analysis (9/24/11)

DPWES, Stormwater and Geotechnical Section: Chesapeake Bay Preservation Ordinance, floodplain, downstream drainage, Stormwater quantity and quality control (11/23/11)

DPWES, Forest Conservation Branch: tree preservation, canopy requirements, plant list (10/19/11)

Department of Transportation, Site Analysis Section: parcel consolidation, shoulders and right of way (2/16/11)

Fairfax County Public Schools, Office of Facilities Planning Services: capacity at schools serving the project, and recommended proffer contribution (11/21/11)

Fairfax Water: Water Authority that should serve the site (Falls Church Water has in the past) (1/20/11 and 8/15/11)

Fire and Rescue: meets fire protection guidelines (8/19/11)

DPWES, Wastewater Planning and Monitoring Division: Sanitary sewer analysis. Property to be served by Alexandria Sanitation Authority (8/19/11)

Fairfax County Park Authority: analysis of parks needs and recreational impact, onsite facilities, natural resources impact, and cultural resources impact (11/7/2011)

Historic Preservation: review for heritage resources (8/19/11)

DPZ staff: Zoning, development plan, and residential development criteria review.

Proffers and Conditions

- Development shall be in substantial conformance with Conceptual Development Plan/Final Development Plan

- Architecture – conforms to exhibits submitted
- Establishment of HOA – prior to record plat approval; common areas dedicated to HOA
- Disclosure – to purchasers of potential private road and of maintenance responsibilities for roadways and Stormwater management facilities
- Garage conversion—prohibited
- Length of driveways – minimum of 20 feet
- Decks – as shown on the CDP/FDP and permitted in Zoning Ordinance
- Right of Way dedication along three roads, at no cost to the County
- Frontage improvements to roads – curb and gutter, prior to release of bonds
- Private Street – to be constructed in accordance with Public Facilities Manual; public access easement to private street
- Interparcel connection – put funds in escrow for future extension of private street to property line
- Construction – control access and hours; designate construction manager and notify property owners, post a sign
- Siltation control – install silt fence during construction
- Stormwater management facilities – control Stormwater runoff according to Public Facilities Manual using rain gardens, filter systems, infiltration ditches, bay filters, storm tech chamber or drainage swale; maintain all on-site Stormwater Management and BMP facilities; HOA to maintain BMP.
- Landscape plan – minimum caliper for deciduous trees of 2.5 inches to 3 inches; minimum height for evergreen trees of 7 feet; provide detailed landscape plans for site plan approval. HOA to maintain landscaping.
- Energy conservation – all homes to be Energy Star qualified. Obtain certification from a home energy rater certified through the Residential Energy Services network (RESNET)
- Noise mitigation – provide screening or fencing for one lot; option of independent noise study
- Tree preservation – submit a plan, conduct a walkthrough with a certified arborist or registered consulting arborist, conform to limits of clearing and grading, use tree protection fences prior to clearing and grading activities, root pruning to a depth of 18 inches, determine replacement value of all trees 8 inches in diameter or greater, using a professional arborist with experience in plant appraisal; trees to be bonded in case of death
- On-site park contributions: contribute \$1,600 per dwelling unit upon issuance of Residential Use Permit to provide recreational facilities serving the property; credit will be given against actual provision of on-site recreation
- Off-site park contributions: contribute \$2,345 per dwelling unit for off-site facilities, in this case South Railroad Street Park
- Archaeological survey – Conduct a Phase I and/or Phase II Archaeological Survey prior to land disturbance, using a consultant. If needed, conduct Phase III survey. Conduct Photographic documentation of existing property.
- School contribution – Contribute \$28,134 to the Board of Supervisors for transfer to FCPS prior to issuance of the first building permit.
- Affordable dwelling units – Contribute to the Housing Trust Fund one-half of one percent of the sales price of all units approved on the property, payable at issuance of the first building permit.
- Universal design – provide at no additional cost to purchaser option of clear knee space under kitchen sink, level door handles, lower light switches and thermostats; additional universal design options to be available at purchaser’s cost.

### **Case Study: Sekas Homes, Rezoning RZ-2010-HM-006 (Tysons Crest)**

This rezoning from R-1 to R-3 provides for six single family detached units on 2.3 acres near Old Courthouse Road in the Hunter Mill District. The application requires a modification from the Public Facilities Manual for sidewalk width, and from the Countywide Trails Plan in order to provide a 10-foot wide trail; also a modification of the location regulations in the Zoning Ordinance to permit an increase in height of a decorative fence to 7 feet; and a deviation from the tree preservation target. In addition, an exception was requested from VDOT's Secondary Street Acceptance Requirements.

#### Timeline and Milestones:

- 6/17/2010: Rezoning application accepted
  - 8/31/10: Revised Statement of Justification and Draft Proffers
  - 10/29/10: Application amended
  - 12/1/10: Planning Commission public hearing; decision deferred pending determination on VDOT secondary street acceptance standards
  - 1/31/11 Exception Request to VDOT Secondary Street Acceptance Requirements
  - 3/8/11 Exception Request to VDOT Access Management Regulations
  - 3/11/11 VDOT approved SSAR waiver request and Access Management Exception request; General Development Plan revised to depict proposed right of way dedication for future connection
  - 4/5/11 Development plan review begins
  - 4/13/11 Staff report addendum
  - 4/20/11 Planning Commission recommends approval
  - 5/24/11 Approved by Board of Supervisors
  - 6/15/11 Development plan disapproved (Stormwater, wastewater, streetlights, urban forestry)
  - 7/1/11 Record Plat submitted
  - 7/6/11 Subdivision submitted (re-submission)
  - 9/13/11 Sent for bonding estimates
  - 10/4/11 Final subdivision plat recorded
  - 3/23/12 Stormwater management site review
  - 5/3/12 Subdivision plan revision – pavement design
  - 5/4/12 Fees associated with proffers paid
  - 5/7/12 Subdivision revision
  - 5/14/12 Subdivision plan bond reduction
- Current status: Homes are being marketed for sale; advertised price approximately \$1.2 million. They have 4 to 5 bedrooms, 3.5 baths, 4,600 to 5,200 square feet. Two are shown as sold, four available.

Proffers:

- In substantial conformance with Generalized Development Plan dated April 2010 through March 14, 2011
- HOA – establish an HOA to own and maintain common elements, and disclose maintenance responsibilities
- Right of Way Dedication – along Old Courthouse Road and construct improvements
- Garage Conversion – prohibited; driveways to be minimum 18 feet wide to fit two vehicles
- Path – provide 10 foot wide shared use path subject to VDOT approval
- SSAR – VDOT to approve Secondary Street Acceptance or applicant to submit Proffer Condition Amendment
- Trail – 6 foot dust trail to be provided on site
- Landscape plan – turf to cover no more than 75% of pervious area; plant trees to help with energy conservation; diverse selection of native, and non-invasive plants; inspection of mulch beds at time of Residential Use Permit; Landscape Plan, Maintenance responsibilities to be provided to buyers
- Tree preservation: submit Existing Vegetation Map/Tree Preservation Plan; conform to Limits of Grading; preclude removal, cutting, destroying vegetation on the property; monitoring during clearing; retain a certified arborist or landscape architect
- BMP/Stormwater Management: provide on infiltration trench or Low Impact Development techniques; HOA to maintain infiltration trench
- Parks: Contribute \$12,502 for parks and recreation in the Hunter Mill District
- Schools: Contribute \$37,512 for capital improvements to the schools
- Housing: Contribute one-half of one percent of the sales value of the new units to the Housing Trust Fund
- Architecture: to be in conformance with the illustrative elevations in the Generalized Development Plan; masonry facades
- Energy Savings – homes to meet Energy Star guidelines
- Lighting and Signs – in conformance with the Zoning Ordinance
- Broadband – all dwellings to be prewired for broadband in multiple rooms to assist with telecommuting
- Universal Design: provide no cost options, and additional options at purchaser’s cost
- Construction Period: site supervisor contact to be provided; hours limited

**Case Study: Potters Glen, RZ 2011-LE-019**

This is a rezoning for 17 townhouses on Potters Lane in Franconia, from R-1 to R-12, on 1.73 acres. Project is not at threshold for on-site affordable housing or for VDOT 527 review. Project needs waiver of minimum district size for R-12; and modification of transitional screening and waiver of barrier requirements. It also needs a deviation of the tree preservation target. The proposed project would replace two existing single-family detached dwellings on two lots. Surrounding parcels were rezoned to R-12 in the 1980s and 1990s and are developed with townhouses.

Timeline and Milestones:

|         |   |
|---------|---|
| 6/15/11 | Generalized development plan  |
| 6/20/11 | Rezoning application and Statement of Justification submitted           |
| 7/13/11 | Rezoning application accepted   |
| 7/27/11 | Stormwater management review disapprove, urban forestry review complete |

|          |   |
|----------|---|
| 8/8/11   | Pre-staffing date                                       |
| 8/30/11  | Stormwater management approved as noted                 |
| 9/8/11   | Staffing date   |
| 11/3/11  | Staff report  |
| 11/17/11 | Planning Commission public hearing                      |
| 12/9/11  | “marked up Proffers due”                                |
| 1/10/12  | Board of Supervisors approval                           |
| 1/12/12  | Waiver of BMP request                                   |
| 2/2/12   | Stormwater management BR CH approved as noted           |
| 4/18/12  | Site plan distributed for review                        |
| 5/17/12  | Wastewater Planning and Monitoring Division disapproval |

Current status : Still in site plan review with a number of outstanding issues

### **Case Study: Herndon Crossing, RZ 2003-DR-058**

This project is for 20 single-family homes on 11.99 acres, rezoned from R-1 to PDH-2, in the area north of Herndon. The homes are now built and occupied.

#### Timeline and Milestones:

|            |  |
|------------|--|
| 10/24/2003 | Rezoning application accepted for processing   |
| 12/16/03   | Pre-staffing meeting for Planning Commission   |
| 3/25/04    | Staffing meeting for PC  |
| 6/30/04    | Staff report to Planning Commission  |
| 7/15/04    | Planning Commission public hearing, recommend approval; approve Final Development Plan FDP 2003-DR-058                                 |
| 7/26/04    | Board of Supervisors approval  |
| 2/11/05    | Stormwater Management Waiver 000683-WSWM-001-1 approved  |
| 2005       | Multiple subparts of the Subdivision Plan reviewed at various dates, including VDOT, Fairfax Water, Wastewater Planning                |
| 9/8/05     | Easement Plat approved   |
| 10/14/05   | Bond package reviewed and approved   |
| 5/12/06    | Project approval   |
| 8/6/2007   | Application for PCA (Proffer Condition Amendment) accepted by County for processing to permit architectural modifications (proffer 15) |
| 8/28/07    | Pre-staffing meeting for PC  |
| 9/27/07    | Staff report delivered to PC   |

|           |  |
|-----------|--|
| 11/15/07  | Planning Commission public hearing, recommend approval (originally scheduled for October 10, 2007) |
| 1/7/08    | Board of Supervisor public hearing approving PCA (originally scheduled for October 15, 2007)       |
| 1/28/08   | Final Record Plat 000683-RP-014-2 recorded   |
| 2/1/08    | Grading plans for each lot (with revisions in 2009 for several lots)                               |
| July 2008 | Advertised in New Home Directory: 4 bedroom, 4.5 bath single family homes from the low 600s        |
| 2008-2010 | Subdivision plan revisions (multiple instances)  |
| 5/18/09   | Final Record Plat 000683-RP-016-1 recorded   |
| 2/23/11   | Revised Subdivision Plan   |

Current status: Homes built and occupied from second half of 2008 through first half of 2009; sales price from mid 600s to about \$750,000. Bonds not yet released due to Stormwater detention facility design issue.

#### Proffers and Conditions

- In substantial conformance with Final Development Plan as revised through June 24, 2004
- Sidewalks according to private street and sidewalk standards; HOA to be responsible for maintenance of private streets and sidewalks
- Energy Efficiency – meet thermal guidelines of CABO Model Energy Program
- Landscaping/Tree Save: use native species; submit tree preservation plan prepared by certified professional; conduct tree survey; limits of grading; determine value of healthy trees – value to be bonded; tree protection fencing
- Limits of Clearing and Grading: mark and observe; RPA to be used as open space
- HOA – to maintain all common open spaces, private streets, and community structures
- Garages – by covenant to be used only for parking
- Housing
  - Trust Fund – contribute 0.5% of sales price of each dwelling
- Onsite recreation -- \$955 per unit for onsite recreation facilities; \$1,100 per unit for revitalizing the Kingston Chase clubhouse (at an adjacent residential area); \$19,200+\$22,000
- Stormwater management –Provide enhanced and extended detention pond; utilize Low Impact Design to minimize impervious area; provide landscaping around area cleared for pond outfall; clearing and grading to be minimized; replace trees in designated preservation areas
- Schools – contribute \$20,000
- Fence – replace existing chain link fence with wood plank fence with brick pillars
- Lighting – direction of lighting specified
- Architectural Elevations – in conformance with approved Final Development Plan; homebuilder subsequently wanted different elevations and the project had to go through a Proffer Condition Amendment process
- Trails – install on-site trails; construct stream valley trail offsite from property line out about 1,500 feet.
- Driveways – minimum of 18 feet in length
- Park Dedication – dedicate a parcel to the Park Authority

## Case Study: Insight at Penn Daw RZ/FDP 2011 LE 016 Multifamily (“City View”)

This project is a proposed 245-unit multi-family building in the Penn Daw Community Business Center adjacent to Richmond Highway (Route 1); included in the 245 units are 15 units of affordable housing and 14 workforce housing units. Another project is proposed on an adjacent property. County staff preferred to conduct a planning study leading to a Comprehensive Plan Amendment so that transportation improvements could be made among four properties, rather than each property being considered separately. The rezoning is from R-4 and C-5 to PRM (Planned Residential Mixed Use) on 3.38 acres. A Final Development Plan is being processed concurrently. Also included in the application are a waiver to allow an underground Stormwater vault on a residential property; a waiver for the tree preservation target; and a modification to loading space requirements; and a modification for the transitional screening requirement.

### Timeline

- May 11, 2010 The Board of Supervisors authorized the Penn Daw Special Study, Plan Amendment (PA) ST10-IV-MV1 to examine the future vision of the area generally west of the intersection of Richmond Highway and North Kings Highway. The study area was expanded on November 16, 2010.
- 12/2/10 Appointed Task Force holds first meeting
- March 2011 Initial Conceptual/Final Development Plan (revisions occur through May 22, 2012)
- 4/6/11 First community meeting on Penn Daw Study
- June-Nov 2011 Alternatives developed, retail market feasibility analysis completed, transportation analysis presented
- 6/15/11 Rezoning and Final Development Plan applications accepted for processing
- 2/6/12 Community meeting ; also 2/29/12
- 3/2/12 Staff report on the Penn Daw Special Study
- 3/21/12 Comprehensive Plan Amendment at Planning Commission
- 4/10/12 Board of Supervisors Hearing on Penn Daw Comprehensive Plan Amendment, and adoption
- 5/31/12 Staff report on RZ/FDP for City View
- 6/14/12 Planning Commission Public Hearing
- 6/28/12 Planning Commission scheduled to make decision on project

Current Status: Scheduled for Board of Supervisors public hearing on July 10, 2012

### Proffers and Conditions of Development:

- In substantial conformance with City View CDP/FDP dated March 2011 and revised through May 22, 2012
- Maximum of 256,000 sf of GFA including ADUs, WDUs and bonus GFA. Maximum of 245 residential units including ADUs and WDUs; maximum building height no greater than 4 stories or 50 feet.
- Parking – no less than 1.6 parking spaces per dwelling unit
- Bicycle parking – bike racks and storage facilities for no less than 40 bikes
- Bus Shelters – two solar-powered bus shelters prior to issuance of first Residential Use Permit
- Turn Lanes – left turn land at North Kings Highway, prior to first RUP; turn lane at School Street, with VDOT approval; install right turn lane from North Kings Highway to Poag Street by restriping existing pavement

- Traffic Island Improvements – enhanced landscaping and public art on traffic island
- Traffic Signal –new traffic and pedestrian signal at North Kings Highway and Poag Street, subject to warrant study for VDOT
- Sidewalks and crosswalks – add two pedestrian crosswalks, construct missing sidewalk for 700 linear feet, provide two crosswalks on School Street, repave existing trail to rear of elementary school
- Escrow for the transportation improvements in case it is not possible to acquire needed land
- Transportation contribution -- \$94,000 for realignment of Shields Avenue (at final site plan)
- Traffic calming contribution -- \$20,000 for traffic calming on School Street
- TDM – prepare and implement Transportation Demand Management plan to reduce peak hour vehicular trips by at least 25% for the residential uses; minimum budget of TDM plan is \$39,050 per year; developer to provide initial funding; one time contribution of \$125 per unit for TDM transit incentive program for initial purchasers or lessees
- Landscape plan: provide detailed landscape plan
- Streetscaping: as indicated on CDP/FDP
- Pedestrian/Bicycle circulation: provide sidewalks and crosswalks, as specified
- Amenities for residents: private exterior recreational area with lawn, pavilion with outdoor kitchen, seating area, benches, walking path, garden enclosure, specialty landscaping; additional private courtyard with pool, seating area, fence, pergola shade, specialty landscaping, lounge chairs; party room with kitchen and bar; fitness center; yoga room; hang out lounge; conference room. Overall proffer value to be \$1,700 per non-ADU residential unit; any unused amount to be credited to off-site recreational facilities to the FCPA
- Public Art – install public art at corner of Poag Street and North Kings Highway
- Off-site recreation – contribute \$330,000 to FCPA for off-site recreational facilities
- Lighting – comply with Outdoor Lighting Standards of Zoning Ordinance
- Signage – per Zoning Ordinance
- Building design and materials – per general architectural design of DCP/FDP; materials to be brick, masonry for residential structure, pre-cast for garage.
- LEED Certification – LEED for Homes Multifamily Mid-Rise, and submit documentation on USGBC review
- Noise attenuation – maximum interior noise level of DNL 45 dBA fronting North Kings Highway
- Tree Preservation – “reasonably protect” off-site trees and vegetation from grading and construction activity
- Stormwater Management – BMP onsite through structural storm water filters and bioretention planters; Low Impact design. Design to release stormwater runoff from the site at a rate limited to 60% of allowable release. BMPs to exceed County minimum for phosphorus removal.
- Affordable Dwelling Units – provide units on site equal to 6.25% of all dwelling units (15 units)
- Workforce Dwelling Units – provide units equal to 5.75% of all non-ADU and ADU bonus dwelling units (14 units)
- Contribution to Adjacent Parcel – provide \$250,000 for improvements to School Street Shopping center to ensure coordination between parcels (construct or escrow).
- Schools – contribute \$187,560 to FCPS for capital improvements to schools serving the property
- Owners Association – create a Condominium Owners Association; disclose proffer and maintenance obligations
- Escalation – all proffers to escalate yearly based on changes in CPI-U.

## Case Study: Heights at Groveton, RZ-2004-LE-012, FDP, 022564-SP-001-1

This is a complex case that resulted from an initial plan for two parcels remote from each other; one was developed as the South County Government Office Building, and the other (a former public school site) was to be developed with a private office building. Due to adverse market conditions, the private office building was not built. Instead, a Comprehensive Plan Amendment and Rezoning adjusted the second site's development rights so that a residential mid-rise and adjacent smaller office building could be built. The rezoning was from C-3 to PRM on 4.59 acres, and for 300 multi-family units plus 15 single-family attached units.

### Timeline

|          |   |
|----------|---|
| 1982     | Southeast Fairfax Development Corporation created to manage redevelopment along Route 1; tackles Groveton School as its first project   |
| 1983     | Board of Supervisors authorizes preparation of redevelopment plan for Groveton area   |
| 11/21/88 | Out of turn Comprehensive Plan Amendment S88-IV-MV2   |
| 1989     | RFP to develop mixed use commercial and government office project   |
| 4/29/91  | Rezoning to C-3 office, with GDP for five-story office of 142,000 GSF and 722 structured parking spaces   |
| Nov 1991 | County suspends project, decides on a South County Regional Center in another location  |
| 4/1398   | County RFP for a Human Services building on Richmond Highway on a private site, and a market rate office building on the former elementary school site.   |
| 2/14/00  | Fairfax County signs Master Sales and Development Agreement with successful bidder<br><br>The developer built the South County Center in return for being able to acquire the Groveton School site for \$1 million. Building an office building at the Groveton site was a condition of the deal.<br><br>Due to lack of office demand, developer requests rezoning for a mixed-use project including residential, retail, office, and structured parking. |
| 3/19/02  | Request for two-year extension for construction of office component   |
| 10/20/03 | Board of Supervisors grants extension to 7/1/05   |
| 9/7/05   | Site plan resubmitted for County office building  |
| 4/6/04   | Rezoning/Final Development Plan 2004 LE 012 applications filed  |
| 10/29/04 | Staff report on Comprehensive Plan Amendment  |
| 12/2/04  | Planning Commission public hearing on Comprehensive Plan Amendment S04-IV-MV2   |
| 12/6/04  | Board of Supervisors public hearing on Comprehensive Plan Amendment   |
| 1/13/05  | Planning Commission hearing on RZ/FDP-LE-012  |
| 3/25/05  | Draft Proffers for rezoning   |
| 6/30/05  | Planning Commission approves Final Development Plan   |
| 7/11/05  | Rezoning application approved for PRM on 4.6 acres, allowing 290 residential units and 70,000 sf of commercial floor area   |

|            |  |
|------------|--|
| 9/14/05    | Soils report plan submitted  |
| 11/3/05    | Site Plan for Groveton Heights disapproved   |
| 1/28/08    | Request for interpretation of proffers on layout, parking, site access, and open space/recreation areas  |
| 3/25/08    | County staff responds that proposed modifications are not in substantial conformance with proffers, CDP, FDP, and development conditions;  |
| 5/19/08    | 527 review sent to DOT   |
| 6/19/08    | Final Development Plan Amendment to permit site modifications (new development partnership); to amend proffers, conceptual and final development plans, permit modifications to proffers and site design with no change in FAR |
| 7/29/08    | Pre Staffing Meeting for PC  |
| 9/18/08    | Staffing meeting for PC  |
| 2/18/09    | PC Staff Report published  |
| 3/12/09    | PC approves Final Development Plan Amendment   |
| 3/26/09    | Proffers – Redbrick Development Group LLC and MDP Groveton LLC   |
| 3/30/09    | BoS approves Proffered Condition Amendment PCA 2004-LE-012   |
| 3/31/09    | new Waiver to the PFM approved to allow use of underground detention   |
| 6/16/09    | Underground detention withdrawn  |
| 4/28/10    | multiple site plan review items disapproved  |
| 8/11/10    | application to reduce loading spaces approved  |
| 10/18/10   | Soils report revision changes approved   |
| 10/19/10   | Site Plan resubmitted  |
| 12/2/10    | second revision to approved soils report   |
| March 2011 | Groundbreaking   |
| 12/14/11   | Request for revision soils report  |

Current status: Under construction; marketed as Beacon of Groveton rental apartments. Unit sizes 580 to 1244 square feet; rental rates: studio starting at \$1,575; 1 bedroom from \$1,750 to \$2,025; 2 bedroom \$2,075 to \$2,675. First move-ins expected in the 4<sup>th</sup> quarter of 2012.

Development conditions:

- In substantial conformance with CDPA/FDPA entitled Heights at Groveton
- No more than 290 residential units, must include a minimum of 50,000 GSF of office and a minimum of 20,000 GSF of other commercial uses.
- Development is to take place as one site plan. A site plan revision to include the office building should receive DPWES approval prior to issuance of final Residential Use Permit.
- Dedication of Right of Way – convey in fee simple a right of way up to 88 feet from centerline of Richmond Highway frontage; up to a width of 50.5 feet from the centerline of

the Memorial Street frontage; up to a width of 42.5 feet from the centerline along Donora Drive frontage; up to 31.5 feet from centerline of Groveton Street

- Frontage improvements – 59 feet from centerline to face of curb, including a right turn lane with taper from Richmond Highway; frontage improvements to Memorial Street; frontage improvements to Donora Drive; frontage improvements to Groveton Street
- Access Restrictions – two full movement entrances on Groveton Street and right-in only entrance on Richmond Highway
- Streetscape – landscaping, trail, and browsing strip along Richmond Highway frontage; landscaping and sidewalk along Memorial Street, Groveton Street; landscaping along Donora Street.
- Utilities to be undergrounded.
- Transportation Management Plan -- develop TDM plan; provide one-time contribution of \$30,000 for the initial funding
- Bicycle racks – indoor bike racks
- Data wiring – install high capacity data/network connections for all residential units to facilitate telecommuting
- Bus Shelters – install bus shelter along Richmond Highway frontage; contribute \$15,000 for a bus shelter across Richmond Highway
- Shuttle van – establish a service
- Traffic light – install new traffic light at Groveton Street and Richmond Highway; complete a warrant study for VDOT; modify timing at existing traffic light
- Pedestrians – provide at grade pedestrian connection with property to the north (Beacon Center); provide pedestrian passage plan
- Traffic Calming – escrow \$25,000 for traffic calming measures on Memorial Street, Lenclair Drive and .or Queens Road
- Parking – in accordance with Zoning Ordinance; in structure
- Stormwater management/BMP – provide underground on-site stormwater management and BMP facilities; applicant to maintain SWM/BMP; establish reserve fund for maintenance and replacement cost
- Landscaping: deciduous trees minimum 3 inch caliper; install irrigation system; provide detailed landscaping plan with variety of tree species
- Noise attenuation: reduce interior noise to approximately 45 dBA; highway noise impacts to be disclosed to purchasers (if sale project)
- Recreation – provide facilities including swimming pool, community center, picnic areas, seating area, formal gardens. Minimum expenditure to be \$1,500 per residential unit; funds not expended on site to be contributed to FCPA. Install a dog park at Lenclair Park.
- Historic – contribute \$50,000 to the Fairfax County Park Authority for restoration of Historic Huntley.
- Schools – contribute \$277,500 to FCPS for schools in the vicinity
- Affordable Housing – contribute ½ of one percent of sales value of each multi-family dwelling unit
- Design – conform with architectural elevations shown on CDPA/FDPA; exterior materials include pre-cast concrete, glass, metal panels, masonry, stucco, brick.
- Energy Efficiency – comply with CABO Model Energy Code
- Lighting – comply with Zoning Ordinance; pedestrian lights along Richmond Highway in accordance with streetscape guidelines

- Owners' Association – establish umbrella association to own, manage, and maintain open space, recreation facilities and SWM/BMP facilities. Disclose to prospective purchasers: Richmond highway right of way dedication, future road improvements, shuttle van service
- Signage – in compliance with Zoning Ordinance and Richmond Highway Urban Design Guidelines
- Construction – hours, rodent treatments, contact information
- Green Buildings – LEED design elements to be incorporated; achieve green building certification.

