

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
OCTOBER 15, 2007**

**ADMINISTRATIVE
ITEMS (CONTINUED)**

- | | | |
|----|-----------------|---|
| 8 | Approved | Authorization to Advertise a Public Hearing to Establish the Old Centreville Community Parking District (Sully District) |
| 9 | Approved | Approval of "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Springfield District) |
| 10 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Implement Cut-Through Measures on Morningside Lane as Part of the Residential Traffic Administration Program (Mount Vernon District) |

ACTION ITEMS

- | | | |
|---|--|---|
| 1 | Approved | Approval of Contract with Sprint Nextel: Regional 800 MHz Rebanding - Planning Funding (Phase I) Agreement |
| 2 | Approved | Authorize the County Executive to Sign the Memorandum of Agreement Relative to Improvements to Route 657, Centreville Road (Hunter Mill District) |
| 3 | Approved | Approval of License Agreement Between Apple Federal Credit Union and Fairfax County Board of Supervisors to Provide Commuter Parking Spaces (Lee District) |
| 4 | Approved | Approval for the Establishment and Assembly of the Fairfax County Domestic Violence Fatality Review Team |
| 5 | Approved
Director's Decision
Upheld | Appeal of the Decision by the Director of the Department of Public Works and Environmental Services Applying the Board Policy for Treatment of Approved and Pending Plans of Development for the Chesapeake Bay Preservation Ordinance (Sully District) |
| 6 | Approved | Board Approval of an Allocation to the Reston Historic Trust for Community Revitalization to be Used for Renovations to the Reston Museum (Hunter Mill) |
| 7 | Approved | Testimony for Public Hearing on Commonwealth of Virginia's Six-Year Program for Highway and Transit Funds for FY 2009 Through FY 2014 |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
OCTOBER 15, 2007**

**ACTION ITEMS
(CONTINUED)**

- | | | |
|----|-----------------|---|
| 8 | Approved | Endorsement of Design Plans to Widen Stringfellow Road (Route 645) from Route 50 to Fair Lakes Boulevard (Route 7735) (Sully and Springfield Districts) |
| 9 | Approved | Endorsement of Fairfax County Projects for Funding from the Northern Virginia Transportation Authority Revenues and Fairfax County's Commercial Real Estate Tax for Transportation Purposes FY 2008, FY 2009, and FY 2010 |
| 10 | Approved | Board Endorsement of the Natural Landscaping Manual and the Implementation Plan |

**CONSIDERATION
ITEM**

- | | | |
|---|--|---|
| 1 | Chairman Connolly selected as voting delegate. Board Members who attend the meeting may be considered as alternates | 2007 Virginia Association of Counties' Annual Meeting |
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INFORMATION ITEMS

- | | | |
|---|--------------|--|
| 1 | Noted | SCC Final Order for Washington Gas Light Company Proposed Rate Increase Results in Customer Refunds and Significantly Lower Rates than Requested, SCC Case No. PUE-2006-00059 |
| 2 | Noted | Contract Awards – Integrated Sewer System Special Projects Basic Ordering Agreements |
| 3 | Noted | Annual Report on the Board's Four-Year Transportation Program and Other Active Transportation Projects |
| 4 | Noted | Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
OCTOBER 15, 2007**

**PUBLIC HEARINGS
(CONTINUED)**

- | | | |
|------|-----------------|--|
| 4:00 | Approved | Public Hearing on RZ 2006-SU-025 (Commonwealth Centre Investors, LLC & Commonwealth Centre Investors II, LLC) (Sully District) |
| 4:00 | Approved | Public Hearing on PCA 78-S-063-5 (Commonwealth Centre Investors, LLC & Commonwealth Centre Investors II, LLC) (Sully District) |
| 4:00 | Approved | Public Hearing on AA 83-S-004 (Lee J. Vazquez, Nadine Vazquez, Jeff Waters) (Springfield District) |
| 4:00 | Approved | Public Hearing on PCA 82-P-069-17 (Fair Lakes Center Associates L.P.) (Springfield District) |
| 4:00 | Approved | Public Hearing on CDPA 82-P-069-03-03 (Fair Lakes Center Associates L.P.) (Springfield District) |
| 4:00 | Approved | Public Hearing on PCA 82-P-069-19 (Fair Lakes Center Associates L.P.) (Springfield District) |
| 4:00 | Approved | Public Hearing on CDPA 82-P-069-03-02 (Fair Lakes Center Associates L.P.) (Springfield District) |
| 4:00 | Approved | Public Hearing on PCA 82-P-069-20 (Fair Lakes Center Associates L.P.) (Springfield District) |
| 4:00 | Approved | Public Hearing on CDPA 82-P-069-01-01 (Fair Lakes Center Associates L.P.) (Springfield District) |
| 4:00 | Approved | Public Hearing on PCA 82-P-069-15 (Fair Lakes Center Associates L.P.) (Springfield District) |
| 4:00 | Approved | Public Hearing on CDPA 82-P-069-03-01 (Fair Lakes Center Associates L.P.) (Springfield District) |
| 4:00 | Approved | Public Hearing on PCA 82-P-069-16 (Fair Lakes Center Associates L.P.) (Springfield District) |
| 4:00 | Approved | Public Hearing on CDPA 82-P-069-07-01 (Fair Lakes Center Associates, L.P.) (Springfield District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
OCTOBER 15, 2007**

**PUBLIC HEARINGS
(CONTINUED)**

4:00	Approved	Public Hearing on RZ 2005-SP-033 (Centerpointe Church at Fair Oaks Formerly Known as Fairfax Assembly of God) (Springfield District)
4:30	Public hearing deferred to 1/7/08 at 3:00 p.m.	Public Hearing on SEA 01-M-006-2 (Public Storage) (Mason District)
4:30	Public hearing rescheduled to 12/3/07 at 3:30 p.m.	Public Hearing on a Proposal to Implement Cut-Through Measures on Morningside Lane as Part of the Residential Traffic Administration Program (Mount Vernon District)
4:30	Approved	Public Hearing Regarding the Conveyance of County-Owned Property to the Fairfax County Park Authority and Authorization for the County Executive to Sign on Behalf of the Board a Land Bank Agreement
5:00	Approved	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Workforce Housing Program
5:00	Public hearing deferred to 1/28/08 at 4:00 p.m.	Public Hearing on PCA 84-L-020-23 (Kingstowne L L.P., Kingstowne Parcel O L.P.; Kingstowne M & N LP; BP Kingstowne Office Building T, LLC; Kingstowne Towne Center L.P.; BP Kingstowne Office Building K LLC; BP Kingstowne Theatre, LLC) (Lee District)
5:00	Approved	Public Hearing on SEA 97-D-020-02 (Verizon Virginia, Inc.) (Dranesville District)
5:00	Approved	Public Hearing to Establish the Meadows Community Parking District (Sully District)
5:30	Public hearing deferred to 1/7/08 at 3:00 p.m.	Public Hearing on PCA 2003-DR-058 (NVR, Inc. D/B/A Ryan Homes) (Dranesville District)
5:30	Approved	Public Hearing on Amendments to the Upper Occoquan Sewage Authority Restated and Amended Service Agreement
5:30	Approved	Public Hearing on the Sale of a Total of Three Million Gallons Per Day of Fairfax County's Unused Capacity at the Upper Occoquan Sewage Authority's Treatment Plant to Prince William County and the City of Manassas
5:30	Done	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
Oct. 15, 2007

9:00 a.m.

Planting of a ceremonial tree for the Fairfax County 30-year tree canopy goal kickoff.

PRESENTATIONS

1. RESOLUTION – To recognize the City of Fairfax Band German unit, *Alte Kameraden* (Old Friends), for its 30th anniversary. Requested by Chairman Connolly.
2. CERTIFICATE – To recognize International Association of Firefighters Local 2068 for its success in raising funds through its Fill the Boot Campaign to benefit the Muscular Dystrophy Association. Requested by Chairman Connolly.
3. PROCLAMATION – To designate October 2007 as Pedestrian Safety Month in Fairfax County. Requested by Chairman Connolly.
4. CERTIFICATE – To recognize Students Against Global Abuse from Herndon High School for managing recycling programs and organizing cleanups, tree plantings and educational programs. Requested by Supervisor DuBois.
5. PROCLAMATION – To designate October 2007 as Disability Employment Awareness Month in Fairfax County. Requested by Chairman Connolly.
6. PROCLAMATION – To designate October 2007 as Domestic Violence Awareness Month in Fairfax County. Requested by Chairman Connolly.
7. PROCLAMATION – To designate October 2007 as Library Foundation Month in Fairfax County. Requested by Chairman Connolly.

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Board Agenda Item
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8. PROCLAMATION – To designate October 2007 as Head Start Awareness Month in Fairfax County. Requested by Supervisor Bulova.
9. PROCLAMATION – To designate October 27, 2007, as VolunteerFest Day 2007 in Fairfax County.
10. RESOLUTION – To recognize the Northern Virginia Area Health Education Center for its service to Fairfax County and Northern Virginia. Requested by Supervisor Hudgins.
11. PROCLAMATION – To designate November 2007 as American Indian Heritage Month in Fairfax County. Requested by Supervisor Gross.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

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10:00 a.m.

Presentation of Barbara Varon Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Gerald Connolly, Chairman, Board of Supervisors

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10:15 a.m.

Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:

Appointments to be Heard October 15, 2007

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item
October 15, 2007

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing for the Creation/Enlargement of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Dranesville and Mason Districts)

ISSUE:

Board authorization to advertise a Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for refuse/recycling and/or leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing at 3:30 p.m. on Monday, November 19, 2007, to consider the following changes to small and local sanitary districts for refuse, recycling and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts.

The actions listed below will result in a net increase of 22 refuse/recycling customers and 1 leaf customer.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1A12 Within Small District 1 Within Dranesville District (1450 Kirby Road)	Enlarge 1 Unit	Refuse & Recycling	Approve
Small District 14 Within Dranesville District (Natahoa Court)	Create 20 Units	Refuse & Recycling	Approve
Small District 4 Within Mason District (6471 Overlook Drive)	Enlarge 1 Unit	Refuse/Recycling & Leaf	Approve

TIMING:

Board authorization to advertise on October 15, 2007, is required for a Public Hearing to be held on November 19, 2007, at 3:30 p.m.

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BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board's adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

Residents within the proposed sanitary districts have been sent letters by the County outlining the sanitary district petition process. This communication is to insure that residents are aware that the process is ongoing while advising them of their rights and referring them to sources of information should they have any questions. The letter also provides residents within the proposed sanitary district area with details of the refuse/recycling and/or leaf collection service that will be provided should the sanitary district be approved. If approved, all services will begin in January 2008.

The submitted petitions have been reviewed, and it has been determined that the petitions meet the Board of Supervisors' Adopted Criteria. Staff recommends that the authorization to advertise a public hearing for the Enlargement/De-Creation/Re-Creation of small and local sanitary districts for refuse/recycling and/or leaf collection areas be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Advertisement

Attachment 2: Summary Sheet

Attachment 3: Data Sheets with Proposed Resolutions and Maps

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

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ADMINISTRATIVE – 2

Streets Into the Secondary System (Lee, Mount Vernon, Springfield, and Sully Districts)

ISSUE:

Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:

The County Executive recommends that the street(s) listed below be added to the State Secondary System.

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Hooes Road Property	Lee	Clarkson Drive Hooes Road (Route 636) (Additional Right-of-Way (ROW) only)
Hybla Valley Farms	Mount Vernon	Woodlawn Trail (Route 10368)
Ridge Top Road, Phase II	Springfield	Ridge Top Road (Route 7224) Government Center Parkway (Route 7436)
H. Frank and Emman Entwisle	Sully	Lee Highway (Route 29) (Additional ROW only)
St. Veronica's Catholic Church		Centreville Road (Route 657) (Additional ROW only)

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Subdivision

District

Street

The Woods at Bull Run

Sully

Cedar Spring Road
(Route 5405)

TIMING:

Routine.

BACKGROUND:

Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Street Acceptance Forms

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

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ADMINISTRATIVE – 3

Supplemental Appropriation Resolution AS 08051 for the Health Department to Accept Grant Funding from the United States Department of Agriculture Through the Virginia Department of Health for the Women, Infants, and Children Grant

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 08051 in the amount of \$1,487,990 for FY 2008 grant funds to continue services under the Women, Infants, and Children (WIC) grant from the United States Department of Agriculture through the Virginia Department of Health. Each year the State uses a formula to distribute Federal dollars. The formula is based on average WIC participation and Maternity participation over the last twelve months. The award represents a \$146,851 increase in funding above the FY 2008 Adopted Budget Plan amount of \$1,341,139. The increase will allow the Health Department to continue funding positions created during the year as a result of 13 percent participation growth during FY 2007 in addition to related travel, training and supplies. The funding period for this award is October 1, 2007 through September 30, 2008. No Local Cash Match is required to accept this award. The grant will allow the Health Department to continue to certify eligible families for WIC food packages, provide counseling to at-risk and high risk families, and continue lactation promotion activities.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 08051 for the Health Department to accept funding from the United States Department of Agriculture through the Virginia Department of Health in the amount of \$1,487,990 for the WIC Grant. No Local Cash Match is required. The award will continue to support 22/22.0 SYE existing grant positions, as well as provide funding for limited-term support. The grant will also support related travel, training and education supplies.

TIMING:

Board action is requested on October 15, 2007 as funds will be available October 1, 2007.

BACKGROUND:

WIC is a federally-funded nutrition program for pregnant and post partum women, infants, and children up to age five. Participants must meet medical and financial criteria. If eligible, they receive nutrition counseling and vouchers for specific foods

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(e.g., milk, juice, and cheese). Participants are certified every 6 months and receive vouchers every three months. The Health Department has been providing WIC service for over twenty years. WIC has over 14,500 active participants.

FISCAL IMPACT:

The Health Department will receive a total of \$1,487,990. No Local Cash Match is required. Acceptance of this grant does not increase the appropriation level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in FY 2008. Indirect costs recovery is not available under this grant.

CREATION OF NEW POSITIONS:

In FY 2008, funding is sufficient to continue support of a total 22/22.0 SYE existing grant positions. Funding will also support necessary limited-term staff, as well as related travel and educational supplies. The County has no obligation to continue funding these positions if grant funding is discontinued.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 08051
Attachment 2: Award letter from State Health Department

STAFF:

Verdia L. Haywood, Deputy County Executive
Gloria Addo-Ayensu, MD, MPH, Director of Health
Esther Walker, MCH Coordinator, Health Department

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ADMINISTRATIVE – 4

Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Mason, Providence and Springfield Districts)

ISSUE:

Extension of the review periods for specific 2232 Review applications to ensure compliance with the review requirements of *Section 15.2-2232* of the *Code of Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-S07-47 to December 24, 2007; application FSA-H00-97-1 to December 27, 2007; application 2232-S07-3 to December 30, 2007; application 2232A-D05-14-1 to January 13, 2008; applications FS-B07-50 and FS-S07-51 to January 17, 2008; and applications 2232-P06-12 and FS-M07-26 to April 30, 2008.

TIMING:

Board action is required on October 15, 2007, to extend the review periods of the applications noted above before their expiration.

BACKGROUND:

Subsection B of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act within sixty days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than sixty additional days."

The Board should extend the review periods for applications 2232-P06-12 and FS-M07-26, which were accepted for review by the Department of Planning and Zoning (DPZ) on June 13, 2006, and April 11, 2007, respectively. These applications are for public facilities, and thus are not subject to the State Code provision for extending the review period by no more than sixty additional days.

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The Board also should extend the review periods for applications 2232-S07-3, 2232A-D05-14-1, FS-S07-47, FS-B07-50, FS-S07-51, and FSA-H00-97-1, which were accepted for review by DPZ between July 27, 2007, and August 20, 2007. These applications are for telecommunications facilities. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The need for these extensions may not be necessary, and is not intended to set dates for final action. The review periods for the following applications should be extended:

- | | |
|----------------|--|
| 2232-P06-12 | Washington Metropolitan Area Transit Authority
Parking structure
2900 Nutley Street
Providence District |
| 2232-S07-3 | T-Mobile Northeast LLC
100-foot monopole (flagpole)
7230 Sydenstricker Road
Springfield District |
| 2232A-D05-14-1 | Nextel Communications of the Mid-Atlantic, Inc.
Distributed Antenna System
Beach Mill Road, River Bend Road, Seneca Road, Springvale
Road, and Utterback Store Road
Dranesville District |
| FS-M07-26 | Fairfax County Dept. of Public Works and Environmental Services
Renovation and expansion of Thomas Jefferson Library
7415 Arlington Boulevard
Mason District |
| FS-S07-47 | Verizon Wireless
Antenna colocation on existing transmission pole
Intersection of Fairfax County Parkway and Lee Chapel Road
Springfield District |
| FS-B07-50 | Verizon Wireless
Antenna colocation on existing monopole
5035 Sideburn Road (Robinson Secondary School)
Braddock District |

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FS-S07-51 Verizon Wireless
Antenna colocation on extension to existing transmission pole
1300 block of Westbrook Drive
Springfield District

FSA-H00-97-1 Sprint/Nextel Communication
Replace existing antennas, add antennas and equipment cabinet
13865 Sunrise Valley Drive
Hunter Mill District

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
David B. Marshall, Planning Division, DPZ
David S. Jillson, Planning Division, DPZ

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Hunter Mill Road Walkway Project (Providence District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 4YP020 - Hunter Mill Road Walkway, in Fund 304, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 19, 2007, commencing at 3:30 p.m.

TIMING:

Board action is requested on October 15, 2007, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of constructing a pedestrian walkway, curb and gutter on the northeast side of Hunter Mill Road approximately 681 feet from Chain Bridge Road to the Fairfax County Park Authority property, and approximately 500 feet of proposed pavement along a portion of the pedestrian walkway.

The construction of this project requires the acquisition of a deed of dedication and various easements and/or agreements covering sidewalk and grading agreement and temporary construction easements on seven properties in the Providence District. The Land Acquisition Division has been negotiating to acquire the land rights since May 2006. The land rights on one property are still outstanding.

In order to commence construction of this project on schedule, it may become necessary for the Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (Supp. 2007). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

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FISCAL IMPACT:

This project was approved by the Board and funding is available for Project 4YP020 - Hunter Mill Road Walkway in Fund 304, Transportation Improvements. No additional funding is being requested from the Board for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

STAFF:

Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

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ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Kenmore Subdivision Sanitary Sewer Extension and Improvement Project (Dranesville District)

ISSUE:

Board authorization to advertise a Public Hearing on the acquisition of certain land rights necessary for the construction of Project X00826 (E103) – Kenmore Subdivision Sanitary Sewer Extension and Improvement, Fund 402, Sewer Construction Improvements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a Public Hearing for November 19, 2007, commencing at 3:30 p.m.

TIMING:

Board action is requested on October 15, 2007, to provide sufficient time to advertise the proposed Public Hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of the installation of approximately 2,600 linear feet of sanitary sewer service and associated appurtenances. These improvements will serve 19 lots on Lyons Street, Vernon Drive and Kenmore Drive.

The construction of this project requires the acquisition of sanitary sewer easements on six properties in the Dranesville District. The Land Acquisition Division has been negotiating to acquire the land rights since November 2006. The land rights on one property are still outstanding.

In order to commence construction of this project on schedule, it may become necessary for the Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (Supp. 2007). Pursuant to these provisions, a Public Hearing is required before property interests can be acquired in such an accelerated manner.

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FISCAL IMPACT:

The project was approved by the Board and funding is available for Project X00826 (E103) – Kenmore Subdivision in Fund 402, Sewer Construction Improvements. The total estimated cost of the project is \$914,000.00. No additional funding is requested from the Board for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map
Attachment B - Listing of Affected Properties

STAFF:

Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

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ADMINISTRATIVE - 7

Proposed Street Name Change From Laura Sue Court to Fox Spring Court (Providence District)

ISSUE:

Board approval of a street name change in the “Official Street Names and Property Numbering Atlas and the Master Addressing Repository” for Laura Sue Court Tax Map #047-2.

RECOMMENDATION:

The County Executive recommends that the Board approve the street name change from Laura Sue Court to Fox Spring Court effective 30 days following Board approval, in accordance with Section 102-1-9 of “The Code of the County of Fairfax, Virginia”.

TIMING:

Routine.

BACKGROUND:

The Site Permits and Addressing Center has received a request from the property owners to change the street name from Laura Sue Court to Fox Spring Court. The Department of Public Works and Environmental Services’ policy requires that the owners representing more than 51 percent of the properties addressed on the subject street concur in a request to change the street name. Four of the six affected property owners have indicated their agreement with the request to change the street name to Fox Spring Court. This request is in conformance with all County codes and policies. Staff recommends approval of the proposed name change to Fox Spring Court.

FISCAL IMPACT:

None. Funds are estimated to be \$215 and are to be paid by the Homeowners Association.

ENCLOSED DOCUMENTS:

Attachment I – Vicinity Map
Attachment II – Letters of Petition

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STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

James W. Patteson, Director, Land Development Services, DPWES

Board Agenda Item
October 15, 2007

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Establish the Old Centreville Community Parking District (Sully District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the Old Centreville Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 19, 2007, at 3:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Old Centreville CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on October 15, 2007, to provide sufficient time for advertisement of the public hearing on November 19, 2007, at 3:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting

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such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property within the proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

Staff has verified that the requirements for a CPD have been satisfied.

The parking prohibition identified above for the Old Centreville CPD establishment is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Old Centreville CPD Establishment
Attachment III: Notice of Public Hearing

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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ADMINISTRATIVE - 9

Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Springfield District)

ISSUE:

Board endorsement of “Watch for Children” signs as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachment I) for “Watch for Children” signs on the following streets:

- Cross Chase Court (Springfield District)
- Weatherly Way (Springfield District)
- Oak Chase Circle (Springfield District)
- Crosspointe Drive (Springfield District)
- Waterline Drive (Springfield District)

In addition, the County Executive recommends that the Virginia Department of Transportation (VDOT) be requested to install the approved measures as soon as possible.

TIMING:

Board action is requested on October 15, 2007.

BACKGROUND:

The R-TAP allows for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On September 20, 2007 (Cross Chase Court, Weatherly Way, Oak Chase Circle and Crosspointe Drive), and September 14, 2007 (Waterline Drive), the Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced “Watch for Children” signs.

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FISCAL IMPACT:
None.

ENCLOSED DOCUMENT:
Attachment I: Resolution for "Watch for Children" Signs

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Douglas W. Hansen, FCDOT
Steven K. Knudsen, FCDOT

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing on a Proposal to Implement Cut-Through Measures on Morningside Lane as Part of the Residential Traffic Administration Program (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to be held on Monday, December 3, 2007, 3:30 p.m. on a proposal to implement cut-through measures on Morningside Lane as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Morningside Lane for cut-through measures as part of the R-TAP. The proposed cut-through plan includes the installation of one traffic calming device.

TIMING:

The Board should take action on October 15, 2007, to provide sufficient time for advertisement of the proposed public hearing scheduled for December 3, 2007, 3:30 p.m. (Attachment I).

BACKGROUND:

On August 1, 2005, the Board of Supervisors adopted a resolution requesting the Virginia Department of Transportation (VDOT) to consider cut-through measures for Morningside Lane. This action was based on a previous request of the Mount Vernon Council of Citizens Associations and the Wellington Heights Civic Association for traffic calming measures on Morningside Lane. Since Morningside Lane exceeded the 4,000 vehicle per day limit for the traffic calming program, the request was transferred into the R-TAP for cut-through traffic mitigation. Subsequently a task force was formed to develop a cut-through plan. Due to the fact that Morningside Lane is a collector street, no access restrictions are being considered, but only traffic calming type measures. The proposed cut-through plan consists of the installation of one traffic calming device.

In order for cut-through measures to be implemented as part of the R-TAP, a public hearing must be held pursuant to the policies and procedures adopted by the Commonwealth Transportation Board contained in the "Policy and Procedures, Control

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of Residential Cut-Through Traffic” dated May 9, 1996. In addition, a resolution (Attachment III) must be forwarded to the VDOT requesting implementation of cut-through measures.

FISCAL IMPACT:

The estimated cost of \$6,000 for the implementation of cut-through measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Notice of Public Hearing for Cut-Through Measures on Morningside Lane

Attachment II: Area Map of Proposed Cut-Through Measures on Morningside Lane

Attachment III: Proposed Resolution for Cut-Through Measures on Morningside Lane

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)

Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT

Douglas W. Hansen, FCDOT

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ACTION - 1

Approval of Contract with Sprint Nextel: Regional 800 MHz Rebanding - Planning Funding (Phase I) Agreement

ISSUE:

The County, acting as the Regional Coordinator for 800 MHz rebanding activities of the National Capital Region (“NCR”), has completed contract negotiations with Sprint Nextel for the development of a regional rebanding plan, and the Regional Planning Funding (Phase I) Agreement is ready for execution.

RECOMMENDATION:

The County Executive recommends that the Board approve the Regional Planning Funding (Phase I) Agreement with Sprint Nextel (Attachment I) and authorize the County Executive to execute the agreement.

TIMING:

Board action is requested on October 15, 2007, in order to meet rebanding scheduling obligations for the NCR.

BACKGROUND:

On July 8, 2004, the Federal Communications Commission’s (“FCC”) approved Order 04-168, as amended (“Rebanding Order”) to reassign the radio frequency spectrum used by Sprint Nextel and local governments, including public safety and public service frequencies used by the County. The Rebanding Order requires Sprint Nextel to pay all of the licensees’ reasonable costs of planning and implementing their rebanding activities. The process consists of two major steps for each rebanding project, a planning step, which is funded through a Planning Funding Agreement between the licensee and Sprint Nextel, and an implementation step, which is funded through a Frequency Reconfiguration Agreement between the licensee and Sprint Nextel. The Board approved the County’s Frequency Reconfiguration Agreements at its meeting on September 24, 2007. Those agreements commit the County to reband in conjunction with other jurisdictions and public safety agencies in the NCR in a coordinated fashion. Other NCR jurisdictions’ rebanding agreements will contain similar language, thus maintaining NCR public safety interoperability during the rebanding process. Fairfax County is identified as the Regional Coordinator, and will lead this effort for the NCR.

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In conjunction with FCC staff, the FCC-appointed Transition Administrator, Sprint Nextel, Motorola, and NCR jurisdictions, County staff has developed a program for regional coordination of the NCR's rebanding process that maintains NCR radio interoperability. Consistent with the Rebanding Order, Sprint Nextel will fund the regional coordination effort which, as with individual jurisdictions, will consist of two steps and two agreements. The first step is regional rebanding planning. The Regional Planning Funding (Phase I) Agreement ("RPFA"), that is the subject of this Board action, commits Sprint Nextel to fund all of the planning costs identified in this Agreement. Those costs include County staff and consultant time devoted to regional planning activities and costs incurred by a regional planning vendor (Motorola). As approved by the FCC's Transition Administrator (Attachment II), the RPFA commits the County to contract with Motorola, which will collect and compile all NCR licensees' radio interoperability requirements and will develop a Master Schedule for NCR rebanding operations. The County will coordinate Motorola's activities with NCR licensees. This Motorola contract is nearing completion, and staff expects to bring it before the Board for its consideration in November 2007.

The second step is regional rebanding implementation. The County, as Regional Coordinator, will work with all affected parties to develop a scope of work for Motorola to coordinate the NCR's implementation phase. Sprint Nextel will fund the NCR implementation coordination through a Regional Frequency Reconfiguration (Phase II) Agreement ("RFRA"). The scope of work will be based on the NCR interoperability requirements and the Master Schedule activities identified in the preceding step. The County, in its role of Regional Coordinator, expects to begin RFRA negotiations with Sprint Nextel in early 2008.

As the Board will recall, the County filed a Petition for Waiver with the FCC on May 24, 2007, asking for an extension to the Rebanding Order completion date of June 26, 2008. The Frequency Reconfiguration Agreements that the Board approved on September 24 contain language that was negotiated after the County filed that Petition and that obviates the County's need for a waiver at this time. County staff filed with the FCC a request (Attachment III) that the FCC hold the County's Petition in abeyance pending development of the Master Schedule pursuant to this RPFA. County staff expects to file an amended and updated Petition in 2008 when the County has additional information about the Master Schedule.

FISCAL IMPACT:

The agreement between the County and Sprint Nextel represents reimbursement of County costs (\$170,515) and direct payment by Sprint Nextel to County vendors (\$1,471,908). Additional costs above the agreed-to amount must be jointly negotiated by a Change Order process. Authorized funds not obligated or spent upon completion

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of the reconfiguration process will be reconciled between the County and Sprint Nextel via a true-up process.

ENCLOSED DOCUMENTS:

Attachment 1: Regional Planning Funding (Phase I) Agreement between the County of Fairfax and Sprint Nextel

Attachment 2: Transition Administrator Approval of the Regional Planning Funding Agreement between the County of Fairfax and Sprint Nextel, dated September 26, 2007

Attachment 3: Letter to Marlene H. Dortch, Secretary, FCC, from Erin Ward, Assistant County Attorney, dated September 26, 2007

STAFF:

David Molchany, Deputy County Executive

Wanda M. Gibson, Director, Department of Information Technology

Cathy A. Muse, Director, Department of Purchasing and Supply Management

Michael Long, Senior Assistant County Attorney

Erin Ward, Assistant County Attorney

Skip Munster, Program Director, Department of Information Technology

David J. Barney, Program Manager, Department of Information Technology

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ACTION - 2

Authorize the County Executive to Sign the Memorandum of Agreement Relative to Improvements to Route 657, Centreville Road (Hunter Mill District)

ISSUE:

Authorize the County Executive to sign the Memorandum of Agreement (MOA) among the Fairfax County Board of Supervisors, the Fairfax County Park Authority, the Virginia Department of Historic Resources and the Virginia Department of Transportation relative to improvements to Route 657, Centreville Road, which are found to adversely effect the National Register-eligible Floris Historic District.

RECOMMENDATION:

The County Executive recommends that the Board authorize him to sign the Memorandum of Agreement among the Fairfax County Board of Supervisors, the Fairfax County Park Authority, the Virginia Department of Historic Resources and the Virginia Department of Transportation relative to improvements to Route 657, Centreville Road, as shown in Attachment 1.

TIMING:

Board action is requested on October 15, 2007.

BACKGROUND:

The Virginia Department of Transportation (VDOT) proposes a construction project with state funding to widen the existing two-lane roadway of Route 657, Centreville Road, to a six-lane facility for a distance of approximately 0.3 miles in an area north of West Ox Road and south of Frying Pan Road. The VDOT determined and the Virginia Department of Historic Resources (DHR) concurred that the proposed project will constitute an adverse effect on the eligible Floris Historic District. The VDOT and DHR in consultation with the County of Fairfax and the Fairfax County Park Authority (FCPA) agree that the project be implemented in accordance with stipulations which take into account its effect on historic properties and drafted a MOA to ensure the stipulations be carried out.

The principal stipulations in the MOA require VDOT to:

- avoid physical encroachment on the Frying Pan Spring Meetinghouse, a National Register of Historic Places listed property;

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- conduct archaeological testing to delineate the boundaries of the meetinghouse cemetery and enumerate unmarked graves;
- install historically appropriate fencing and a gravel-surfaced parking lot at the meetinghouse;
- compile documentation on the Floris Historic District; and,
- provide historical documentation reports to Fairfax County public libraries.

FISCAL IMPACT:

There is no fiscal impact associated with this Action Item. The VDOT will use State funding to finance the construction project relative to improvements to Route 657 Centreville Road.

ENCLOSED DOCUMENTS:

Attachment 1 – Memorandum of Agreement (MOA) Relative to Improvements to Route 657, Centreville Road

STAFF:

Robert A. Stalzer, Deputy County Executive

James P. Zook, Director, Department of Planning and Zoning (DPZ)

Fred R. Selden, Director, Planning Division (PD), DPZ

Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ

Linda Cornish Blank, Planner IV, Policy and Plan Development Branch, PD, DPZ

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ACTION – 3

Approval of License Agreement Between Apple Federal Credit Union and Fairfax County Board of Supervisors to Provide Commuter Parking Spaces (Lee District)

ISSUE:

Board approval of a License Agreement between Apple Federal Credit Union (AFCU) and Fairfax County Board of Supervisors to provide commuter parking spaces.

RECOMMENDATION:

The County Executive recommends that the Board approve the license agreement between Apple Federal Credit Union and the Fairfax County Board of Supervisors to provide commuter parking spaces to encourage and support the use of carpools, vanpools, and public transportation. The County Executive also recommends that the Director, Department of Transportation, be authorized to execute the license agreement upon approval.

TIMING:

The Board should take action on this matter as soon as possible so that the commuter spaces are available to the public beginning November 1, 2007.

BACKGROUND:

The Kingstowne Towne Center is zoned to three different zoning districts, I-4, PDC, and PDH-4. The application property is located in the portion that is zoned to the PDC District. This land was zoned to the PDC District at the time of the original approval of Kingstowne in 1985.

On April 3, 2006, the Board of Supervisors approved Proffered Condition Amendment PCA 84-L-020-20 in the name of Apple Federal Credit Union and Kohl's Department Stores, Incorporated, to amend the proffers for RZ 84-L-020, previously approved for commercial retail development to permit an addition to an existing retail building and to add a freestanding building to include a bank with drive-through, eating establishment, office use and establishment of a commuter parking lot with an overall Floor Area Ratio (FAR) of 1.28 located in the northeast quadrant of the intersection of King Centre Drive and Sir Viceroy Drive (Tax Map 91-2 ((1)) 32C and 32E), subject to the proffers dated January 30, 2006, located in Lee District.

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The applicant has proffered to provide twelve parking spaces on the Property for a commuter park and ride facility within the proposed parking lot for the credit union building.

FISCAL IMPACT:

There is no payment requirement due with this license agreement; therefore, there will be no impact to the General Fund. Insurance coverage will be maintained by the County with the AFCU listed as an additional insured under the County's Commercial General Liability policy. This insurance coverage can be accommodated within the County's current insurance coverage at no additional cost to the County.

ENCLOSED DOCUMENTS:

Attachment I: License Agreement between Apple Federal Credit Union and the Fairfax County Board of Supervisors

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Rollo Axton, Division Chief, Transit Services Division, FCDOT
Karen D. Robinson, FCDOT

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ACTION – 4

Approval for the Establishment and Assembly of the Fairfax County Domestic Violence Fatality Review Team

ISSUE:

Board of Supervisors' approval for the establishment of a Fairfax County Domestic Violence Fatality Review Team in order to:

- Identify the circumstances leading up to intimate partner and family violence homicides and homicide-suicides and determine indicators that prompt early identification, intervention, education, and prevention efforts in similar cases.
- Improve communication in all systems that serve persons involved in domestic violence in an effort to diminish the likelihood of future intimate partner and family violence homicides.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the establishment of a Fairfax County Domestic Violence Fatality Review Team.

TIMING:

Action by the Board is requested on October 15, 2007, so that the Fairfax County Domestic Violence Fatality Review Team can be established and assembled in early 2008.

BACKGROUND:

Implementation of a Domestic Violence Fatality Review Team is recommended to the Board of Supervisors by the Fairfax County Domestic Violence Prevention, Policy and Coordinating Council as a significant new step in enhancing the county's overall coordinated response to incidents of domestic violence in the county.

In 2004, the Fairfax County Board of Supervisors established the Fairfax County Domestic Violence Prevention, Policy and Coordinating Council (DVPPCC), an advisory group of high-level county officials and community leaders that provides oversight on a range of domestic violence policy, legislative, and programmatic issues and guides the development of a comprehensive and collaborative response to domestic violence in

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Fairfax County. The County Executive chairs the DVPPCC, and staff support and coordination is provided by the Countywide Domestic Violence Coordinator. In 2005, the DVPPCC initiated its work by authorizing the establishment of an Interagency Domestic Violence Work Group (DV Work Group) to formulate recommendations and undertake specific tasks for the DVPPCC to support the development of an effective community-wide system of intervention and prevention in Fairfax County that is responsive to the complex needs of families impacted by domestic violence. The DV Work Group, which is chaired by the Countywide Domestic Violence Coordinator, in conjunction with the DVPPCC, has focused on a broad range of issues resulting in significant success in strengthening the criminal and civil justice system's response to domestic violence as well as initiating improvements in the county's human services response to domestic violence.

In 2006, the DV Work Group received an invitation to participate in an initiative on the state level aimed at strengthening local communities' responses to domestic violence. The two-year effort is supported by a grant from the U.S. Department of Justice's Office on Violence Against Women which has been awarded to the Commonwealth of Virginia through a state partnership among the Virginia Department of Criminal Justice Services, the Virginia State Police, the Office of the Executive Secretary of the Supreme Court of Virginia, the Virginia Sexual and Domestic Violence Action Alliance, and the Office of the Chief Medical Examiner of the Virginia Department of Health (GEAP Partnership Team). On November 20, 2006, the Partnership Team came to Fairfax County and delivered a day-long training on best practice models to the DV Work Group. Among the models presented was the use of domestic violence fatality review as a process for system change.

Domestic violence fatality review is a multidisciplinary, nonjudgmental examination of the events leading up to a domestic violence fatality, which is defined as any fatality, whether homicide or suicide, occurring as the result of abuse between family members or intimate partners. The process provides a means to analyze system response to domestic violence. More specifically, its purpose is to retrospectively review the circumstances that led up to a domestic violence fatality and then to prospectively identify specific interventions or opportunities for collaboration that might reduce similar deaths in the future. Fatality review can enhance a local community's coordinated response to domestic violence as it affords an opportunity for a diverse, interdisciplinary group of professionals and community members to meet on a regular basis in order to discuss issues of system-wide response, coordination, and social change. Teams usually follow a "no blame and no shame" philosophy which essentially means that the purpose of the review is not to hold individual agencies or individual practitioners responsible for the domestic violence fatality, but rather to examine opportunities that might exist among various agencies to improve intervention, outreach, information sharing, and coordination of service delivery. It is hoped that if some of these

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opportunities are pursued, future incidents of domestic violence and, more specifically, domestic violence-related homicides might be prevented.

Virginia is one of a handful of states that has passed legislation to facilitate the assembly of domestic violence fatality review teams. In 1999, the General Assembly enacted a law authorizing surveillance and fatality review activities in the state. *Virginia Code 32.1-283.3* directs the Office of the Chief Medical Examiner (OCME) to conduct surveillance of domestic violence fatalities and to regularly publish a report summarizing family and intimate partner homicides in the state. The legislation also enables localities to assemble fatality review teams and directs the OCME to provide ongoing training and technical assistance to communities interested in establishing family and intimate partner fatality review teams. A model protocol has also been established by the OCME as a best practice guide for creating teams and reviewing cases. The protocol was developed with input from a multidisciplinary advisory group which included representatives from law enforcement, the judiciary, medical community, social services, and community-based domestic violence programs.

Currently, there are no fatality review teams in any localities in Northern Virginia. At present, local teams exist in only seven jurisdictions: Chesterfield County, Hampton, Newport News, Henrico County, Richmond City, Lynchburg, and Northfolk. Regional teams exist in only three geographic areas: Colonial Area (James City County, Poquoson, Williamsburg, and York County), North Neck/Essex (Counties of Essex, Lancaster, Northumberland, Richmond, and Westmoreland), and Four Rivers (Counties of New Kent, Charles City, King Willam, King and Queen, and the town of West Point).

In January 2007, the DVPPCC instructed the DV Workgroup to assemble a fatality review exploratory subcommittee. The subcommittee, which included representatives from the Fairfax County Office of the Commonwealth's Attorney, Police Department, Office for Women, Department of Family Services, Domestic Abuse and Sexual Assault Program of the Fairfax-Falls Church Community Services Board, Ft. Myer Military Community, and the Women's Center of Vienna, was charged with defining the initial scope and focus of the team.

On July 19, 2007, the DVPPCC unanimously adopted the subcommittee recommendation to establish a Fairfax County Domestic Violence Fatality Review Team with an initial focus on homicides and homicide-suicides occurring in Fairfax County between intimate partners and family members. The following agencies/disciplines will be represented on the core team for the Domestic Violence Fatality Review Team:

- Medical Examiner
- Commonwealth's Attorney
- Law Enforcement

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- Victim Services
- County & Community-Based DV Programs
- Mental Health
- Probation & Parole
- Department of Family Services
- Countywide DV Coordinator

Depending on the fatality to be reviewed, other member organizations will include:

- Batterer Intervention Programs
- Magistrates
- Forensic Nurses and Emergency Room Physicians
- Pathologists
- Other County & Community-Based Social Service Providers
- Substance Abuse Programs
- Military
- CASA
- Shelter & Transitional Housing Programs
- Schools

With approval by the Board, the Domestic Violence Fatality Review Team will be convened, initially co-chaired by representatives from the Office of the Fairfax County Commonwealth's Attorney and the Police Department, and will establish operating protocols and procedures. It is anticipated that the DV Fatality Review Team would become operational by early 2008.

FISCAL IMPACT:

None. No new positions are required to implement the Domestic Violence Fatality Review Team. Staff support for the team will come from existing agency staff and the Countywide Domestic Violence Coordinator.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive
Kenneth Disselkoen, Director, Department of Systems Management for Human Services
Seema Zeya, Countywide Domestic Violence Coordinator, DSMHS

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ACTION - 5

Appeal of the Decision by the Director of the Department of Public Works and Environmental Services Applying the Board Policy for Treatment of Approved and Pending Plans of Development for the Chesapeake Bay Preservation Ordinance (Sully District)

ISSUE:

Consideration by the Board of Supervisors of an appeal filed by counsel for Appellant Michael T. Hall, contract purchaser of property identified as Tax Map #034-2-01-0023-D in the Sully District (subject property), challenging the decision by the Director of the Department of Public Works and Environmental Services (DPWES) that Appellant's proposed development plan does not qualify as a pending plan of development under the Board Policy for Treatment of Approved and Pending Plans of Development for the Chesapeake Bay Preservation Ordinance (CBPO) (Board Policy), adopted by the Board on November 18, 2003.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors uphold the July 2, 2007, decision of the Director that Appellant's proposed development plan for the subject property does not qualify for treatment as a pending plan of development under the Board Policy.

TIMING:

Routine.

BACKGROUND:

On June 20, 1983, the Board of Supervisors approved RZ 82-C-092, subject to proffers dated June 14, 1983, rezoning the subject property from the R-1 to the I-5 District (Attachment A). The Generalized Development Plan (GDP) dated February 16, 1983, revised June 2, 1983, associated with this rezoning was not proffered and did not show any buildings or specific uses on the subject property (Attachment B). However, the proffers required that the subject property be developed in substantial conformance with the I-5 District, and specifically limited certain uses on the subject property. Moreover, the proffers required preservation of the Environmental Quality Corridor (EQC) on the south side of the subject property and the provision of an interparcel connection to the property to the north.

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On May 14, 1997, Site Plan #9416-SP-01-1 was approved on the northern 2.3 acres of the subject property for a self-storage facility, which was completed on March 6, 2001.

On November 18, 2003, the Board amended the Chesapeake Bay Preservation Area Map (Map), which resulted in a significant amount of the subject property being placed within a Resource Protection Area (RPA) (Attachment C). At the same time, the Board adopted the Board Policy (Attachment D) to address the treatment of approved and pending development plans that may be impacted by the Map amendment. Among other things, the Board Policy provides that any development that does not fully comply with the CBPO, but qualifies as a pending plan of development under the Board Policy, is not subject to the full exception review process set forth in Article 6 of the CBPO.

As applicable to this appeal, the Board Policy designates as a pending plan of development “[a]ny plat, plan or Building Permit submitted pursuant to a proffered rezoning application or P district rezoning application approved prior to July 1, 1993.” (Emphasis added).

By letter dated June 6, 2007 (Attachment E), the Appellant’s engineer, John Manganello, P.E., of Land Development Consultants, Inc., sought a determination from the Director that a proposed development plan for the subject property, entitled “Layout Study – Option B National Association of School Music” and dated December 15, 2006 (Layout Study) (Attachment F), qualifies as a pending plan of development under the Board Policy. The Layout Study proposes the development of four two-story buildings with surface parking in the rear portion of the subject property and, in the southern portion of the subject property, a two-story office building and a drive-through bank building within the RPA. The alignment of the travel aisles is very close to the main streambed, which forms the core component of the RPA buffer.

In a letter dated July 2, 2007 (Attachment G), to the Appellant’s engineer, the Director determined, among other things, that the Layout Study did not qualify as a pending plan of development under the Board Policy because it was not “pursuant to the proffered rezoning for the subject property,” in that the proposed development is neither shown on the GDP nor allowed by the proffers for the subject property. At the request of the Director, the Department of Planning and Zoning (DPZ) also evaluated the Layout Study and determined that the proposed development plan is not in substantial conformance with the proffered rezoning for the subject property (Attachment H). Specifically, DPZ concluded that the Layout Study did not show the EQC to demonstrate preservation thereof as required by the proffers, interparcel access as proffered, and the proposed site entrance is shown to be relocated to the south along Centreville Road, which is contrary to the GDP. DPZ also found that although no buildings are shown at all on the GDP, the proposed drive-through bank use shown on the Layout Study requires the

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approval of a special exception by the Board in order to comply with the provisions of the I-5 District as proffered.

On July 17, 2007, the Appellant filed the appeal of the Director's decision (Attachment I) with the Clerk to the Board in accordance with the CBPO. The Appellant claims that the Layout Study qualifies as a pending plan of development under the Board Policy since it is being submitted pursuant to the rezoning of the subject property approved prior to July 1, 1993. Although the Appellant mentions that the constraints of the site mandate locating the site entrance as shown on the Layout Study, there is no explanation how the uses and development shown in the Layout Study comply with the proffered rezoning approved on June 20, 1983.

In addition, it is the Director's position that the Appellant has overlooked Paragraph A of the Board Policy, which states that any pending plan must still comply with the amended CBPO to the extent possible, provided that such compliance does not result in reduction of density and/or floor area ratio. Again, Appellant has not provided any information that shows that the development as shown on the Layout Study could not be modified to reduce the impact to the RPA and retain the amount of gross floor area (GFA) approved with the approved rezoning. Furthermore, the parking tabulation shown on the Layout Study reflects an additional 12 parking spaces provided in excess of the minimum requirement and a portion of the proposed two-story building could possibly be moved outside the RPA by eliminating some of the additional parking spaces.

To qualify for treatment as a pending plan under the Board Policy, that plan must be pursuant to the proffered rezoning that is the basis for that plan. That clearly contemplates that the development and uses shown on the plan submitted must, at the very least, be in conformance with that proffered rezoning. For the reasons stated above, the Director, as confirmed by DPZ, correctly concluded that the Layout Study for the subject property is not in conformance with the rezoning and associated proffers approved on June 20, 1983, for the subject property. The Director requests that the Board uphold his July 2, 2007, decision that the Layout Study does not qualify for treatment as a pending plan of development under the Board Policy.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment A – Proffer Statement, Rezoning RZ 82-C-092, dated June 14, 1983

Attachment B – GDP, Cain Branch Industrial Park, dated February 16, 2003

Attachment C – RPA Map of the site

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Attachment D – Board Policy

Attachment E – Letter of Request from Appellant’s Engineer, John Manganello, dated June 6, 2007

Attachment F – Plat “Layout Study – Option B National Association of School Music” dated December 15, 2006

Attachment G – County Response Letter to Appellant’s Engineer, John Manganello, dated July 2, 2007

Attachment H – DPZ Interpretation dated August 30, 2007

Attachment I – Appeal submitted by H. Rogers, Law Offices of Compton & Duling, L.C. dated July 17, 2007

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

James W. Patteson, Director, Land Development Services, DPWES

Regina Coyle, Director, Zoning Evaluation Division, DPZ

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ACTION - 6

Board Approval of an Allocation to the Reston Historic Trust for Community Revitalization to be Used for Renovations to the Reston Museum (Hunter Mill)

ISSUE:

Allocation of \$110,000 to the Reston Historic Trust for Community Revitalization (Reston Historic Trust or RHT) for the renovation of the Reston Museum.

RECOMMENDATION:

The County Executive recommends that the Board allocate the amount of up to \$110,000 to the Reston Historic Trust for the renovation of the Reston Museum.

TIMING:

Routine.

BACKGROUND:

The Reston Museum (Museum) is located in the Lake Anne Village Center, one of the County's revitalization Areas. It serves as a community museum, information center and visitor's center. The Museum is operated by the Reston Historic Trust, a charitable, non-profit, 501(c)(3) corporation. The Reston Historic Trust (RHT) is an educational institution that is 'dedicated to telling the Reston story'. Approximately 12,000 people visit the Museum annually for special programs, exhibits, information and to purchase Reston-related items from its small museum shop. The Museum operates in a storefront that is over 40 years old and that has had little updating or improvements made to it. The RHT is proposing renovations to the Museum to accommodate a permanent core exhibit on the history and development of Reston, create space for rotating exhibits and to make the space accessible. The proposed renovations are estimated to cost \$250,000.

In 2006, the RHT submitted a grant application to the Department of Housing and Community Development (HCD) under the Investing in Communities Program (ICP). Upon initial review of the application, it was expected that the \$250,000 request would be approved and the RHT was so informed and subsequently relied on the receipt of the funds. Upon further review of the application, there appeared to be a technical conflict of interest under applicable regulations of the United States Department of

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Housing and Urban Development (HUD) between the owners of the property and the RHT. That question was posed to the Office of the County Attorney and subsequently to HUD. HUD determined that there was a conflict but that it could be resolved if the conflict was publicly disclosed in accordance with the HUD regulations by the Fairfax County Redevelopment and Housing Authority (RHA), which the RHA did on September 27, 2007. No public comment was submitted to the RHA on the issue, and on May 5, 2007, HUD granted a waiver of the conflict of interest regulation. However, in April 2007, the RHA reprogrammed the ICP funds to other projects, since the money would have been lost if it had not been expended. In order to address this unique circumstance, staff is proposing that the Board allocate \$110,000 to the RHT, as allowed under Virginia law, to initiate the renovations and request the RHT to report to the Board how those funds were spent. Staff will work with the RHT to secure the remaining funds from the FY 209 Community Development Block Grant (CDBG) allocation, subject to appropriation.

FISCAL IMPACT:

Funding of \$110,000 is available within the existing resources of the Office of Community Revitalization and Reinvestment. The balance of up to \$140,000 will be allocated from FY 2009 Community Development Block Grant (CDBG) funds, subject to appropriations.

ENCLOSED DOCUMENTS:

None

STAFF:

Anthony H. Griffin, County Executive

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment

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ACTION - 7

Testimony for Public Hearing on Commonwealth of Virginia's Six-Year Program for Highway and Transit Funds for FY 2009 Through FY 2014

ISSUE:

Proposed highway and transit projects for funding by the Virginia Department of Transportation (VDOT) for FY 2009 and the update of the associated Virginia Department of Transportation Six-Year Program for FY 2009 - FY 2014. The public hearing will be held on November 13, 2007, at 6:00 p.m., at Fairfax County Government Center, Fairfax, Virginia.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a letter to Secretary Pierce Homer, Attachment I, transmitting the recommendations of the Board and emphasizing its concerns regarding allocations to Interstate, Primary, and transit projects, facilities, and services.

TIMING:

Action should be taken on this item on October 15, 2007, so that the position of the Board can be presented to VDOT at the Six-Year Program hearing on November 13, 2007.

BACKGROUND:

VDOT is scheduling its annual meeting regarding the Virginia Transportation Six-Year Program to receive testimony regarding potential Interstate, Primary, and Urban systems and mass transportation projects. VDOT has indicated that comments received will be used to formulate the allocation of FY 2009 funds and to update the Six-Year Program.

VDOT continues to prioritize, fund, and construct projects primarily through the Six-Year Program. Projects that are the subject of this public hearing include Interstate and Primary Highway projects (and Urban projects in cities and towns). Secondary road projects are generally not part of this public hearing, but will be the subject of a joint VDOT/Fairfax County Secondary Road Program and Budget public hearing after final Secondary Road Program funding levels are available.

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The schedule for the FY 2009 to FY 2014 Six-Year Program begins this fall with pre-allocation public hearings. From October through February, revenue estimates, schedule and cost updates, recommended project allocations, cash flow analyses, and project allocations returned from the Metropolitan Planning Organizations (MPOs), will be undertaken. The FY 2009 to FY 2014 Program is scheduled to be adopted by the Commonwealth Transportation Board (CTB) in March 2008.

Interstate and Primary Priorities Listing

Attachment B contains projects in priority order for consideration by the Board in recommending Interstate and Primary Highway projects to VDOT for funding consideration. Projects that have been completed or are under construction and have been completely funded in previous years are no longer listed.-

Discussion of specific project recommendations is contained in Attachment I, which will be an attachment to the letter to Secretary Homer (Attachment A).

State Transit Assistance

The CTB annually allocates State transit operating and capital assistance to transportation commissions and local jurisdictions from the State Transportation Trust Fund. The Northern Virginia Transportation Commission (NVTC) will be applying for FY 2009 funds to operate the Washington Metropolitan Area Transit Authority (WMATA), Virginia Railway Express (VRE), and local bus systems in February 2008. A portion of this transit operating and capital assistance will be used to offset Fairfax County's local funding of Metrorail and Metrobus, as well as the Fairfax Connector. This funding is particularly critical to allowing the region to meet its air quality goals.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Letter to Secretary Homer (with Attachments A and B)

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, FCDOT
Tom Biesiadny, FCDOT
Rollo Axton, FCDOT
Michael Lake, FCDOT

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ACTION - 8

Endorsement of Design Plans to Widen Stringfellow Road (Route 645) from Route 50 to Fair Lakes Boulevard (Route 7735) (Sully and Springfield Districts)

ISSUE:

Board endorsement of the Virginia Department of Transportation's (VDOT's) design plans to widen Stringfellow Road (Route 645) from Route 50 to Fair Lakes Boulevard (Route 7735) to four lanes including two 12-foot inside travel lanes and two 14-foot wide curb lanes, curb and gutter, a raised median, a 6-foot asphalt sidewalk on the west side of the road and a 10-foot shared use path on the east side. The Stringfellow Road widening is part of the Board's Four-Year Transportation Program.

RECOMMENDATION:

The County Executive recommends that the Board endorse VDOT's design plans, as presented at the June 12, 2007, public hearing, to widen Stringfellow Road (Route 645) from Route 50 to Fair Lakes Boulevard (Route 7735) to four lanes including two 12-foot inside travel lanes and two 14-foot wide curb lanes for on-road bicycle accommodations, with curb and gutter, a raised median, a 6-foot sidewalk on the west side, and a 10-foot shared use path on the east side, with the following modifications:

- Shift the road alignment to the east to minimize the impact of the road widening on adjacent residential properties, and to better utilize existing right-of-way on the east side of Stringfellow Road. Continue to coordinate with the Poplar Tree Homeowners Association (PTHOA) and others to reduce property impacts. Balance property impacts on both sides of the road with respect to utility relocation.
- Consider options to provide full access for school buses to Rocky Run Intermediate School from Stringfellow Road, and continue coordination of this issue with the school administration and Rocky Run Intermediate School Parent-Teachers' Association (PTA) members.
- Incorporate an interparcel service road to consolidate access to Greenbriar Park and the Greenbriar Community Center as requested by the Fairfax County Park Authority.
- Continue coordination with the Fairfax County Public Library (FCPL) regarding signalized access to Chantilly Library.
- Evaluate options to minimize impacts to the existing stormwater management ponds on Poplar Tree Park and Chantilly Park properties and consider low impact design practices in reconstructing the existing ponds.

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- Extend project limits to include dual left turn lanes from westbound Fair Lakes Boulevard to southbound Stringfellow Road.
- Consider landscaping to minimize the visual impact of the road widening on adjacent property owners.
- Reduce the design speed and use a higher (barrier) curb design to reduce impacts and improve safety.

TIMING:

The Board should take action on this matter as soon as possible to allow VDOT to proceed with final approval of the design plans by the Chief Engineer.

BACKGROUND:

Stringfellow Road has been on the County's Comprehensive Plan as a four-lane facility since 1975. Stringfellow Road is an Urban Minor Arterial Roadway. The average daily traffic (ADT) in 2005 was 26,000 vehicles and the forecast ADT for the design year 2033 is 35,000 vehicles. Existing Stringfellow Road within the project limits is a two-lane roadway, which creates a bottleneck between the existing four-lane segment of the road south of Fair Lakes Boulevard and Route 50.

Stringfellow Road is a densely-populated residential corridor with several public facilities including schools, parks, and a library. There are also environmentally sensitive areas such as stream crossings and conservation areas. In addition, the corridor has several major utilities including a newly-installed 24-inch water main, several large-bore aviation fuel pipe lines that serve the Dulles International Airport fuel farm, as well as other overhead and underground utilities. Stringfellow Road is connected to I-66 by an HOV-only ramp. The existing park-and-ride lot, located just south of the project limits, is expected to be expanded and upgraded to include a transit transfer station.

The Stringfellow Road widening is part of the Board's Four-Year Transportation Program. Fairfax County's November 2004 transportation bond referendum funded \$16 million for preliminary engineering and land acquisition for the project. The balance of estimated project funds is proposed to be funded with proceeds from the County's November 2007 Bond Referendum if approved by voters. VDOT is undertaking the design, land acquisition, utility relocation, and construction of the roadway. Initial design concepts were presented to the public for input at a Citizen Involvement Meeting held on May 2, 2006. Subsequently, VDOT and County staff coordinated design plans with the Fairfax County Park Authority, Public Schools, Police, Fire and Rescue, Chantilly Library, and other groups. The plans were presented at a Design Public Hearing held on Tuesday, June 12, 2007 at Chantilly High School. A copy of the public hearing brochure is attached. VDOT has determined that this project will not significantly impact streams, wetlands, endangered species, or natural,

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cultural or historic resources. This project was coordinated through the State Environmental Review Process (SERP) and no significant impacts were identified.

Public Hearing Comments

A Public Hearing was held on Tuesday, June 12, 2007, from 5 to 8 pm. A total of 111 people attended the hearing. Written comments were received from 63 people and two persons submitted oral comments. Of the 65 comments received, 21 indicated support of the project as proposed, 7 indicated support for the project with modifications and 12 indicated opposition to the project.

Major concerns expressed are as follows:

Speed and Safety - Several comments expressed concern with the 45 mph design speed, and that design features associated with it may encourage speeding, particularly with the wider roadway section.

Right of Way Impacts - Several residents requested that right-of-way impacts be reduced to the properties on the west side of Stringfellow Road in the Poplar Tree Estates neighborhood. Residents requested that the roadway be shifted to the east, and that additional buffer area be provided between backyards and the roadway.

On-Road Bicycle Accommodations -Thirteen comments supported the wide curb lane for bicycle accommodation as presented. Ten comments supported marked bicycle lanes, four comments requested "shared lane markings", and ten comments did not approve of on-road bicycle accommodations.

Access - One comment by a law firm representing Shenandoah Crossing Apartment complex requested keeping full access to the apartment complex. Six comments requested full access to the Rocky Run Middle School from Stringfellow Road, three comments expressed concern about access to Greenbriar Park, and five requested a signalized left turn from northbound Stringfellow Road to the Chantilly Library.

Sidewalk and Shared Use Path - Four comments requested either a wider buffer between the pedestrian/bicycle facilities and the roadway, or a physical barrier.

Raised Medians/U-Turns - Several comments requested a width reduction or total elimination of the proposed 16 foot raised median. Several felt that all U-turns are unsafe and should be eliminated.

Fair Lakes Boulevard - Eleven comments cited traffic congestion at the Stringfellow Road /Fair Lakes Boulevard intersection, particularly a need for additional left-turning capacity from westbound Fair Lakes Boulevard to southbound Stringfellow Road.

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General – The Fairfax County Park Authority requested that a “Low Impact Design” approach to stormwater management and preservation of existing trees be used for the project. Several comments requested landscaping, particularly around stormwater management ponds and as a buffer between the trail and sidewalk and the roadway. Other comments included requests for sound walls, undergrounding utilities, widening of Stringfellow Road all the way to Route 7100 and completion of the Fairfax County Parkway/Fair Lakes Boulevard Interchange instead of widening Stringfellow Road.

Project Cost and Schedule:

The current estimated project cost is \$36 million, which includes design, right-of-way acquisition, utility relocation, and construction. The latest anticipated schedule is:

VDOT Chief Engineer Approval	-- Late 2007/early 2008
Right-of-Way Acquisition	-- Fall 2008
Advertise for Construction	-- Fall 2011

Sidewalks and Trails:

The Countywide Trails Plan identifies a major paved trail on the east side of Stringfellow Road. A 10-foot asphalt shared use path is proposed on the east side of the Stringfellow Road and a 6-foot asphalt sidewalk is proposed on the west side.

FISCAL IMPACT:

This project is a VDOT Secondary Road project. Current project cost estimate is \$36 million. The November 2004 Bond Referendum provided \$16 million for design and right of way acquisition. Additional funding of \$20 million has been proposed in the County's November 2007 Bond Referendum, which if approved will provide the funding for construction of the project.

ENCLOSED DOCUMENTS:

Attachment I: Location and Design Public Hearing Handout

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Karyn Moreland, Chief, Capital Projects Section, FCDOT
Jane Rosenbaum, Capital Projects Section, FCDOT

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ACTION - 9

Endorsement of Fairfax County Projects for Funding from the Northern Virginia Transportation Authority Revenues and Fairfax County's Commercial Real Estate Tax for Transportation Purposes FY 2008, FY 2009, and FY 2010

ISSUE:

Board approval of Fairfax County projects for funding from FY 2008, FY 2009, and FY 2010 Northern Virginia Transportation Authority (NVTA) revenues and Fairfax County's commercial real estate tax for transportation purposes, if adopted at a rate of at least \$0.08 per \$100 valuation. As the Board is aware, the County may impose a tax on certain commercial and industrial real property for transportation at a tax rate up to \$0.25 per \$100 of assessed valuation. For the planning purposes only, a minimum rate of \$0.08 per \$100 of valuation has been included in this analysis. As of tax year 2007, each penny on the commercial real estate tax for transportation purposes is equivalent to approximately \$4.4 million in tax revenue. (January 1, 2007, values are used for illustrative purposes only).

RECOMMENDATION:

The County Executive recommends that the Board endorse the attached list of highway, transit, bicycle, and pedestrian projects for funding from FY 2008, FY 2009, and FY 2010 NVTA revenues and Fairfax County's commercial real estate tax for transportation purposes, if adopted at a rate of at least \$0.08 per \$100 valuation (Attachment I). This endorsement will be subject to future refinement.

TIMING:

The Board should act on this item on October 15, 2007, which is the last Board meeting before the NVTA's November 9, 2007, deadline to submit projects for funding as part of NVTA's initial Six-Year Program (FY 2008, FY 2009, and FY 2010).

BACKGROUND:

Northern Virginia Transportation Authority Revenues

On July 12, 2007, the NVTA adopted a package of seven taxes and fees authorized by the Virginia General Assembly. These taxes and fees will be effective on January 1, 2008, and are expected to raise approximately \$300 million per year for transportation projects and services in Northern Virginia. An estimated \$100 million will be available in the second half of FY 2008.

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The law that authorized these taxes and fees, the Transportation Finance and Reform Act of 2007 or House Bill (HB) 3202, requires that 40 percent of the regional revenue collected by NVTA (an estimated \$120 million annually) be returned to the jurisdiction in which the revenue was raised. The jurisdiction must use these funds for transportation purposes. With the exceptions of Alexandria, Arlington County, and Falls Church, the jurisdictions must use half of these funds for improvements to secondary and urban roadways. The remaining funds returned to these jurisdictions and all funds returned to Alexandria, Arlington, and Falls Church *“as determined solely by the applicable locality, shall be used either for additional urban or secondary road construction; for other transportation capital improvements which have been approved by the most recent long range transportation plan adopted by the Authority; or for public transportation purposes.”*

Of the revenues that NVTA retains (an estimated \$180 million annually), NVTA must first pay debt service on any outstanding bonds annually and then allocate \$50 million annually for Washington Metropolitan Area Transit Authority (WMATA) capital projects and \$25 million annually for Virginia Railway Express (VRE) capital and operating projects. The remaining funds can be used *“solely for transportation projects and purposes that benefit the counties and cities embraced by the Authority.”*

HB 3202 also requires that *“All revenues deposited to the credit of the Authority shall be used for projects benefiting the localities embraced by the Authority, with each locality's total long-term benefits being approximately equal to the total of the fees and taxes received by the Authority that are generated by or attributable to the locality divided by the total of such fees and taxes received by the Authority.”*

NVTA also approved the filing of a bond validation suit associated with the seven taxes and fees in the Arlington County Circuit Court. The purpose of this suit was to ask the court to rule on the validity of the revenue sources to be used to pay back bond holders. The suit provided an opportunity to anyone questioning the legality of the taxes and fees to address the court. The Governor, the Attorney General and the Speaker of the House, acting together as the Commonwealth, joined NVTA as plaintiffs in the suit. The Northern Virginia Transportation Alliance and the Hampton Roads Transportation Authority each filed amicus briefs supporting NVTA. A group of eight individuals, including Delegate Robert Marshall (the Marshall defendants), and the Loudoun County Board of Supervisors filed as defendants in the case.

Following a one day trial on August 27, 2007, Judge Benjamin Kendrick ruled in favor of all NVTA's motions related to its bond validation. Both the Marshall defendants and the Loudoun County Board of Supervisors have filed appeals of Judge Kendrick's ruling with the Virginia Supreme Court.

NVTA's counsel will make every effort to ask the Supreme Court to address the appeal this fall; however, an appeal in the Supreme Court of Virginia is a two-step process. The first step is for the Court to determine whether to grant an appeal, and the second step is to

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actually hear the appeal. Typically, it takes approximately one year for the Court to complete both stages of the process. In NVTA's case, bond counsel believes there are several reasons why the process will be substantially shorter than the typical process, but bond counsel is not able to predict exactly when the Supreme Court will issue its final decision.

Fairfax County Commercial Property Tax Revenues

In addition, on September 10, 2007, the Board approved a code change to implement a commercial real estate tax for transportation projects in Fairfax County, also authorized by the General Assembly in HB 3202. This tax, if adopted, could become effective on July 1, 2008. It could raise an estimated \$35 million per year, if adopted at the rate of at least \$0.08 per \$100 valuation. However, the Board of Supervisors will set the exact rate as part of the FY 2009 budget process.

In the meantime, the National Capital Region Transportation Planning Board (TPB) has begun planning for the FY 2009-2014 Transportation Improvement Program (TIP) and 2008 Constrained Long Range Plan (CLRP) for the Washington region. Project submissions for these documents are due on January 4, 2008. TPB will release the projects submitted for public comment on January 16, 2008. Any projects requiring inclusion in TPB's air quality conformity analysis must be released for public comment at this time. Projects may subsequently be deleted prior to TPB final adoption of project submissions on February 20, 2008; however, no additional projects may be added. Any regionally significant project not included in this adoption by TPB will need to undertake an individual air quality conformity analysis or wait for the FY 2010-2015 TIP cycle which will begin in January 2009.

To begin to implement projects using the regional revenues, and to comply with TPB's deadline, NVTA must adopt any final project submissions at its meeting on January 10, 2008. To accomplish this NVTA has set a November 9, 2007, deadline for project submissions.

Since NVTA is still being established, and not all of its policies and procedures are in place, NVTA will only be adopting the first two and one-half years of a capital program. This initial program will be used as a test case. During the next year, NVTA will be evaluating how this capital program works and developing a more comprehensive approach for the six years beginning in FY 2010. NVTA is expected to adopt this more comprehensive approach in mid-2008, and submissions will likely be due next fall. The Board will have an opportunity to make revisions to the program at that time.

Although the Board has complete authority to determine the transportation projects and services to be implemented using the 40 percent regional funding collected by NVTA then returned to the jurisdictions and the Fairfax County commercial real estate tax for transportation purposes, the TPB deadline for submitting these projects and services is the

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same. Therefore, projects proposed to be funded from these sources for the next two and one-half years are also included on Attachment I.

To provide some flexibility to match projects and funding sources to achieve both the County's and NVTA's goals, the projects on Attachment I have not been allocated to specific funding sources (i.e., 60 percent regional money retained by NVTA, 40 percent regional money collected by NVTA and returned to Fairfax County or Fairfax County's commercial property tax); however, in general, large, more regional projects will likely be funded from the NVTA regional funds, while smaller, localized and transit operating projects will likely be funded from the NVTA regional funds returned to Fairfax County and the County's commercial property tax. All projects will still be subject to the standard budget approval processes. However, by paying for some projects completely with non-federal funds, not all federal procedures will be required. Specific budgetary approvals will be included in the FY 2009 budget or quarterly budget reviews.

On September 27, 2007, the NVTA approved the following criteria for the projects to be included in its first Six-Year Program, i.e., projects funded with the 60 percent regional revenues collected by NVTA:

- Reduce congestion, improve auto and pedestrian safety, and/or improve transit service and capacity.
- Projects should be "ready to go," to the greatest extent possible, with funding being the primary obstacle to moving to the next phase (right-of-way or construction).
- Projects should be included in the region's Constrained Long Range Plan and NVTA's TransAction 2030 Regional Transportation Plan, specifically, or are consistent with the plan.
- Projects have (or will have before funding is available) resources available to implement the project when funding is provided.
- Projects are short-term priorities of the jurisdictions; many projects should already be partially funded in the Commonwealth's Six-Year Program or by individual jurisdictions or agencies. In general, the funding from this initial NVTA Six-Year Program should allow projects to be fully funded and implemented in a shorter time frame than previously anticipated.
- A Project Submission Form must be completed for each project, and include jurisdictional support and prioritization information.
- Projects must be able to use FY 2008, FY 2009 and/or FY 2010 funding.
- Submitters should recognize that NVTA has consistently sought to achieve a balance between modes when funding projects.
- NVTA must ensure that the long-term benefits each of its nine jurisdictions receives is approximately equal to the taxes and fees raised in each jurisdiction.

It is anticipated that the NVTA's Jurisdiction and Agency Coordinating Committee (JACC) will review the project submissions for the 60 percent regional funding following the November 9, 2007, submission deadline and undertake a project prioritization exercise

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using the criteria adopted in TransAction 2030. Projects submitted to be funded from the 40 percent regional revenues returned to localities and the commercial property tax revenue will be included in the NVTA Program for information, but will not be evaluated in the prioritization process. Subsequently, the JACC will coordinate with the Virginia Department of Transportation and Department of Rail and Public Transportation to avoid duplication of funding for projects.

Based on the outcome of the prioritization exercise and the coordination with state agencies, the JACC will prepare a draft Six-Year Program for FY 2008 to FY 2010. The JACC will review the procedures used and this draft list of projects with the NVTA's Planning Coordination Advisory Committee and Technical Advisory Committee. Ultimately, the JACC will submit a recommended Six-Year Program to the NVTA to be released for public comment on December 13, 2007. Following a public hearing on January 10, 2008, the NVTA will be asked to consider adopting a Six-Year Program for FY 2008 to FY 2010.

Given the process approved by NVTA and the time frame for submitting projects, County staff has focused primarily on existing, partially funded projects; high priority projects that have not previously received funding, existing transit service needs previously identified for the Board of Supervisors, and anticipated transit service needs. Staff has assumed a commercial property tax rate for transportation purposes of at least \$0.08/\$100 valuation. If the actual rate is different, changes will need to be made to the proposed program. In addition, the cash flows for each of the projects listed in Attachment I are still being determined.

Recommendations regarding the entire NVTA Six-Year Program will be presented to the Board for consideration in mid-2008. At that time, NVTA will have a better estimate of actual revenues, the Board will have made a decision on the commercial property tax rate, and more information will be available regarding project schedules.

FISCAL IMPACT:

Although NVTA has not adopted specific revenue estimates or a formal funding allocation process, County staff has developed the estimates below based on the language in HB 3202, and regional estimates developed by the House Appropriations Committee staff. Although the details of the methodology remain to be worked out, the following provides an order of magnitude estimate of funds available to Fairfax County over the next three years. More detailed information will be available during the next several months. County staff developed the estimates for the commercial property tax for transportation purposes.

It is estimated that NVTA will raise \$300 million per year from the seven taxes and fees adopted on July 12, 2007. However, since collection will not begin until January 1, 2008, and receipts will lag by one to two months, approximately \$100 million will be collected in FY 2008. HB 3202 directs that 40 percent of the regional funds collected by NVTA be

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returned to the jurisdictions in which the money was raised, i.e., \$40 million in FY 2008, \$120 million annually thereafter. Fairfax County's share is approximately 50 percent. This translates into \$20 million in FY 2008 and approximately \$60 million per year thereafter.

After allocating the 40 percent regional funds collected by NVRTA to the local jurisdictions, NVRTA must pay debt service on any bonds issued (will not affect FY 2008 or FY 2009), then allocate \$50 million to WMATA capital expenses and \$25 million to VRE operating and capital expenses. The remainder must be used for projects that benefit the jurisdictions in which the funding was raised. In FY 2008, no additional funds beyond the WMATA and VRE earmarks are anticipated. For FY 2009 and beyond, approximately \$105 million will be available for other regional projects annually. Fairfax County's anticipated share is approximately \$52.5 million annually.

On September 10, 2007, the Board of Supervisors adopted a code change as the first step to implementing the additional commercial property tax authorized by HB 3202. The Board will consider adopting the specific rate for this tax as part of the FY 2009 budget process. If the Board adopts a rate of at least \$0.08 per \$100 valuation, the County will collect an estimated \$35.2 million annually. As of tax year 2007, each penny on the commercial real estate tax for transportation purposes is equivalent to approximately \$4.4 million in tax revenue. (January 1, 2007, values are used for illustrative purposes only).

When these three revenue sources are combined, the County will receive an additional \$20 million of transportation projects and services in FY 2008 and approximately \$147.7 million for transportation projects and services annually thereafter. Attachment I assumes a total of \$315.4 million for FY 2008, FY 2009, and FY 2010 combined.

Funding adjustments to reflect the FY 2008 funding will be included in the FY 2008 Third Quarter Review.

ENCLOSED DOCUMENTS:

Attachment I: Fairfax County Projects for Funding from the Northern Virginia Transportation Authority Revenues and Fairfax County's Commercial Real Estate Tax for FY 2008, FY 2009, and FY 2010.

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, P.E., Director, Fairfax County Department of Transportation (FCDOT)
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Jay Guy, Coordination and Funding Division, FCDOT
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Karyn Moreland, Capital Projects and Operations Division, FCDOT

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ACTION - 10

Board Endorsement of the Natural Landscaping Manual and the Implementation Plan

ISSUE:

Board endorsement of the Natural Landscaping Manual and the Implementation Plan

RECOMMENDATION:

The County Executive recommends that the Board endorse the Natural Landscaping Manual and the Implementation Plan.

TIMING:

Board action is requested on October 15, 2007.

BACKGROUND:

Natural landscaping is guided by locally native plant species and communities and incorporates natural features such as topography and water into designed landscapes that attempt to emulate plant relationships found in nature. Environmental, economic, and social benefits of natural landscaping include air quality improvement, resource conservation, pesticide and fertilizer use reduction, water quality improvement, stormwater management, ecosystem management, aesthetic improvement, and public education and engagement in the concepts of ecology, stewardship, and a new suburban landscape ethic.

On June 21, 2004, the Board directed staff to prepare a specific plan to identify all County properties where natural landscaping could be used, where lawns could be reduced, to work with the Schools' staff to do the same, and report back to the Board with a Countywide implementation plan. Department of Public Works and Environmental Services staff organized a Natural Landscaping Committee with interagency representation to address the Board's direction.

On July 11, 2005, the Natural Landscaping Committee provided its report, "Benefits and Application of Natural Landscaping and Five-year Implementation Plan," to the Board's Environmental Committee. The report specified benefits, goals, treatments and practices of natural landscaping and quantified county facilities where natural landscaping techniques could be applied.

On July 11, 2005, it was the consensus of the Board to charter an interagency group comprised of representatives from agencies already represented on the Natural Landscaping Committee plus representatives from other natural resource management organizations and

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charged the group with activities described in “Benefits and Application of Natural Landscaping and Five-year Implementation Plan” targeting goals identified in that report.

The newly chartered Natural Landscaping Committee has prepared a Natural Landscaping Manual (Attachment 1) and a Natural Landscaping Implementation Plan (Attachment 2). The Natural Landscaping Manual and the Natural Landscaping Implementation Plan support the following Board adopted policies: the tree canopy goals, the tree action plan and the Environmental Excellence for Fairfax County, a 20-Year Vision.

The Natural Landscaping Manual conveys the purpose, goals and importance of natural landscaping. In addition, the manual provides checklists to facilitate planning and designing natural landscapes, and is adaptable for retrofitting existing facilities and designing new facilities.

The Natural Landscaping Implementation Plan establishes criteria for the successful implementation of natural landscaping projects. The plan established operational guidelines; specifies clear lines of communication for identifying, planning and funding projects; and ensures projects are monitored for success.

Parking lot and energy conservation plantings are scheduled to be installed, beginning on October 15, on a variety of county owned properties, to include governmental centers, libraries, fire stations. etc. Both parking lot and energy conservation trees will be planted within parking lots and adjacent to buildings. The Natural Landscaping plantings will be installed at the same type of county owned sites, plus Fairfax County Parks, Public Schools and Redevelopment and Housing properties. The Natural Landscape plantings will be scattered throughout the landscape and may be located in areas that are not adjacent to buildings. However, the plantings will tend to be located in areas that have high visitation so the public can observe the practices.

FISCAL IMPACT:

Parking lot and energy conservation planting were funded in the FY 2008 Carryover (\$170K). Natural landscaping projects have been identified in the FY 2009 Environmental Improvement Program (\$100K).

ENCLOSED DOCUMENTS:

Attachment 1 – Natural Landscaping Manual
Attachment 2 – Natural Landscaping Implementation Plan

STAFF:

Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
James W. Patteson, Director, Land Development Services, DPWES

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CONSIDERATION – 1

2007 Virginia Association of Counties' Annual Meeting

ISSUE:

Board designation of a voting delegate and alternate voting delegate to represent the County at the Virginia Association of Counties' (VACo) annual meeting.

TIMING:

VACo has requested notification of Board action by November 1, 2007.

BACKGROUND:

VACo's annual meeting will be held at the Homestead (Bath County), Virginia on November 13, 2007. The VACo staff is preparing credentials for the Annual Business Meeting and the County has been requested to notify VACo of the names of the County's voting delegate and alternate voting delegate.

ENCLOSED DOCUMENTS:

Attachment 1: September 25, 2007 Memorandum to Chairs, County Board of Supervisors and County Chief Administrative Officers from James D. Campbell, Executive Director, VACo, with attachment

Attachment 2: Clerk to the Board Summary, October 2006

STAFF:

Catherine A. Chianese, Assistant to the County Executive

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Board Agenda Item
October 15, 2007

INFORMATION - 1

SCC Final Order for Washington Gas Light Company Proposed Rate Increase Results in Customer Refunds and Significantly Lower Rates than Requested, SCC Case No. PUE-2006-00059

On September 15, 2006, Washington Gas Light Company ("WGL") filed an application with the State Corporation Commission ("SCC") requesting a \$23.0 million increase in rates, revisions to its terms and conditions governing natural gas service, and approval of a three-year performance-based rate plan (the "PBR Plan").

On November 20, 2006, the Board authorized staff's participation in SCC Case No. PUE-2006-00059, and on December 4, 2006, the Board directed staff to register the Board's concern about the outsourcing of WGL's customer-service unit concurrently with a proposed price increase to customers.

On February 26, 2007, the Board authorized staff of the Utilities Branch, Department of Cable Communications and Consumer Protection, and the County Attorney's office to file testimony in the case. Staff's testimony addressed a number of issues, including: (1) the appropriate rate of return to use in determining WGL's revenue requirement; (2) WGL's proposal to implement either a revenue or weather "normalization" adjustment; (3) WGL's request to recover the costs of its program to repair or replace mechanical seals in its distribution system; (4) whether the PBR Plan satisfied statutory prerequisites to approval; and (5) WGL's proposal to outsource its customer service operations.

An evidentiary hearing was originally scheduled for April 23, 2007, but was rescheduled for September 17, 2007 to allow the parties to conduct settlement negotiations. In late July 2007 WGL, SCC staff and County staff reached a settlement of all issues. The remaining parties did not oppose this settlement.

On September 19, 2007 the SCC issued a Final Order adopting the terms of the settlement, finding it a reasonable and just resolution of the many interrelated and complex issues raised in WGL's application. Key elements of the approved settlement include:

- A rate increase limited to \$3.9 million (a 0.6% increase over current rates). This increase represents approximately 17 percent of WGL's initial \$23 million request.
- A four-year PBR Plan, effective October 1, 2007 through September 30, 2011, with a freeze on non-gas charges for the duration of that plan.
- A normalization adjustment to moderate the effects of unusual weather for both WGL and its customers

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- A reduction in the company's allowed return on equity, and the adoption of County staff's testimony that the company's cost of equity is within the range of 9.5% to 10.5%.
- Annual sharing of excess earnings (earnings that exceed a 10.5 percent return on equity) during the term of the PBR Plan. WGL will distribute 75 percent of the excess earnings to customers and retain 25 percent.
- A targeted mechanical seal replacement program of \$6.5 million annually.
- A requirement that WGL work with the SCC staff to develop service quality standards and measurements to evaluate the Company's progress in continuing to maintain a safe and reliable gas distribution system, including measurements designed to monitor WGL's outsourcing of certain business processes to Accenture.

In addition, the SCC's order requires WGL to issue refunds on its over-collected charges. These refunds reflect the difference between the rates approved in the Final Order and the rates WGL proposed, which went into effect on an interim basis in mid-February 2007. The average refund for residential customers should be approximately \$16.50, and will appear as a credit on a future monthly bill.

Over the life of the PBR Plan, benefits to the typical residential customer will include savings of about \$106, assurances that base rates will be frozen through September 2011, and the opportunity to share in earnings. Cumulatively, the SCC's Final Order is expected to save the estimated 201,940 WGL residential customers in Fairfax County more than \$21.3 million over the course of the plan, or approximately \$6.4 million per year.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Final Order in SCC Case No. PUE-2006-00059.

STAFF:

David J. Molchany, Deputy County Executive
Michael Liberman, Director, DCCCP
Dennis R. Bates, Senior Assistant County Attorney
Steve Sinclair, Chief, Utilities Branch, DCCCP
Susan Hafeli, Utility Analyst, DCCCP

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INFORMATION - 2

Contract Awards – Integrated Sewer System Special Projects Basic Ordering Agreements

Engineering consultant services are needed under Basic Ordering Agreement (BOA) contracts for special project support of the Integrated Sewer System and the rehabilitation of existing equipment and facilities at the County's Noman M. Cole Jr., Pollution Control Plant (NMCP). Services will include special studies, design, and construction administration.

In accordance with the Fairfax County Purchasing Resolution, a request for qualifications (RFQ) was advertised to the consultant community indicating that multiple contract awards would be made in support of the Integrated Sewer System. A total of nine proposals were received. A Selection Advisory Committee short listed three firms for interviews. As a result of the interviews, the engineering firms of Camp, Dresser and McKee, Parsons, and CH2M Hill were selected based on their technical expertise and relevant experience in the wastewater treatment design and technology. The Department of Tax Administration verified that all three firms have appropriate Fairfax County Business, Professional and Occupation Licenses.

The three firms will provide engineering services under a BOA contract for an aggregate fee not to exceed \$1,000,000 per firm per year. The engineering services will be provided on a negotiated task order basis with a fee not to exceed \$200,000 per task order. The term of each BOA contract will be for one year, renewable for two one-year extensions by mutual agreement. Any uncommitted funds in a BOA at the end of each annual term will not roll over to the next year term.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award BOA contracts to Camp Dresser and McKee, Parsons, and CH2M Hill, in the amount of \$1,000,000 for each consultant.

FISCAL IMPACT:

Expenditures will be charged to appropriate projects in Fund 402, Sewer Construction Improvements and Fund 408, Sewer Bond Construction. Funding is available in two projects; Project X00910, Plant Facility Replacement and Renewal and Project X00911, Noman M. Cole Jr., Pollution Control Plant.

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ENCLOSED DOCUMENTS:

Attachment: Summary of RFQ Respondents and Respondents Interviewed.
(Copies of contracts are available in the Office of the Clerk to the Board.)

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
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INFORMATION - 3

Annual Report on the Board's Four-Year Transportation Program and Other Active Transportation Projects

On February 9, 2004, the Board unanimously endorsed the Chairman's Four-Year Transportation Program. This significant transportation initiative includes a \$215 million commitment of capital funds for major highway and transit improvement projects, spot capacity and safety intersection improvements, and pedestrian improvements throughout the County as well as improvement strategies in the areas of pedestrian safety and access, incident management, signalization and intersection traffic flow, context engineering, expedited project delivery, teleworking, and transportation funding. Funding for the capital program is a combination of \$50 million in federal Regional Surface Transportation Program (RSTP) and Congestion Management and Air Quality (CMAQ) funds anticipated to be received by the County as well as \$165 million in County General Obligation (G.O.) bonds approved by the voters on November 2, 2004.

Enclosed is an annual status report on the Board's Four-Year Transportation Program and other active transportation projects. This report has been compiled by Fairfax County Department of Transportation (FCDOT) staff in consultation with their implementation partners in the Department of Public Works and Environmental Services (DPWES) and the Virginia Department of Transportation (VDOT) Northern Virginia District.

The information provided in the attached September 2007 report is an update to the June 2007 quarterly status report which was provided to the Board on July 9, 2007. The September 2007 report also includes the annual update of non-capital strategies and other transportation projects.

Staff provides a full status update on the capital projects every quarter. For the non-capital program improvement strategies, a summary of activities is provided each quarter with a full status update annually.

ENCLOSED DOCUMENTS:

Attachment: September 2007 Annual Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program and Other Active Transportation Projects

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STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT

Karyn Moreland, Chief, Capital Projects Section, FCDOT

Beth Iannetta, Capital Projects Section, FCDOT

Chip Galloway, Capital Projects Section, FCDOT

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INFORMATION – 4

Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers

Once again, Fairfax County's Comprehensive Annual Financial Report (CAFR), the CAFR for the County's Integrated Sewer System, and the Annual Budget have been recognized by the Government Finance Officers Association (GFOA) for excellence in financial reporting and budgeting. With approximately 16,500 members in the United States and Canada, GFOA has been dedicated to sound government financial management since 1906. At the July 23, 2007 meeting, the Board already celebrated the 30th consecutive year Fairfax County has received GFOA's Certificate of Achievement for Excellence in Financial Reporting for the countywide CAFR for the fiscal year that ended June 30, 2006.

Additionally, for the fourth consecutive year, the Certificate of Achievement for Excellence in Financial Reporting has been awarded to the County of Fairfax Integrated Sewer System for the Wastewater Management Program's third CAFR, for the fiscal year ended June 30, 2006. Staff from the Wastewater Management Program continued to team closely with staff in the Department of Finance to develop and publish an easily readable and efficiently organized CAFR that satisfies both generally accepted accounting principles and applicable financial reporting requirements. This accomplishment enabled the Wastewater Management Program to continue to meet its strategic planning goals relating to the financial reporting process.

For the past 22 years, Fairfax County has also submitted its annual budget for consideration for GFOA's Distinguished Budget Presentation Award and has earned that award in each of those years. In early September, GFOA notified the County that the FY 2008 Annual Budget met the criteria for this award, which represents the highest form of recognition in governmental budgeting and reflects the commitment of the governing body and staff in meeting the highest principles of public budgeting. To receive this award, a budget must be judged proficient in each of four major categories: as a policy document, financial plan, operations guide and communications guide. In addition, the FY 2008 Annual Budget received "Special Performance Measure Recognition" acknowledging the County's continuing efforts in this area.

Fairfax County's performance measurement efforts were also recognized again by the International City/County Management Association (ICMA) with its Certificate of Distinction, for continuing efforts in measuring and improving performance. This is the

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higher of ICMA's two levels of recognition and acknowledges the County's efforts to incorporate performance data into decision-making, sustain the program through training and process improvement, and share its successes by networking with others. Only 22 of approximately 200 jurisdictions participating in ICMA's Center for Performance Measurement earned the Certificate of Distinction this year. Presentation of this award took place October 7, 2007 at the ICMA Annual Conference in Pittsburgh/Allegheny County, Pennsylvania.

In June 2007, the Association of Public Treasurers (APT) announced that Fairfax County was to receive the Association's Investment Policy Certificate of Excellence Award for the ninth consecutive year. Written investment policies submitted to the APT received vigorous peer-team review for conformity with principles of sound investment management, careful public stewardship, and adoption of the profession's best practices.

ENCLOSED DOCUMENTS:

None

STAFF:

Edward L. Long, Jr., Deputy County Executive

Robert L. Mears, Director, Department of Finance

Susan W. Datta, Director, Department of Management and Budget

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10:45 a.m.

Matters Presented by Board Members

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11:35 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Phillip Luther Moore, II v. Fairfax County, Virginia, Officer Ivancic, Officer Smuck, Officer Shugart, Officer Ankers, and David M. Rohrer, Chief of Police*, Case No. L07CV410 (E.D. Va.)
 - 2. *David H. and Catherine M. Voorhees v. Board of Zoning Appeals of Fairfax County, et al.*, Case No. 07-383 (U.S. Sup. Ct.) (Mount Vernon District)
 - 3. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, Virginia, and Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services*, Record No. 070318 (Sup. Ct. of Va.) (Providence District)
 - 4. *Virginia Department of Labor and Industry v. Fairfax County Department of Public Works and Its Successors*, Inspection No. 309234789 (Springfield District)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rosita Lim Ong Chang*, Case No. CL-2007-0010248 (Fx. Co. Cir. Ct.) (Braddock District)

6. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ruben R. Nunez and Lucila N. Nunez, Case No. CL-2007-0009119 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)*
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Centrewood Drive Apartments, Inc., Case No. CL-2007-0007029 (Fx. Co. Cir. Ct.) (Sully District)*
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edwin D. Arrazola, Case No. CL-2007-0008622 (Fx. Co. Cir. Ct.) (Providence District)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez, Case No. CL-2007-0002905 (Fx. Co. Cir. Ct.) (Lee District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nabil Zerhouni, Atef Abdellatif, and Abdelbagi Bushara, Case No. CL-2007-0006018 (Fx. Co. Cir. Ct.) (Lee District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leandro Villarroel, Agustin Jaime Ferrufino-Castro, and Silvio Beatriz Beza De Ferrufino, Case No. CL-2007-0011604 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacinto Alcocer and Claudina Montano, Case No. CL-2007-0011739 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)*
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Curtis A. Crabtree and Beulah M. Crabtree, Case No. CL-2007-0011299 (Fx. Co. Cir. Ct.) (Springfield District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norma Cuenca, Case No. CL-2007-0011604 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Amanda R. Ercilla, Case No. CL-2007-0012013 (Fx. Co. Cir. Ct.) (Lee District)*

16. *Eileen M. McLane, Fairfax County Zoning Administrator v. John B. Ziegler and Deborah L. Ziegler*, Case No. CL-2007-0011234 (Fx. Co. Cir. Ct.) (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian K. Fleck and Terri R. Fleck*, Case No. CL-2007-0011235 (Fx. Co. Cir. Ct.) (Providence District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. William L. Stewart*, Case No. CL-2007-0011742 (Fx. Co. Cir. Ct.) (Mason District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marie Antoinieta Davila, et al.*, Case No. CL-2007-0011741 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sindia L. Johnston and Monticello Pump Service, Inc.*, Case No. CL-2007-0011606 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sarah Mildred Valentini*, Case No. CL-2007-0011472 (Fx. Co. Cir. Ct.) (Dranesville District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kevin Cole and Cheryl Cole*, Case No. CL-2007-0011086 (Fx. Co. Cir. Ct.) (Springfield District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jean Manansala*, Case No. CL-2007-0011087 (Fx. Co. Cir. Ct.) (Lee District)
24. *Board of Supervisors v. AJB Associates, Inc., et al.*, Case No. CL-2007-0000814 (Fx. Co. Cir. Ct.) (Sully District)
25. *Board of Supervisors v. AJB Associates, Inc., et al.*, Case No. CL-2007-0001648 (Fx. Co. Cir. Ct.) (Sully District)

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3:00 p.m.

Public Hearing on Proposed Amendment to *The Code of the County of Fairfax, Virginia*, to Add a New Chapter, Chapter 120 (Tree Conservation Ordinance) RE: Conservation of Heritage, Memorial, Specimen, and Street Trees

ISSUE:

Public Hearing on Proposed Amendments to *The Code of the County of Fairfax, Virginia*, to add a new chapter, Chapter 120 (Tree Conservation Ordinance) RE: Conservation of Heritage, Memorial, Specimen, and Street Trees.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to *The Code of the County of Fairfax, Virginia*, as set forth in the Staff Report dated September 24, 2007.

TIMING:

Board action is requested on October 15, 2007. The Board authorized advertisement of the amendment on September 24, 2007.

BACKGROUND:

Section 10.1-1127.1 of the *Code of Virginia* provides authority to localities for adoption of ordinances to regulate the preservation and removal of heritage, specimen, memorial, and street trees. Heritage trees are trees that have notable historic or cultural interest. Memorial trees are trees that are special commemorating memorials. Specimen trees are trees that are notable by virtue of their outstanding size and quality for their species. Street trees are trees that have been planted by local governments in the right-of-way or on adjoining private property with the permission of the owner. Trees must be individually designated by an arborist or urban forester and adopted by ordinance of the local governing body. Property owners may request compensation for any taking of private property resulting from the designation of heritage, specimen, memorial, and street trees under local ordinances. The following activities are exempt from local ordinances; a) work conducted on federal or state property; b) emergency work to protect life, limb, or property; c) routine installation, maintenance, and repair of cable and wires used to provide cable television, electric, gas or telephone service; d) maintenance and repair of water lines and sewer lines; e) activities with minor effects on trees, including but not limited to, home gardening and landscaping or individual homes;

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and f) commercial silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

Because the enabling language of Section 10.1-1127.1 of the *Code of Virginia* provides for compensating tree owners if tree designation represents a taking, the County has not previously taken advantage of the existing State Code provisions for tree preservation. Despite the inherent limitations in the existing State Code provisions and because the County's repeated efforts to persuade the General Assembly to enact more comprehensive tree preservation legislation have been unsuccessful, it is appropriate that the County take advantage of the limited authority available to it at this time to support the goals and objectives of the following initiatives:

- The Board's Environmental Vision, *Environmental Excellence for Fairfax County: A 20-Year Vision*, 2004
- The Board's Environmental Agenda, 2004
- The Tree Action Plan (Core Recommendation #10), 2006
- Fairfax County's 30-year Tree Canopy Goal of 45%

The proposed ordinance has been prepared in response to a directive from the Board at the June 5, 2006, Board meeting. It incorporates the limited authority granted to localities in the State Code and will be administered by the Director of the Department of Public Works and Environmental Services. The proposed ordinance was discussed at the Board's Environmental Committee Meeting on October 1, 2007.

PROPOSED AMENDMENT:

The proposed amendment adds a new chapter, Chapter 120 (Tree Conservation Ordinance), and a new appendix, Appendix N (Heritage, Specimen, Memorial, and Street Trees Ordinances), to *The Code of the County of Fairfax, Virginia*. The identification of trees for potential designation under the ordinance may be made by the Urban Forester (defined as the Director of Urban Forest Management in the ordinance) or by citizens, citizen's groups, and organizations.

Designation of a tree under the ordinance may require easements to protect the natural vegetation, topography, and other natural features within the tree's critical root zone. The County will be responsible for the preparation of all necessary easement agreements and plats. The identification of trees by citizens, citizen's groups, and organizations will be through the submission of a report proposing tree designation to DPWES for evaluation by the Urban Forester. The report will identify the tree in question, why the tree needs to be protected, identify the property where the tree is located, and identify the person or organization submitting the report.

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In addition, and as a prerequisite for scheduling a public hearing held to consider tree designation, all reports proposing tree designations must be accompanied by written consent from tree owners. Having the consent of property owners will eliminate the need to compensate tree owners for any potential taking.

All individuals and groups, including County staff, identifying trees for potential designation will be required to communicate proposed designation to tree owners, and to secure written consent from tree owners for the County to consider the tree for official designation. DPWES will provide an application package for citizens, citizen's groups, and organizations to use in proposing trees for designation under the ordinance and to facilitate communication with tree owners.

Staff anticipates that the majority of trees designated under the ordinance will be specimen trees. The designation of street trees under the ordinance is very limited because the definition of street trees requires that they be planted by the County in the right-of-way or on adjoining private property with the permission of the owner. Designation of trees for preservation requires a public hearing and adoption of an ordinance by the Board. Multiple designations may be bundled as a group for a single public hearing.

Subsequent to the designation, trees preserved under the ordinance may only be removed with permission of the Board and the Board may require replacement of trees approved for removal. Property owners must undertake reasonable efforts to preserve and protect designated trees, including the critical root zone, and advise the Urban Forester of any trees that appear to be damaged, diseased, or dying. A civil penalty of \$2,500 may be assessed for violations of the ordinance that cause, contribute to, or permit injury to, removal, or destruction of a tree designated for preservation under the ordinance. Provisions also have been included in the ordinance to prohibit property owners from destroying any tree proposed for designation pending a recommendation by the Director, Urban Forester, and/or decision by the Board. In addition to the exemptions provided for in the state code, the proposed amendment also exempts the maintenance and repair of water lines and sewer lines from the requirements.

REGULATORY IMPACT:

This is a new ordinance. The designation of trees for preservation under the ordinance will occur with the consent of the owners and without compensation. The designation will require a public hearing.

FISCAL IMPACT:

For FY2008, the program will be handled with existing staff resources. Depending on the volume of trees proposed for designation, additional staff may be needed in the

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future for maximum effectiveness of the program and funding may be required for preparing and recording the necessary easement documents.

ENCLOSED DOCUMENTS:

Attachment - Staff Report Dated September 24, 2007

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
October 15, 2007

3:00 p.m.

Public Hearing to Expand the Green Trails Community Parking District (Sully District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to expand the Green Trails Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to expand the Green Trails CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on September 10, 2007, for October 15, 2007, at 3:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property within the

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proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

Staff has verified that the requirements for a CPD have been satisfied.

The parking prohibition identified above for the Green Trails CPD expansion is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Green Trails CPD Expansion

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

Board Agenda Item
October 15, 2007

3:00 p.m.

Public Hearing on a Proposal to Vacate and Abandon a Segment of Scott's Run Road
(Route 1196) (Dranesville District)

ISSUE:

Public hearing to consider the vacation and abandonment of a segment of Scott's Run Road (Route 1196).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached ordinance (Attachment IV) vacating Scott's Run Road and adopt the attached order (Attachment V) to abandon the same portion of the roadway.

TIMING:

The Board took action on September 10, 2007, to authorize a public hearing for October 15, 2007, at 3:00 p.m.

BACKGROUND:

The applicant, Land Design Consultants, represented by Kelly Atkinson, is requesting that a portion of Scott's Run Road be vacated and abandoned. The subject roadway is in the secondary system of highways.

This application stems from a development proposal for adjoining properties at the current terminus of the roadway. A new subdivision is to be constructed on Parcels 4, 4A, 5, and 13B. The subject right-of-way is proposed to be incorporated in the development of those parcels with this action to vacate and abandon.

Traffic Circulation and Access

The vacation and abandonment of the subject area will have no impact on vehicular circulation and access. The site plan for the subdivision shows a realignment and extension of Scott's Run Road to a new cul-de-sac terminus as well as another new subdivision street connection. The construction of a standard public street with turnaround will be an improvement over the existing situation in the immediate area.

Easements

Easement needs for Verizon and Dominion Virginia Power have been resolved.

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This proposal to vacate and abandon the subject right-of-way was circulated among the following agencies for review, none of which indicated any opposition to the proposal: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Water Authority, Fairfax County Park Authority, Washington Gas Light Company, Fairfax County School Board, Virginia Department of Transportation, Fairfax County Department of Transportation, Department of Planning and Zoning, Dominion Virginia Power, Fire and Rescue, and Verizon.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Letter of Request and Justification
Attachment II: Notice of Intent to Vacate and Abandon
Attachment III: Ordinance of Vacation
Attachment IV: Order of Abandonment
Attachment V: Vacation and Abandonment Plat
Attachment VI: Metes and Bounds Description
Attachment VII: Vicinity map (Tax Map 30-1)

STAFF:

Katharine D. Ichter, Director, Department of Transportation
Angela Kadar Rodeheaver, Department of Transportation
Michael A. Davis, Department of Transportation

Board Agenda Item
October 15, 2007

3:00 p.m.

Public Hearing on RZ 2006-PR-028 (Tycon Tower I Limited Partnership, Towers Crescent LLC and Towers Crescent Land LLC) to Rezone from C-4, HC and SC to PDC, HC and SC to Permit Mixed Use Development (Office, Multi-Family, Residential and Retail) with an Overall Floor Area Ratio of 2.48, Located on Approximately 18.05 Acres, Providence District

The application property is located on the north side of Towers Crescent Drive and in the northwest quadrant of the intersection of Leesburg Pike and I-495 Tax Map 39-2 ((29)) B, 1A1, 1E and 1F.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 3, 2007, the Planning Commission voted unanimously (Commissioner Flanagan absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2006-PR-028, subject to the execution of proffers consistent with those dated September 26, 2007 and set forth in Appendix 1 of the staff report, as amended to incorporate changes associated with administering the affordable housing portion of the residential units;
- Waiver of the transitional screening yard and barrier requirements between uses within Towers Crescent; and
- Modification of Par. 5, Sect. 6-206 of the Zoning Ordinance to allow residential development as a secondary use to exceed 50 percent of the gross floor area of all principal uses.

The Planning Commission voted 10-0-1 (Commissioner Hall abstaining; Commissioner Flanagan absent from the meeting) to recommend that the Board waive the trail requirement within the I-495 right-of-way.

The Commission also voted 10-0-1 (Commissioner Harsel abstaining; Commissioner Flanagan absent from the meeting) to recommend that the Board allow underground stormwater detention and water quality treatment, subject to the proposed Development Conditions dated April 19, 2007, as set forth in Attachment A of Appendix 11 of the staff report.

The Commission voted unanimously (Commissioner Flanagan absent from the meeting) to approve FDP 2006-PR-028, subject to Board approval of RZ 2006-PR-028.

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October 15, 2007

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
October 15, 2007

3:00 p.m.

Public Hearing on RZ 2007-SU-005 (John J. Schlick) to Rezone from R-1 to PDH-2 to Permit Residential Development at a Density of 1.42 Dwelling Units Per Acre, Located on Approximately 2.11 Acres, Sully District

The application property is located on the west side of West Ox Road approximately 700 feet north of its intersection with Franklin Farm Road. Tax Map 35-2 ((1)) 38.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Thursday, October 11, 2007. The Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
October 15, 2007

3:30 p.m.

Public Hearing on RZ 2005-PR-041 (Merrifield Mixed Use LLC) to Rezone from I-4, I-5 and HC to PRM, PDC and HC to Permit Mixed Use Development with an Overall Floor Area Ratio of 1.39 (Including ADU Bonus), Located on Approximately 31.37 Acres, Providence District

and

Public Hearing on SEA 99-P-008 (Merrifield Mixed Use LLC) to Permit Alternate Use of a Public Facility to Permit Parking in an R-District, Located on Approximately 19.43 Acres Zoned R-1, Providence District

The application property is located on the south side of Lee Highway approximately 500 feet west of its intersection with Gallows Road, at 3020 Gallows Road. Tax Map 49-4 ((1)) 14. Tax Map 49-3 ((1)) 80A, 80B, 80C, 81A and 82A and portions of public rights-of-way for Hilltop Rd. and Eskridge Rd. to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Hilltop Rd. and Eskridge Rd. to proceed under Section 15.2-2272 (2) and 33.1-151 of the Code of Virginia).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on Tuesday, September 11, 2007 and the Commission deferred its decision to Thursday, October 4, 2007, at which time the Commission voted (Commissioner Hopkins absent from the meeting and votes as listed with each motion) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2005-PR-041, subject to the execution of proffers consistent with those dated October 1, 2007 (Commissioners Flanagan, Hall, Harsel, Koch, and Sargeant abstaining);
- Modification of the private street limitations of Sect. 11-302 of the Zoning Ordinance (Commissioners Flanagan, Hall, Koch, and Sargeant abstaining);
- Modification of the load space requirements for multi-family dwelling units and office space in favor of that depicted on the CDP/FDP (Commissioners Flanagan, Hall, Harsel, Koch, and Sargeant abstaining);
- Modification of the transitional screening and waiver of the barrier requirements to the south, east, and internal to the site, in favor of the treatments depicted on the CDP/FDP (Commissioners Flanagan, Hall, Koch and Sargeant abstaining);

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- Waiver of the four-foot peripheral parking lot landscaping requirement north of parcel G, west of parcels C and E, and along the southern and eastern property lines (Commissioners Flanagan, Hall, Harsel, Koch, and Sargeant abstaining);
- Approval of Waiver #0561-WPFM-002-1 to locate underground facilities for all residential development (Commissioner Harsel opposed; Commissioners Flanagan, Hall, Koch, and Sargeant abstaining);
- Waiver of the service drive requirement along the Lee Highway frontage of the site (Commissioners Flanagan, Hall, Koch, and Sargeant abstaining);
- Direct the Director of DPWES to approve modification of the parking geometric standards to allow for 75-degree angled parking spaces within parking structures (Commissioners Flanagan, Hall, Koch, and Sargeant abstaining);
- Modification to allow residential use as a secondary use consisting of up to 76 percent of the principal uses in the PDC District, pursuant to Sect. 6-206 of the Zoning Ordinance (Commissioners Flanagan, Hall, Koch, and Sargeant abstaining);
- Modification of Par. 3 of Sect. 18-201 of the Zoning Ordinance which would require the provision of further interparcel access in addition to that indicated on the CDP/FDP (Commissioners Flanagan, Hall, Koch, and Sargeant abstaining);
- Modification of Par. 4 of Sect. 17-201 of the Zoning Ordinance for dedication and construction of widening existing road, existing roads on new alignments, and proposed roads along Lee Highway, as indicated in the Comprehensive Plan or as required by the Director of DPWES to that shown on the CDP/FDP and as proffered (Commissioners Flanagan, Hall, Harsel, Koch, and Sargeant abstaining);
- Modification of the materials for the proposed trail along Lee Highway shown on the Comprehensive Plan Trails Map to that shown on the CDP/FDP (Commissioners Flanagan, Hall, Koch, and Sargeant abstaining);
- Direct the Director of DPEWS to approve modification of the Public Facilities Manual and Par. 12 of Sect. 11-102 of the Zoning Ordinance to allow for the projection, by not more than 4 percent of the stall area, of structural columns into parking stalls in the parking structures (Commissioner Harsel opposed; Commissioners Flanagan, Hall, Koch, and Sargeant abstaining);
- Approval of SEA 99-P-008, subject to the Development Conditions dated August 29, 2007 (Commissioners Flanagan, Hall, Koch, and Sargeant abstaining);

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- Direct the Director of DPWES to waive the on-site stormwater detention requirements in favor of providing stormwater management off-site in the Merrifield Town Center vault (Commissioners Flanagan, Hall, Harsel, Koch, and Sargeant abstaining);
- Modification of the transitional screening requirements and waiver of the barrier requirements along the southern property line where the proposed parking lot (subject to SEA 99-P-008) straddles the boundary line immediately adjacent to the proposed movie theatre (Commissioners Flanagan, Hall, Harsel, Koch, and Sargeant abstaining); and
- Waiver of the peripheral parking lot landscaping along the common boundary of both the SEA application and the Merrifield Town Center rezoning application (Commissioners Flanagan, Hall, Harsel, Koch, and Sargeant abstaining).

The Commission voted 6-0-5 (Commissioners Flanagan, Hall, Harsel, Koch, and Sargeant abstaining; Commissioner Hopkins absent from the meeting) to approve FDP 2005-PR-041, subject to the Development Conditions dated October 3, 2007 and subject also to Board approval of RZ 2005-PR-041.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
October 15, 2007

3:30 p.m.

Public Hearing on PCA A-936-02/DPA A-936-04 (2222 Colts Neck Road L.L.C.) to Amend RZ A-936 to Permit Residential Development (Independent Living Facility) and Remove Church Use from Approved Development Plan and Associated Modifications to Proffers and Site Design at a Density of 49.0 Dwelling Units Per Acre, Located on Approximately 4.33 Acres Zoned PRC, Hunter Mill District

and

Public Hearing on PRC A-936 (2222 Colts Neck Road L.L.C.) to Approve the PRC Plan Associated with DPA A-936, Located on Approximately 4.33 Acres Zoned PRC, Hunter Mill District

The application property is located on the W. side of Colts Neck Rd., E. side of Reston Pkwy. and approx. 1,600 ft. N. of its intersection with Glade Dr. Tax Map 26-1 ((13)) 1.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 3, 2007, the Planning Commission voted unanimously (Commissioner Alcorn not present for the votes; Commissioner Flanagan absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA A-936-02, subject to the execution of proffers consistent with those dated October 2, 2007;
- Approval of DPA A-936-04;
- Approval of PRC A-936, subject to the Development Condition dated October 3, 2007 and subject also to Board approval of PCA A-936-02 and DPA A-936-04;
- Modification of the trail requirement along Colts Neck Road in favor of the approved DPWES Capital Project sidewalk proposed along the west side of Colts Neck Road, from South Lakes Drive to the south end of the subject property; and
- Modification of the Additional Standards for Independent Living Facilities maximum building height standard to permit a maximum building height up to 55 feet, as shown on the PCA/DPA and PRC Plan.

The Commission voted 9-0-1 (Commissioner Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioner Flanagan absent from the meeting) to recommend that the Board approve the requested Public Facilities Manual waiver (2352-WPFM-002-1) to

Board Agenda Item
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allow underground stormwater detention in a residential development, subject to the proposed Development Conditions dated August 16, 2007 and contained in Appendix 17 of the staff report.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

John Thompson, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
October 15, 2007

3:30 p.m.

Public Hearing on AF 2007-SU-001 (Lisa Fink – Butler (Executor of Estate of Juanita F. Smith)), Local A&F District Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 28.66 Acres Zoned R-C and WS, Sully District

The application property is located at 15407, 15415 and 15511 Compton Road, Tax Map 64-3 ((1)) 13A, 14A and 20A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Thursday, October 11, 2007 and the Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
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3:30 p.m.

Public Hearing on RZ 2007-PR-001 (DSF/Long Metro II, LLC and DSF/Long Metro III, LLC) to Rezone from PRM, I-4 and I-5 to PRM to Permit Mixed Use Development with an Overall Floor Area Ratio of 2.41, Located on Approximately 14.27 Acres, Providence District

The application property is located in the southeast and southwest quadrants of the intersection of Prosperity Avenue and Merrilee Drive and west side of Gallows Road, Tax Map 49-1 ((16)) 14, 15 and 16; 49-1 ((29)) All Parcels; 49-1 ((30)) All Parcels and 49-2 ((1)) 18 and 19.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on Thursday, October 4, 2007 and the Commission deferred decision to October 11, 2007. The Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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3:30 p.m.

Public Hearing on SE 2007-SP-009 (Trustees of Christ United Methodist Church) to Permit a Church and Nursery School with a Total Enrollment of No More Than 150 Children at One Time and a Private School of General Education with a Total Enrollment of 250 Students. Located on Approximately 24.58 Acres Zoned R-C and WS, Springfield District

The application property is located at 7600 Ox Road, Tax Map 96-2 ((1)) 2, 4A, 4B, 4C and 4D.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 20, 2007, the Planning Commission voted unanimously (Commissioners Alcorn, Koch, Lawrence, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2007-SP-009, subject to the Development Conditions set forth in Appendix 1 of the staff report addendum dated September 20, 2007;
- Waiver of the requirement to provide a sidewalk along the Ox Road (Route 123) frontage of the property, in accordance with Sect. 17-201 of the Zoning Ordinance;
- Waiver of the barrier requirements along the western portion of the north boundary (adjacent to parcels 10, 11, and 14B1), the western portion of the south boundary (adjacent to parcels 3A and 28), the west boundary (adjacent to parcels 8 and 9), and the entirety of the east boundary (entire Ox Road frontage of the property);
- Modification of the transitional screening requirement along the eastern, southern, and western property boundaries, as depicted on the Special Exception Plat; and
- Waiver of the service drive requirement in favor of the interparcel connections depicted on the Special Exception Plat.

The Commission voted 7-0-1 (Commissioner Harsel abstaining; Commissioners Alcorn, Koch, Lawrence, and Sargeant absent from the meeting) to recommend that the Board modify the requirement to provide a five-foot wide on-road bicycle lane within the right-of-way in accordance with the Development Conditions.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

Board Agenda Item
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STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Greg Chase, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
October 15, 2007

4:00 p.m.

Public Hearing on RZ 2006-SU-025 (Commonwealth Centre Investors, LLC & Commonwealth Centre Investors II, LLC) to Rezone from I-3 and WS to PDC and WS to Permit Mixed use Development with an Overall Floor Area Ratio of 0.32, Located on Approximately 100.81 Acres, Sully District

and

Public Hearing on PCA 78-S-063-5 (Commonwealth Centre Investors, LLC & Commonwealth Centre Investors II, LLC) to Amend the Proffers for RZ 78-S-063 Previously Approved for Industrial Development to Permit Deletion of Land Area for Inclusion in RZ 2007-SU-025, Located on Approximately 97.6 Acres Zoned I-3 and WS, Sully District

The application property is located in the northeast quadrant of Westfields Boulevard and north of the intersection of Sully Rd. and Westfields Boulevard. Tax Map 44-1 ((1)) 6, 6B, 6C, 6D and Newbrook Drive public right-of-way to be vacated. (Approval of this application may enable the vacation of portions of the public right-of-way for Newbrook Drive to proceed under Section 15.2-2272 of the Code of Virginia).

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 3, 2007, the Planning Commission voted 8-0-2 (Commissioners Koch and Lawrence abstaining; Commissioner Harsel not present for the votes; Commissioner Flanagan absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 78-S-063-5;
- Approval of RZ 2006-SU-025, subject to the execution of proffers consistent with those dated September 14, 2007; and
- Waiver of the service drive requirement along Sully Road (Route 28)

The Commission then voted 8-0-2 (Commissioners Koch and Lawrence abstaining; Commissioner Harsel not present for the votes; Commissioner Flanagan absent from the meeting) to approve FDP 2006-SU-025, subject to the Conditions dated September 26, 2007 and subject also to Board approval of RZ 2006-SU-025.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

Board Agenda Item
October 15, 2007

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

David J. Moss, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
October 15, 2007

4:00 p.m.

Public Hearing on AA 83-S-004 (Lee J. Vazquez, Nadine Vazquez, Jeff Waters) Local A&F District Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 205.14 Acres Zoned R-C and WS Springfield District

The application property is located on the west side of Newman Road and south side of Popes Head Road, Tax Map 66-4 ((1)) 21Z; 75-2 ((1)) 5Z and 19Z.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Thursday, October 11, 2007. The Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
October 15, 2007

4:00 p.m.

Public Hearing on PCA 82-P-069-17 (Fair Lakes Center Associates L.P.) to Amend the Proffers for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit Residential Development as a Permitted Use and Site Modifications with an Overall Floor Area Ratio of Approximately 1.30, Located on Approximately 8.37 Acres Zoned PDC and WS, Springfield District

and

Public Hearing on CDPA 82-P-069-03-03 (Fair Lakes Center Associates L.P.) to Amend the 3rd Conceptual Development Plan for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit Residential Development as a Permitted Use and Site Modifications. Located on Approximately 8.37 Acres Zoned PDC and WS, Springfield District

The application property is located on the north side of Fair Lakes Circle approximately 300 feet southwest of Fair Lakes Parkway, Tax Map 55-2 ((1)) 6A, 8A1 pt. and 8A2.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 4, 2007, the Planning Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 82-P-069-17, subject to the execution of proffers consistent with those dated October 2, 2007;
- Approval of CDPA 82-P-069-3-3;
- Modification of the loading space requirement for residential use to permit two loading spaces, as depicted on the CDPA/FDPA;
- Waiver of the transitional screening and barrier requirements between the proposed residential and the existing non-residential uses; and
- Modification of the PDC Standards to permit residential uses to exceed 50 percent of the gross floor area of principal uses.

The Commission voted 8-0-3 (Commissioners Flanagan, Harsel, and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to recommend that the Board approve modification of Public Facilities Manual Standard 12-07-02.1B2 to permit reduction of the minimum planting width requirement from eight feet to six feet, as shown on the CDPA/FDPA and as described in the proffers.

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The Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to approve FDPA 82-P-069-8-5, subject to the Development Conditions dated October 3, 2007, with Condition 4 modified to read as follows:

“The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required in Article 11 of the Zoning Ordinance.”

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
October 15, 2007

4:00 p.m.

Public Hearing on PCA 82-P-069-19 (Fair Lakes Center Associates L.P.) to Amend the Proffers for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit Hotel Development as a Permitted Use, an Increase in Permitted Retail and Site Modifications with an Overall Floor Area Ratio (FAR) of Approximately .63, Located on approx. 4.7 Acres Zoned PDC and WS, Springfield District

and

Public Hearing on CDPA 82-P-069-03-02 (Fair Lakes Center Associates L.P.) to Amend the 3rd Conceptual Development Plan for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit Hotel Development as a Permitted Use, an Increase in Permitted Retail and Site Modifications, Located on Approximately 4.7 Acres Zoned PDC and WS, Springfield District

The application property is located approximately 500 feet southeast of the intersection of Fair Lakes Circle and Fair Lakes Parkway, Tax Map 55-2 ((5)) A1, B and D2 pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 4, 2007, the Planning Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 82-P-069-19, subject to the execution of proffers consistent with those dated September 28, 2008; and
- Approval of CDPA 82-P-069-3-2.

The Planning Commission voted 8-0-3 (Commissioners Flanagan, Harsel, and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to recommend that the Board modify Public Facilities Manual Standard 12-07-02.1B2 to permit reduction of the minimal planting width requirement from eight feet to six feet, as shown on the CDPA/FDPA and as described in the proffers.

The Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to approve FDPA 82-P-069-9-8, subject to the Development Conditions dated October 3, 2007, with Condition 4 modified to read as follows:

“The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning

Board Agenda Item
October 15, 2007

Ordinance. Any use of the cellar space shall be parked as required in Article 11 of the Zoning Ordinance.”

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
October 15, 2007

4:00 p.m.

Public Hearing on PCA 82-P-069-20 (Fair Lakes Center Associates L.P.) to Amend the Proffers for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit Residential Development as a Permitted Use and Site Modifications with an Overall Floor Area Ratio of Approximately .87, Located on Approximately 10.65 Acres Zoned PDC and WS, Springfield District

and

Public Hearing on CDPA 82-P-069-01-01 (Fair Lakes Center Associates L.P.) to Amend the 1st Conceptual Development Plan for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit Residential Development as a Permitted Use and Site Modifications, Located on Approximately 10.65 Acres Zoned PDC and WS, Springfield District

The application property is located in the northeast quadrant of the intersection of Fair Lakes Parkway and the Fairfax County Parkway, Tax Map 45-4 ((1)) 25E1 pt. and 25E2 pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 4, 2007, the Planning Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 82-P-069-20, subject to the execution of proffers consistent with those dated October 2, 2007;
- Approval of CDPA 82-P-069-1-1; and
- Modification of the PDC Standards to permit residential uses to exceed 50 percent of the gross floor area of principal uses.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
October 15, 2007

4:00 p.m.

Public Hearing on PCA 82-P-069-15 (Fair Lakes Center Associates L.P.) to Amend the Proffers for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit an Increase in Permitted Office and Site Modifications with an Overall Floor Area Ratio of Approximately .43, Located on Approximately 27.43 Acres Zoned PDC and WS, Springfield District

and

Public Hearing on CDPA 82-P-069-03-01 (Fair Lakes Center Associates L.P.) to Amend the 3rd Conceptual Development Plan for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit an Increase in Permitted Office and Site Modification, Located Approximately 27.43 Acres Zoned PDC and WS, Springfield District

The application property is in the southeast quadrant of the intersection of Fair Lakes Parkway and Fairfax County Parkway and north side of Fair Lakes Circle, Tax Map 55-2 ((1)) 6B, 8A1 pt., 11A1 and 11B1.

PLANNING COMMISSION RECOMMENDATION:

On October 4, 2007, the Planning Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 82-P-069-15, subject to the execution of proffers consistent with those dated October 2, 2007;
- Approval of CPDA 82-P-069-3-1;
- Modification of Public Facilities Manual Standard 12-07-02.1B2 to permit reduction of the minimum planting width requirement from eight feet to six feet, as shown on the CDPA/FDPA and described in the proffers; and
- Modification of the loading space requirement in favor of the loading spaces provided on the CDPA/FDPA.

The Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to approve FDPA 82-P-069-1-14, subject to the Development Conditions dates October 3, 2007, with the Development Condition 4 modified to read as follows:

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“The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required by Article 11 of the Zoning Ordinance.”

The Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to approve FDPA 82-P-069-10-4, subject to the Development Conditions dated October 3, 2007, with Development Condition 4 modified to read:

“The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required by Article 11 of the Zoning Ordinance.”

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
October 15, 2007

4:00 p.m.

Public Hearing on PCA 82-P-069-16 (Fair Lakes Center Associates L.P.) to Amend the Proffers for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit an Increase in Permitted Office and Site Modifications with an Overall Floor Area Ratio of Approximately .93, Located on Approximately 11.71 Acres Zoned PDC and WS, Springfield District

and

Public Hearing on CDPA 82-P-069-07-01 (Fair Lakes Center Associates, L.P.) to Amend the 7th Conceptual Development Plan for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit an Increase in Permitted Office and Site Modifications, Located on Approximately 11.71 Acres Zoned PDC and WS, Springfield District

The application property is located on the south side of Fair Lakes Circle approximately 800 feet east of Fairfax County Parkway, Tax Map 55-2 ((1)) 9A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 4, 2007, the Planning Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 82-P-069-16, subject to the execution of proffers consistent with those dated September 28, 2007;
- Approval of CDPA 82-P-069-7-1;
- Modification of the loading space requirement in favor of the loading spaces provided on the CDPA/FDPA; and
- Modification of the transitional screening and barrier requirements on the south side of the property (adjacent to I-66), in favor of the existing and proposed landscaping;

The Commission voted 8-0-3 (Commissioners Flanagan, Harsel, and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to recommend that the Board approve modification of Public Facilities Manual Standard 12-07-02.1B2 to permit reduction of the minimal planting width requirement from eight feet to six feet, as shown on the CDPA/FDPA and as described in the proffers.

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The Planning Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to approve FDPA 82-P-069-11-5, subject to the Development Conditions dated October 3, 2007, with Development Condition 4 modified to read as follows:

“The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required by Article 11 of the Zoning Ordinance.”

The Planning Commission voted 9-0-2 (Commissioners Flanagan and Lawrence abstaining; Commissioner Hopkins absent from the meeting) to approve FDPA 82-P-069-6-11, subject to the Development Conditions dated October 3, 2007, with Development Condition 4 modified to read as follows:

“The use of the cellar space shall be limited to the principal use indicated on the FDPA and accessory uses as defined by Article 10 of the Zoning Ordinance. Any use of the cellar space shall be parked as required by Article 11 of the Zoning Ordinance.”

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
October 15, 2007

4:00 p.m.

Public Hearing on RZ 2005-SP-033 (Centerpointe Church at Fair Oaks Formerly Known as Fairfax Assembly of God) to Rezone from R-1, C-3 and HC to C-3 and HC for a Place of Worship with a Child Care Center/Nursery School with an Overall Floor Area Ratio of 0.50 or Office and Other C-3 Uses with an Overall FAR of 1.0, Located on Approximately 4.13 Acres, Springfield District

The application property is located at the southwest quadrant of the intersection of Legato Road and Legato Road, Tax Map 46-3 ((1)) 45 – 50 and a portion of the prescriptive right-of-way for Legato Road to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of a portion of the prescriptive right-of-way for Legato Rd. to proceed under Section 33.1-151 and 15.2-2272 (2) of the Code of Virginia).

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 3, 2007, the Planning Commission voted unanimously (Commissioner Lawrence not present for the votes; Commissioner Flanagan absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2005-SP-033, subject to the execution of proffers consistent with those contained in Addendum II of the staff report;
- Modification of the loading space requirement for the office option only to allow tandem loading spaces; and
- Modification of the transitional screening and barrier requirements on the western and southern property boundaries, in favor of that shown on the CDP.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
October 15, 2007

4:30 p.m.

Public Hearing on SEA 01-M-006-2 (Public Storage) to Amend SE 01-M-006 Previously Approved for Mini-Warehousing and Waivers and Modifications in the CRD (increase in FAR) to Permit the Addition of a Truck Rental Establishment, Located on Approximately 1.95 Acres Zoned C-8, CRD, HC and SC, Mason District

The application property is located at 6319 Arlington Boulevard, Tax Map 51-3 ((1)) 6A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SEA 01-M-006-2, originally scheduled on October 4, 2007, has been deferred to October 11, 2007. The Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
October 15, 2007

4:30 p.m.

Public Hearing on a Proposal to Implement Cut-Through Measures on Morningside Lane as Part of the Residential Traffic Administration Program (Mount Vernon District)

Public Hearing on a Proposal to Implement Cut-Through Measures on Morningside Lane as Part of the Residential Traffic Administration Program rescheduled to December 3, 2007 at 3:30 p.m.

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Board Agenda Item
October 15, 2007

4:30 p.m.

Public Hearing Regarding the Conveyance of County-Owned Property to the Fairfax County Park Authority and Authorization for the County Executive to Sign on Behalf of the Board a Land Bank Agreement

ISSUE:

Public hearing regarding the conveyance of County-owned property to the Fairfax County Park Authority (Park Authority) and authorization for the County Executive to sign on behalf of the Board the attached Land Bank Agreement.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution authorizing the conveyance of the subject properties and authorizing and directing the County Executive to sign on behalf of the Board the attached Land Bank Agreement.

TIMING:

On September 24, 2007, the Board authorized the advertisement of a public hearing to be held on October 15, 2007, at 4:30 p.m.

BACKGROUND:

On May 21, 2007, the Board of Supervisors made a motion to direct the County Executive to work with the Park Authority to determine which County-owned parcels of land would be suitable for transfer from the Board to the Park Authority and report back to the Board with a recommendation.

Staff reviewed the County Real Estate Inventory and examined the parcels as to their suitability for other purposes such as affordable housing and public facilities. Ultimately, 39 parcels comprising a total of approximately 184.8781 acres were identified as suitable for transfer to the Park Authority. The list of potential parcels was shared with the Park Authority, the Department of Planning and Zoning, and the Department of Transportation for further review. All parties have agreed to proceed with a recommendation to the Board of Supervisors to transfer the 39 parcels to the Park Authority. It is the Board's goal to set aside 10 percent of the County's land mass as Park Authority parkland. After the transfer, approximately 9.5537 percent of the County's land mass will be held by the Park Authority, and an additional 1,128.3111 acres will need to be acquired by the Park Authority to achieve the 10 percent goal.

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Concurrent with the transfer of the 39 parcels, it is recommended that the Board authorize and direct the County Executive to sign on behalf of the Board the attached "Land Bank Agreement" with the Park Authority. The Land Bank Agreement was approved by the Fairfax County Park Authority Board on September 12, 2007. The purpose of the Land Bank Agreement is to ensure that the Board and thereby Fairfax County taxpayers will not have to pay for the same parcel of land twice. The reason this is a potential problem is because the Park Authority is recognized as a separate entity under the Code of Virginia. The Code of Virginia does not authorize the Park Authority to make gifts, and it therefore cannot convey property to the Board without receiving fair market value for the property. As a result, if the Board were to pay fair market value for a parcel of property and then convey it to the Park Authority for free, and if the property were later conveyed back to the Board by the Park Authority, in such a case, the Board would have to pay the Park Authority the fair market value of the property, and the Board would thereby pay for the same property twice. The Land Bank Agreement would solve this problem. Under the Land Bank Agreement, the Board would receive a credit equal to the current tax-assessed value of certain properties the Board conveys to the Park Authority if the conveyance is made for little or no consideration. This credit could then be used, if the Park Authority agrees, as consideration for any future conveyance of real property from the Park Authority to the Board. This would enable the Board to receive conveyances of real property from the Park Authority without having to pay money to the Park Authority for the conveyance. All real property conveyed to the Park Authority by the Board will be included in the Land Bank except for those parcels obtained by the Board by proffer, special exception condition, subdivision, site plan, or other means for parks, recreation, or open space and restricted by deed to parks, recreation, or open space uses. Actions taken by the Park Authority in connection with the transfer of properties will be conducted in a manner consistent with Park Authority policies existing at the time of transfer. Of the 39 parcels that are recommended to be conveyed to the Park Authority, 9 parcels (or 8.5980 acres) would be included in the Land Bank. The remaining 30 parcels (or 176.2801 acres) would not be included in the Land Bank because they have been obtained by the Board for park, recreation, or open space and restricted by deed to parks, recreation, or open space uses.

Staff recommends that the conveyance of the properties to the Park Authority be subject to the condition that the parcels must be used for public park purposes. Staff further recommends that the conveyances be made subject to the County's reserving unto itself and having the right to assign to public entities, public utilities, or telecommunications or cable television providers the right to design, lay out, construct, utilize and maintain anywhere on the parcels, rights-of-way, streets, sidewalks and trails, utility lines, conduits, poles, facilities, and other improvements for the purpose of providing for, including but not limited to, sanitary sewer, storm sewer, water, telephone, gas, electric, cable, television service and other utilities. Staff recommends that any

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public utilities located on these properties that are owned and maintained by County agencies, such as sanitary sewers and storm water management facilities and structures, continue to be owned and maintained by the County.

After the parcels are transferred, the Park Authority will include the properties in their inventory and maintain them in accordance with the adopted Park Authority Maintenance Standards.

In accordance with Board Policy and section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the disposition of County-owned property.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment A - Resolution

Attachment B - List of properties to be conveyed by Supervisor District

Attachment C - Location Maps

Attachment D - Land Bank Agreement

STAFF:

Jose A. Comayagua, Director, Facilities Management Department

Timothy K. White, Acting Director, Fairfax County Park Authority

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5:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Workforce Housing

ISSUE:

The proposed Zoning Ordinance amendment accommodates any density bonus associated with the provision of workforce dwelling units through proffered rezoning applications. The proposed administrative standards that were part of the proposed Zoning Ordinance amendment, as advertised, are now being proposed as a separate Board policy.

PLANNING COMMISSION RECOMMENDATION:

On October 4, 2007, the Planning Commission voted 11-0 (Commissioner Hopkins absent from the meeting) to recommend to the Board of Supervisors to approve the proposed Zoning Ordinance Amendment on Workforce Housing, as set forth in the memorandum dated October 4, 2007 from Donna Pesto, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, set forth as Attachment 1.

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendation. Further, the County Executive recommends that the Board adopt the workforce housing policy, entitled "Board of Supervisors' Workforce Dwelling Unit Administrative Policy Guidelines", set forth as Attachment 2.

TIMING:

Board of Supervisors' authorization to advertise – August 6, 2007; Planning Commission public hearing – September 19, 2007, decision deferred to September 27, 2007 and to October 4, 2007 1, 2007; Board of Supervisors' public hearing – October 15, 2007 at 5:00 p.m.

BACKGROUND:

The proposed amendment is the result of the work of the High-Rise Affordability Panel, appointed by the Board of Supervisors (Board) to consider ways in which to achieve affordable housing in high-rise and high density residential developments. The Panel discussed this issue from October 2005 to early 2007 and presented its findings and recommendations to the Board on February 6, 2006 and October 16, 2006 and its revised recommendations on April 12, 2007. The Panel is recommending the

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development of a Workforce Housing Program to serve income populations of up to 120% of the Area Median Income. Workforce dwelling units would be produced on a proffered basis through rezoning actions and would receive, as an incentive for such proffers, up to a 20% increase in density as recommended under a companion amendment to the Comprehensive Plan.

At its April 30, 2007 meeting, the Board directed staff to prepare the Comprehensive Plan (the Plan) and Zoning Ordinance amendments to implement the recommendations of the High-Rise Affordability Panel. On September 24, 2007, the Board adopted the proposed amendments to the Plan. The Plan amendment added a definition of workforce housing, which is related to income levels, and added guidance to the Housing section of the Policy Plan to foster production of affordable/workforce housing as part of new development in the County's designated mixed-use centers and transit station areas.

To implement the Plan recommendations, staff's original intent was to include the administrative and implementation standards for Workforce Housing as a new Section 2-1100 of the Zoning Ordinance. The original staff report dated August 6, 2007 (Attachment 4) sets forth this intent. However, since publication of the original staff report, the Board Housing Committee met on September 14, 2007 to consider the proposed Zoning Ordinance and Plan changes, the Planning Commission held a public hearing on September 19, 2007, the Board adopted the recommended Plan changes on September 24, 2007, and staff has received comments from members of the public on the proposed administrative standards. Comments received from the public, Board and Planning Commission relate to the appearance of a mandate resulting from the inclusion of the preferred administrative standards in the Zoning Ordinance. Since it was the intent of the provisions to serve only as the preferred administrative tool that would only be effectuated as proffered provisions by a developer of workforce dwelling units, and given stated concerns with their inclusion in the Zoning Ordinance, staff recommends that these provisions would be better suited as a Board Policy, which a developer would incorporate in proffers.

Accordingly, staff's current proposal removes the administrative standards from the Zoning Ordinance amendment and establishes them as a separate Board Policy. With the removal of the administrative standards, the only remaining components of the Zoning Ordinance amendment are minor changes to the P-District regulations of Article 6 and to create the new Section 2-1100 to accommodate any density bonus that may be achieved in a development that proffers to provide workforce dwelling units. Both the revised Zoning Ordinance changes and the proposed Board Policy are set forth in the September 27, 2007 memorandum from Eileen McLane, Zoning Administrator, to the Planning Commission, set forth as Attachment 3. This recommended change in content and policy approach was presented to the Planning Commission at their September 27, 2007 meeting. In order to allow time to properly consider the changes, Planning

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Commission action was deferred from September 27th to October 4, 2007. On October 4, 2007, the Planning Commission voted to forward a recommendation of adoption of the proposed amendment, as set forth in a memorandum to the Planning Commission dated October 4, 2007 (Attachment 1). It is noted that the recommendation of a portion of the originally advertised amendment is within the scope of the current advertisement.

With regard to the proposed Board Policy on workforce housing, Attachment 2 sets forth staff's proposal to establish the preferred administrative tools for the long term administration of proffered workforce dwelling units. As administrative policy guidelines, a rezoning applicant could proffer to comply with this Board Policy, such that proffered workforce dwelling units throughout the County could be uniformly administered. The Planning Commission did not make a recommendation on the proposed Board Policy regarding workforce housing since there is no requirement that they do so.

A more detailed discussion of the proposed amendment is set forth in the original Staff Report (Attachment 4) and Memorandum to the Planning Commission, dated September 27, 2007 (Attachment 3).

REGULATORY IMPACT:

As currently proposed, the amendment will accommodate any density bonus that may be achieved through the provision of proffered workforce dwelling units. A new Board Policy is also proposed to set forth the preferred administrative tools for the administration of workforce dwelling units that may be provided through proffered rezoning applications.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – October 4, 2007 Memorandum to the Planning Commission
Attachment 2 – Proposed Board Policy
Attachment 3 – September 27, 2007 Memorandum to the Planning Commission
Attachment 4 – Staff Report
Attachment 5 – Planning Commission Verbatim

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Donna Pesto, Senior Assistant to the Zoning Administrator, DPZ

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5:00 p.m.

Public Hearing on PCA 84-L-020-23 (Kingstowne L L.P., Kingstowne Parcel O L.P.; Kingstowne M & N LP; BP Kingstowne Office Building T, LLC; Kingstowne Towne Center L.P.; BP Kingstowne Office Building K LLC; BP Kingstowne Theatre, LLC) to Amend the Proffers for RZ 84-L-020 Previously Approved for Mixed Use Development to Permit Two Additional Buildings, Site Modifications and Associated Modifications to Proffers to a Portion of the Kingstowne Shopping Center with an Overall Floor Area Ratio of 1.03, Located on Approximately 43.37 Acres Zoned PDC, Lee District

The application property is located in the northeast and southeast quadrants of the intersection of Kingstowne Boulevard and Kingstowne Village Parkway, Tax Map 91-2 ((1)) 26K, 32F, 36B, 36C, 36G, 36H and 36I.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 4, 2007, the Planning Commission voted unanimously (Commissioners Hart, Harsel, and Lawrence not present for the votes; Commissioner Hopkins absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 84-L-020-23 and the associated Conceptual Development Plan Amendment, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report; and
- Modification of the transitional screening requirement to the north and west of the subject property.

The Planning Commission voted unanimously (Commissioners Hart, Harsel, and Lawrence not present for the votes; Commissioner Hopkins absent from the meeting) to approve FDPA 84-L-020-02-13, subject to Board approval of PCA 84-L-020-23.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

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5:00 p.m.

Public Hearing on SEA 97-D-020-02 (Verizon Virginia, Inc.) to Amend SE 97-D-020
Previously Approved for a Telecommunications Facility to Permit Site Modifications
(Equipment on Rooftop), Located on Approximately 2.54 Acres Zoned R-3, Dranesville
District

The application property is located at 1701 Chain Bridge Rd. Tax Map 30-3 ((1)) 46.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on October 3, 2007, and the Commission deferred decision to October 11, 2007. The Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
October 15, 2007

5:00 p.m.

Public Hearing to Establish the Meadows Community Parking District (Sully District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the Meadows Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Meadows CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on September 10, 2007, for October 15, 2007, at 5:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property

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within the proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

Staff has verified that the requirements for a CPD have been satisfied.

The parking prohibition identified above for the Meadows CPD establishment is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$1000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Meadows CPD Establishment

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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5:30 p.m.

Public Hearing on PCA 2003-DR-058 (NVR, Inc. D/B/A Ryan Homes) to Amend the Proffers for RZ 2003-DR-058 Previously Approved for Development of 20 Single Family Detached Homes at a Density of 1.67 Dwelling Units Per Acre to Permit Modifications to Proffer 15 (Architectural Modifications), Located on Approximately 11.99 Acres Zoned PDH-2, Dranesville District

The application property is located north of the terminus of Winterwood Place and south of the terminus of Fantasia Drive, Tax Map 10-4 ((1)) 1, 2A and 2B.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Thursday, October 11, 2007. The Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Suzianna Battista, Staff Coordinator, Zoning Evaluation Division, DPZ

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5:30 p.m.

Public Hearing on Amendments to the Upper Occoquan Sewage Authority Restated and Amended Service Agreement

ISSUE:

Public hearing on Amendments to the Upper Occoquan Sewage Authority (UOSA) Restated and Amended Service Agreement for establishment of funding formulas for construction of nutrient reduction facilities, expansion of the UOSA Flat Branch delivery system from 54 million gallons per day (MGD) to 64 MGD, and hydraulic improvements at the plant.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached amendments establishing funding formulas for construction of nutrient reduction facilities, expansion of the UOSA Flat Branch delivery system from 54 MGD to 64 MGD, and hydraulic improvements at the plant.

TIMING:

Board action is requested on October 15, 2007. On September 10, 2007, the Board authorized advertisement of a public hearing to be held on October 15, 2007.

BACKGROUND:

The Upper Occoquan Sewage Authority owns and operates a wastewater treatment plant that receives wastewater from its four member jurisdictions of Fairfax and Prince William Counties and Cities of Manassas and Manassas Park. The proposed amendments to the Restated and Amended Service Agreement between the member jurisdictions and UOSA are being made to authorize and establish funding formulas between the jurisdictions for the cost of constructing nutrient reduction facilities at UOSA's 54 MGD plant, expanding the UOSA's Flat Branch Delivery System from 54 MGD to 64 MGD, and constructing facilities that improve the hydraulic conditions at the plant.

The construction of the nutrient reduction facilities is mandated by the Virginia Department of Environmental Quality in response to the goals of the Chesapeake 2000 Agreement between the District of Columbia and the states of Maryland, Pennsylvania, and Virginia to reduce the amounts of nutrients being discharged into the Chesapeake Bay watershed in order to improve its water quality. The Flat Branch Delivery System

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expansion and the hydraulic improvements are necessitated by the need to provide adequate delivery system capacity and treatment for high flows during extreme wet weather conditions in order to prevent discharge of untreated wastewater from the delivery system and the plant.

A public hearing is required in order to amend the existing service agreement with UOSA. Staff recommends that the Board adopt the amendments after the public hearing.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment 1: Letter dated August 17, 2007 from the UOSA Executive Director to the County Executive

Attachment 2 Redline copy of the Restated and Amended Service Agreement showing the proposed amendments

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
October 15, 2007

5:30 p.m.

Public Hearing on the Sale of a Total of Three Million Gallons Per Day of Fairfax County's Unused Capacity at the Upper Occoquan Sewage Authority's Treatment Plant to Prince William County and the City of Manassas

ISSUE:

Public hearing on the sale of a total of three million gallons per day (MGD) of Fairfax County's unused capacity at the Upper Occoquan Sewage Authority's treatment plant. Two MGD of the capacity will be sold to Prince William County and one MGD will be sold to the City of Manassas to meet their growing needs for additional treatment plant capacity.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chairman to execute the attached capacity sales agreements after the public hearing.

TIMING:

On September 10, 2007, the Board authorized advertisement of a public hearing to be held on October 15, 2007.

BACKGROUND:

The Upper Occoquan Sewage Authority owns and operates a wastewater treatment plant that receives wastewater from its four member jurisdictions of Fairfax and Prince William Counties and Cities of Manassas and Manassas Park. The treatment plant has a total capacity of 54 MGD. Fairfax County's allocated capacity at the plant is 27.5999 MGD. Our conservative projection of future flows in the Fairfax County portion of the UOSA's service area is 24.6 MGD. Currently, our highest 30 consecutive day average daily flow is 11.767 MGD. Our current excess flow capacity is 15.8329 MGD ($27.5999 - 11.767 = 15.8329$ MGD). After the sale of three MGD, our excess capacity will be 12.8329 MGD. Staff believes this excess capacity will be sufficient to meet Fairfax County's future growth needs in the UOSA service area, which is depicted on Attachment 4. Should at anytime in the future Fairfax County's treatment capacity needs exceed its allocation, the treatment plant capacity can be expanded to meet Fairfax County's needs. Selling the excess capacity at this time recovers Fairfax County's cost of constructing this capacity and avoids paying for the up-coming upgrades at the plant for the capacity that is not projected to be used by Fairfax County.

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A public hearing is required in order to execute the capacity sales agreements between Fairfax County and each of Prince William County and the City of Manassas (Attachments 2 and 3). Staff requests that the Board authorize the Chairman to execute the capacity sales agreements after the public hearing.

FISCAL IMPACT:

\$50,565,000. The sales price per one MGD of capacity at UOSA is \$16,855,000. The proceeds from the sale of this capacity will go into the County's Integrated Sewer Fund to fund future capacity expansions or to pay down the outstanding debt service on UOSA bonds.

ENCLOSED DOCUMENTS:

Attachment 1: Wastewater Capacity Sale and Purchase Agreement between the Board of Supervisors of Fairfax County and the Board of County Supervisors of Prince William County

Attachment 2: Wastewater Capacity Sale and Purchase Agreement between the Board of Supervisors of Fairfax County and the City of Manassas, Virginia

Attachment 3: Map of UOSA Service Area in Fairfax County

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

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5:30 p.m.

Public Comment from Fairfax County Citizens and Businesses on Issues of Concern

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