

**FAIRFAX COUNTY PLANNING COMMISSION  
POLICY AND PROCEDURES COMMITTEE  
THURSDAY, OCTOBER 29, 2009**

**COMMITTEE MEMBERS PRESENT:**

Walter L. Alcorn, At-Large  
Janet R. Hall, Chairman, Mason District  
James R. Hart, At-Large  
Kenneth Lawrence, Providence District  
John L. Litzenberger, Sully District

**COMMITTEE MEMBERS ABSENT:**

Earl L. Flanagan, Mount Vernon District  
Suzanne F. Harsel, Braddock District  
Timothy J. Sargeant, At-Large

**OTHER COMMISSIONERS PRESENT:**

Frank A. de la Fe, Hunter Mill District  
Jay P. Donahue, Dranesville District  
Peter F. Murphy, Jr., Springfield District

**STAFF PRESENT:**

David J. Molchany, Deputy County Executive, County Executive's Office  
Pamela Nee, Planning Division, Department of Planning and Zoning  
Barbara J. Lippa, Executive Director, Planning Commission Office  
S. Robin Ransom, Assistant Director, Planning Commission Office  
Kara A. DeArrastia, Deputy Clerk to the Fairfax County Planning Commission

**OTHERS PRESENT:**

Scott Fridy, Acting CEO/ Director of Performing Arts/ Festival Director, Arts Council of  
Fairfax County  
Jessica Hall, citizen

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Chairman Janet R. Hall called the meeting to order at 7:30 p.m., in the Board Conference Room,  
12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner Litzenberger MOVED THAT THE MINUTES OF MARCH 25, 2009 BE  
APPROVED.

Commissioner Hart seconded the motion which carried unanimously.

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Chairman Hall noted that the Committee would be briefed on the proposed Strawman Policy Plan Text on Visual and Performing Arts (draft as of August 11, 2009), a copy of which is in the date file.

Pamela Nee, Planning Division, Department of Planning and Zoning (DPZ), introduced Dave Molchany, Deputy County Executive, and Scott Fridy, Acting CEO/ Director of Performing Arts/ Festival Director, Arts Council of Fairfax County.

Mr. Molchany explained that the Board of Supervisors had accepted the Final Report of the Commission on the Future of the Arts in Fairfax County in 2008 and directed the County Executive to establish a committee to examine the arts in Fairfax County and determine how to implement the report recommendations. He listed the following Fairfax County agencies and organizations that were represented on the Arts Committee:

- Office of the County Executive
- Fairfax County Public Library
- Department of Cable Communications and Consumer Protection
- Office of Community Revitalization and Reinvestment
- Department of Planning and Zoning
- Office of Public Private Partnerships
- Office of Public Affairs
- Facilities Management Department
- Department of Information Technology
- Department of Community and Recreation Services
- Arts Council of Fairfax County
- Fairfax County Public Schools
- Fairfax County Economic Development Authority
- George Mason University
- Office of Human Rights and Equity Programs
- Fairfax County Park Authority

Mr. Molchany noted that the Arts Committee had met on a monthly basis for a little over a year. He pointed out that there was no budget for this project. He stated that the Arts Committee had worked with Mason District Supervisor Penny Gross to develop a strawman proposal for an amendment to the Comprehensive Plan for the arts, which he said would be presented by Ms. Nee this evening.

Ms. Nee encouraged the Commissioners to provide questions, comments, or suggestions about the strawman document. She noted that the text would be incorporated as a new section in the Policy Plan and therefore, the objectives would be applied Countywide.

In response to a question from Commissioner Litzenberger, Mr. Molchany said the Office of Public Private Partnerships had been tasked to find opportunities to fund projects headed by the Office of the County Executive.

Responding to a question from Commissioner Lawrence, Commissioner de la Fe explained that although the County could not apply for grants, foundations had been established such as the Fairfax Library Foundation and Fairfax County Park Foundation, to leverage those funds.

Commissioner Lawrence inquired as to whether the County should create an arts foundation to apply for grants. Mr. Molchany pointed out that the County used the Arts Council of Fairfax County to obtain grants.

Commissioner Lawrence proposed that the County acquire some volunteer talent to solicit grants.

At the request of Chairman Hall, Ms. Nee reviewed the following components of the revised strawman Policy Plan text document dated August 11, 2009:

- Introduction
- Objective 1, Policies a., b., c., d., and e.

Ms. Nee noted that staff would consult with the Arts Council of Fairfax County and the Initiative for Public Art Reston plan to determine how to define art.

Ms. Nee discussed Objective 2 and said the potential provision of an arts facility proffer would vary on a case-by-case basis, but noted that it was not the intent of the new Policy to give priority to arts facilities over basic needs such as transportation and schools.

Chairman Hall suggested that once space for public art was identified on a development property and the applicant was willing to provide this feature, the applicant be referred to a qualified individual to collaborate on developing the piece of art.

Commissioner Alcorn said he did not think that the Policy would enable arts facilities to take precedence over schools, parks, or other public facilities. He commented that arts facilities would be a welcomed addition to the County, and Objective 2 provided some flexibility on a case-by-case basis where such a proffer might be appropriate.

Commissioner de la Fe said he believed that Objective 2 was acceptable. He pointed out that Objective 1 referred to visual art only and he therefore, recommended that staff ensure that this did not create a preference for visual art. He strongly advised against defining art in the Policy.

Commissioner Murphy expressed concern that an arts facility proffer could be elevated to the same level as transportation. Commissioner Alcorn disagreed and said he envisioned that Objective 2 would allow the addition of art within a dedicated public space, park, or other public facility, and it would not displace roads.

Commissioner Murphy said he was strongly opposed to Objective 2 because it could be perceived as "zoning for dollars" and investment in existing and new arts facilities should not be implemented through the proffer system. He asked whether cash contributions would be sought

and if so, how this process would be structured, what the amount would be per unit, and where such funds would be deposited.

Chairman Hall said she believed that the arts facility proffer would be considered as a condition and not be structured like the proffer formula for schools. Commissioner Alcorn concurred and said that was how the proffer system addressed libraries, police and fire stations, stormwater management facilities, and other facilities, with the exception of schools and parks.

Commissioner Murphy expressed concern that Objective 2 could lead to the establishment of arts facility funds in the County where developers would be required to contribute a specified amount per square foot.

In reply to a question from Commissioner Murphy, Ms. Nee said it was not the intent of Objective 2 to allow staff to impose a development condition unless the applicant was agreeable. Commissioner Murphy pointed out that it did not make sense that staff would ask an applicant to agree to a development condition, which was usually imposed by the County, and that the applicant did not have to agree to it. He requested that staff reconsider the wording of Objective 2. Ms. Nee agreed with this request.

Replying to a question from Chairman Hall, Ms. Nee assured the Commissioners that the strawman document was not the final version and noted that the purpose of this meeting was to receive their comments.

Commissioner Murphy requested that staff determine how the money would be collected if cash contributions were made. Commissioner Alcorn argued that cash contributions were not referenced in Objective 2 and that it was limited to development and facilities.

Commissioner Lawrence discussed the section on the arts in the Draft Strawman II Plan Text for Transforming Tysons. He said he was available to work with staff on refining the proposed Policy Plan amendment. He noted that Tysons was planned to become a digital city where all the buildings would have facilities that accepted fiber or broadcast interconnections, supported interconnectivity through information technology, and displayed large plasma screens and even three-dimensional televisions in the future. Commissioner Lawrence explained that one idea would be to exhibit computer art, designed by George Mason University students, on a rotating basis throughout Tysons. He said a mechanism for allocating the necessary funds, either through the proffer system or another source, must first be implemented.

Commissioner Litzenberger suggested that "multi-cultural art" be incorporated into the Policy. He also suggested that staff investigate how Arlington County had initiated public art projects in Rosslyn. Addressing Commissioner Murphy's concern about the arts facility proffer, Commissioner Litzenberger noted that this proffer could be handled on the same level as trails so that in the case where an arts facility was not proffered, a certain amount of money could be contributed toward the construction of such a facility.

Commissioner Hart explained that the purpose of development conditions was primarily to mitigate adverse impacts associated with a development, such as outdoor lighting, noise, additional traffic, and stormwater runoff. He said he thought that the only situation where art should be addressed by a development condition would be to require that the piece of art or arts facility depicted on the development plan or plat be built exactly as proposed. He commented that it would be easier if the applicant was willing to provide a piece of art and the details of the proffer were negotiated with staff.

Commissioner Hart recommended the following editorial changes:

- Objective 1, Policy b. – Change the first "or" to "and".
- Objective 1, Policy e. – Clarify whether specific public art master plans should be developed for the identified six areas exclusively.
- Objective 3, Policy a. – Remove "with planning and zoning opportunities" from the second line and add a period after "proposals".
- Objective 3, Policy f. – Specify whether "culturally diverse" described venues or neighborhoods (i.e. "culturally diverse venues in neighborhoods" or "venues in culturally diverse neighborhoods").

Ms. Nee described Objective 3 and pointed out that the bulleted points listed under Policy g. were considerations for a Countywide cultural arts master plan. Ms. Nee next reviewed Objective 4.

Chairman Hall suggested that staff consider developing a system to archive, index, and manage all the various arts projects so people could learn how they had been implemented and identify a point of contact. She introduced her daughter, Jessica Hall, who was Special Projects Producer at the Newseum, and said she had obtained feedback from Fairfax County public school students and Fire Department personnel about projects she was working on. Chairman Hall commented that it would be helpful to capture that input in addition to input collected by others who were performing similar work.

Commissioner Alcorn said he thought that the Policy needed to be more aggressive and ambitious in soliciting public art. He pointed out that this was not a new concept for the County and presented an example of the Reston Town Center proposal in the 1980s where a proffer had been negotiated for minimum square footage of space dedicated to the arts, which resulted in the summer concert series and office space for the Greater Reston Arts Center. Commissioner Alcorn explained that The Georgelas Group demonstration project for Tysons Corner had proposed an area near the Metro platform that would accommodate performances and a 40-foot television. He commented that since the private sector was beginning to incorporate arts facilities into their developments, the County should seek more ways to encourage the arts. Chairman Hall concurred with this statement.

Commissioner de la Fe said that although he agreed with the objectives in the Policy, he commented that the categorization and formatting were somewhat limiting. He also suggested that the Policy identify architecture as a form of art.

Chairman Hall strongly recommended that the Policy not limit the definition of art. Commissioner Lawrence agreed. He said staff should explore the link between land use and promotion of art in a way that was not automatic or rigid.

Commissioner Litzenberger encouraged staff to visit Wilson Boulevard in Rosslyn to observe the public art, which he said was very tastefully done.

Commissioner Alcorn pointed out that the transit-oriented development study had discovered that an important element to encouraging people to walk to transit was that it needed to be interesting, so public art could be integrated with that.

Chairman Hall recalled the "Party Animals" street art project in Washington, D.C. where area artists had decorated elephant and donkey sculptures, which had subsequently been auctioned off and the proceeds invested back into the arts community.

Commissioner Alcorn recommended that staff coordinate with those involved in the Tysons replanning to explore the arts facility projects that would undergo that process. Ms. Nee concurred with this recommendation.

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The meeting was adjourned at 8:09 p.m.  
Janet R. Hall, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved: January 21, 2010

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Linda B. Rodeffer, Clerk  
Fairfax County Planning Commission