

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 17, 2008**

AGENDA

8:30	Held	Community Revitalization and Reinvestment Committee Meeting (Conference Room 232)
9:30	Done	Presentations
10:00	Done	Presentation of the Environmental Excellence Awards
10:15	Done	Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report
10:30	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:30	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Lee, Springfield, and Sully Districts)
2	Approved	Additional Time to Record the Subdivision for Special Exception SE 2003-LE-036, Diane Cox Basheer, Trustee, and Kenneth O. Thompson, Trustee (Lee District)
3	Approved	Streets into the Secondary System (Braddock, Dranesville, Mason, Mount Vernon, Springfield, and Sully Districts)
4	Approved	Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Virginia Tobacco Settlement Foundation Funds for Implementation of an Early Childhood Prevention Program for Children Ages Three to Eight
5	Approved	Authorization to Advertise a Public Hearing to Establish the Singletons Grove Community Parking District (Sully District)
6	Approved	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)
7	Approved	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Mount Vernon District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 17, 2008**

**ADMINISTRATIVE
ITEMS (continued)**

- | | | |
|----|-----------------|---|
| 8 | Approved | Authorization to Advertise a Public Hearing to Expand the White Oaks Community Parking District (Springfield District) |
| 9 | Approved | Authorization to Advertise a Public Hearing to Establish the Reston Community Parking District (Hunter Mill District) |
| 10 | Approved | Installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Signs and Washington and Old Dominion Regional Park Trail Crossings |
| 11 | Approved | Formal Acceptance of the Dedication of Murdock Street by Fairfax County (Sully District) |
| 12 | Approved | Supplemental Appropriation Resolution AS 09068 for the Fairfax County Police to Accept Funding from the Virginia Department of Transportation for Traffic Management Related to the Construction of the High Occupancy Toll Lanes Project |
| 13 | Approved | Authorization to Advertise a Public Hearing on the Proposed Comprehensive Agreement with JPI Development Services, L.P. for the Development and Operation of “The Residences at the Government Center” Pursuant to the Public-Private Education and Infrastructure Act of 2002 (Springfield District) |

ACTION ITEMS

- | | | |
|---|----------------------------|---|
| 1 | Approved | Approval of Grant Transfer to Clean Fairfax Council, Incorporated and the Alice Ferguson Foundation |
| 2 | Approved | Approval of the Revised Volunteer Fire Commission Charter |
| 3 | Approved | Approval of the Department of Community and Recreation Services’ Field Allocation Policy |
| 4 | Approved | Approval of the Department of Community and Recreation Services’ Gym Allocation Policy |
| 5 | Deferred to 1/26/09 | Approval of Department of Community and Recreation Services’ Policy Regarding Memorandum of Understanding for Synthetic Turf Fields |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 17, 2008**

**ACTION ITEMS
(continued)
Approved**

- | | | |
|----|----------------------------------|---|
| 6 | Approved | Approval of a Memorandum of Understanding Between the Fairfax County Police Department, the United States Attorney for the District of Columbia and the Metropolitan Police Department of Washington, D.C. |
| 7 | Approved | Approval to Accept the Terms and Conditions for Fairfax County Donation to the Medical Care for Children Partnership Foundation and Medical Care for Children Partnership Fund Agreement |
| 8 | Approved | Approval of Principles for the Authorization of the Federal Surface Transportation Program (FY 2010 to FY 2015) |
| 9 | Approved
w/amendments | Approval of a Proposed Amendment to the Consolidated Plan One Year Action Plan for FY 2009 to Include the Implementation of Neighborhood Stabilization Program Activities |
| 10 | Approved | Endorsement of County Staff Comments on the Draft Environmental Assessment and Finding of No Significant Impact for the National Museum of the United States Army at Fort Belvoir, Virginia (Mount Vernon District) |

INFORMATION ITEMS

- | | | |
|---|--------------|---|
| 1 | Noted | Contract Award – Open-End Contracts for Geotechnical Engineering and Related Services |
| 2 | Noted | Contract Award - Architectural/Engineering Design Services for the I-66 Solid Waste Transfer Station Workers' Facility (Springfield District) |
| 3 | Noted | Contract Award - Kenmore Subdivision Sanitary Sewer Extension and Improvement (Dranesville District) |
| 4 | Noted | Contract Award – Annual Contract for Construction Services |
| 5 | Noted | Contract Award - Annual Contract for Stormwater and Flood Proofing Improvements |
| 6 | Noted | Mobility Device Securement Policy |
| 7 | Noted | FAIRFAX CONNECTOR Charter Bus Service Policies and Rates |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 17, 2008**

11:00	Done	Matters Presented by Board Members
11:50	Done	Closed Session

PUBLIC HEARINGS

3:30	Public hearing deferred to 12/8/08 at 3:30 p.m.	Public Hearing on RZ 2006-PR-013 (Washington Property Company, LLC) (Providence District)
3:30	Public hearing deferred to 12/8/08 at 3:30 p.m.	Public Hearing on SE 2006-PR-005 (Washington Property Company, LLC) (Providence District)
3:30	Public hearing deferred to 12/8/08 at 3:30 p.m.	Public Hearing on PCA 92-M-038 (Paolozzi Investments, Inc.) (Mason District)
3:30	Public hearing deferred to 12/8/08 at 3:30 p.m.	Public Hearing on SE 2008-MA-019 (Paolozzi Investments, Inc.) (Mason District)
3:30	Approved	Public Hearing on RZ 2008-MA-013 (Board of Supervisor's Own Motion) (Mason District)
3:30	Approved	Public Hearing on PCA 2001-MA-049 (Board of Supervisor's Own Motion) (Mason District)
3:30	Approved	Public Hearing on PCA 93-V-028-02 (Lorton Corner Road LLC) (Mount Vernon District)
3:30	Approved	Public Hearing on SE 2007-MV-031 (Lorton Corner Road LLC) (Mount Vernon District)
4:00	Approved	Public Hearing to Establish the Colvin Meadows Community Parking District (Dranesville District)
4:00	Approved	Public Hearing to Establish the Hayfield View Community Parking District (Lee District)
4:00	Approved	Public Hearing to Establish the Cedar Lakes Community Parking District (Springfield District)
4:00	Approved	Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Mason, Mount Vernon and Providence Districts)
4:30	Approved	Public Hearing to Establish the Caroline Oaks Community Parking District (Springfield District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 17, 2008**

**PUBLIC HEARINGS
(continued)**

4:30	Approved	Public Hearing to Expand the Danbury Forest Community Parking District (Braddock District)
4:30	Approved	Public Hearing on Proposed Amendments to Chapter 104 (Erosion and Sedimentation Control) of The Code of the County of Fairfax, Virginia Re: Stream Restoration Banks
4:30	Approved	Public Hearing on Proposed Amendments to Various Chapters of The Code of the County of Fairfax, Virginia Re: References to the Department of Public Works, the Department of Environmental Management, the Building Official, and the Construction Trades Advisory Board
5:00	Approved	Public Hearing on Proposed Plan Amendment S06-IV-S1 Located West of Elder Avenue, East of Interstate-95, South of Franconia Road, and North of the Franconia-Springfield Parkway (Lee District)
5:00	Approved	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Civil Penalties and Appeal Period
5:00	Public hearing held	Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2009 Virginia General Assembly



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
November 17, 2008

9:30 a.m.

PRESENTATIONS

1. PROCLAMATION – To designate November 2008 as Adoption Awareness Month in Fairfax County. Requested by Chairman Connolly and Supervisor Herrity.
2. RESOLUTION – To congratulate St. Mary of Sorrows Catholic Church for its 150th anniversary. Requested by Chairman Connolly and Supervisor Bulova.
3. RESOLUTION – To honor the life of Jeffrey Watkins and his dedication to the residents of Fairfax County. Requested by Supervisor Hudgins.
4. RESOLUTION – To recognize the Friends of Little Rocky Run for its annual Alice Ferguson Potomac Watershed Cleanup. Requested by Supervisor Herrity.
5. RESOLUTION – To recognize Conrad Egan for his years of service to the Fairfax County Redevelopment and Housing Authority. Requested by Supervisor Hudgins.
6. CERTIFICATE – To recognize the Fairfax County Department of Housing and Community Development and the Magnet Housing program for receiving the 2008 Thomas H. Muehlenbeck Award. Requested by Supervisor Hudgins.

STAFF:

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

10:00 a.m.

Presentation of the Environmental Excellence Awards

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Stella Koch, Chairman, Environmental Quality Advisory Council

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

10:15 a.m.

Presentation of the Environmental Quality Advisory Council (EQAC) Annual Report

ENCLOSED DOCUMENTS:

Environmental Quality Advisory Council Annual Report delivered under separate cover.

PRESENTED BY:

Stella Koch, Chairman, Environmental Quality Advisory Council

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

10:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be Heard November 17, 2008

Attachment 2: Résumé of Jane Haycock Woods, At-Large #2 Nominee to the Fairfax-Falls Church Community Services Board

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

10:30 a.m.

Items Presented by the County Executive

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

ADMINISTRATIVE – 1

Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Lee, Springfield, and Sully 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: applications FS-H08-49, FS-D08-50, and FS-S08-73 to January 16, 2009; applications FS-L08-100, FS-S08-101, and FS-Y08-102 to January 22, 2009; application FS-B08-103 to January 25, 2009; applications FS-S08-64 and FS-S08-68 to January 26, 2009; application FS-Y08-104 to January 31, 2009; and application FS-D08-81 to February 5, 2009.

TIMING:

Board action is required on November 17, 2008, to extend the review periods of the applications noted above before their expirations.

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 FS-H08-49, FS-D08-50, FS-S08-64, FS-S08-68, FS-S08-73, FS-D08-81, FS-L08-100, FS-S08-101, FS-Y08-102, FS-B08-103, and FS-Y08-104 listed below, which were accepted for review by the Department of Planning and Zoning between August 19, 2008, and September 8, 2008. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days:

Board Agenda Item
November 17, 2008

- FS-H08-49 Cricket Communications
Antenna colocation on existing monopole
10907 Sunset Hills Road
Hunter Mill District
- FS-D08-50 Cricket Communications
Antenna colocation on existing tower
9916 Georgetown Pike (Great Falls Volunteer Fire Department
station)
Dranesville District
- FS-S08-64 Cricket Communications
Antenna colocation on existing monopole
9501 Old Burke Lake Road (Burke Volunteer Fire Department
station)
Springfield District
- FS-S08-68 Cricket Communications
Antenna colocation on existing monopole
5755 Revercomb Court (former Police Firing Range)
Springfield District
- FS-S08-73 Cricket Communications
Antenna colocation on existing monopole
7008 Elkton Drive
Springfield District
- FS-D08-81 Cricket Communications
Rooftop antennas
1350 Beverly Road
Dranesville District
- FS-L08-100 MediaFLO USA, Inc.
Antenna colocation on existing tower
3900 San Leandro Place
Lee District
- FS-S08-101 MediaFLO USA, Inc.
Antenna colocation on existing tower
6199 Old Arrington Lane
Springfield District

Board Agenda Item
November 17, 2008

- FS-Y08-102 AT&T Mobility Corporation
Antenna colocation on existing electric transmission tower
Bay Valley Lane
Sully District
- FS-B08-103 T-Mobile Northeast LLC
Antenna colocation on existing monopole
9525 Little River Turnpike (Woodson High School)
Braddock District
- FS-Y08-104 T-Mobile Northeast LLC
Rooftop antennas
14631 Lee Highway
Sully District

The need for the full time of these extensions may not be necessary, and is not intended to set a date for final action.

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

ADMINISTRATIVE - 2

Additional Time to Record the Subdivision for Special Exception SE 2003-LE-036, Diane Cox Basheer, Trustee, and Kenneth O. Thompson, Trustee (Lee District)

ISSUE:

Board consideration of additional time to record the subdivision for SE 2003-LE-036 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen months additional time for SE 2003-LE-036 to December 21, 2009.

TIMING:

Routine

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if the subdivision is not recorded within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless additional time is approved by the Board. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On June 21, 2004, the Board of Supervisors approved Special Exception SE 2003-LE-036, subject to development conditions. The special exception application was filed in the name of Diane Cox Basheer, Trustee, and Kenneth O. Thompson, Trustee to permit a cluster subdivision pursuant to Sect. 9-615 of the Fairfax County Zoning Ordinance for the property described as Tax Map 82-3 ((18)) 46, 47, 48, 53 and 54; 92-1 ((7)) 1-8, 27-45, 55-63; 92-1 ((8)) 1-18 and a portion of Split Rock Drive, Wayside Place and Raven Place public right-of-way to be vacated and/or abandoned (see the Locator Map in Attachment 1). SE 2003-LE-036 was approved with a condition that the subdivision be recorded within thirty months of the approval date, unless the Board grants additional time. The development conditions for SE 2003-LE-036 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On February 26, 2007, the Board of Supervisors approved eighteen months of additional time to record the subdivision for Special Exception SE 2003-LE-036 with a new expiration date of June 21, 2008. A copy of the letter confirming the Board's approval of the additional time is included as Attachment 3.

Board Agenda Item
November 17, 2008

On May 22, 2008, the Department of Planning & Zoning received a letter dated May 22, 2008, from Lynne J. Strobel, on behalf of the applicant, requesting eighteen months additional time to record the subdivision for SE 2003-LE-036 (see Attachment 4). The request was received prior to the date on which the approval would have expired; therefore, the special exception will not expire pending the Board's action on the request for additional time. The letter states that the additional time is needed to complete the subdivision approval process. Ms. Strobel indicates that delays have been incurred in the implementation of the special exception for a number of reasons, including the loss of a purchase contract due to market conditions, market conditions in general, the fact that a number of the development conditions require citizen interaction and participation, and the complexity of the development conditions. She states that a subdivision plan entitled Rose Hill Reserve (8375-SD-001-2) has been submitted to the County for review. According to DPWES, Subdivision Plan #008375-SD-001-2 was accepted by DPWES on August 2, 2006, and was forwarded to Bonds and Agreements on November 20, 2006, where it currently remains. Ms. Strobel asserts that the property owners will continue to diligently pursue subdivision plat recordation and fulfillment of the development conditions. She states that the applicants expect to post all necessary bonds within the next three to four months. She notes that the applicants have completed inspection of all of the off-site properties, pursuant to Development Condition 10.

Staff has reviewed Special Exception SE 2003-LE-036 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a cluster subdivision. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2003-LE-036 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2003-LE-036 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that eighteen months of additional time be approved. This additional time would begin from the prior specified expiration date would result in a new expiration date of December 21, 2009.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated July 7, 2004, to Martin D. Walsh, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated March 5, 2007, from Nancy Vehrs, Clerk to the Board of Supervisors

Board Agenda Item
November 17, 2008

Attachment 4: Letter dated May 22, 2008, from Lynne J. Strobel, agent for the applicant,
Letter dated August 4, 2008, from Lynne J. Strobel, agent for the applicant

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

Pamela Nee, Chief, Environmental and Development Review Branch, Planning Division, DPZ

Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

ADMINISTRATIVE – 3

Streets into the Secondary System (Braddock, Dranesville, Mason, 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>
5501 Sideburn Road	Braddock	Sideburn Road (Route 653) (Additional Right-of-Way (ROW) only)
Forest Heights Estates	Dranesville	Forest Heights Court
Bell Manor Estates	Mason	Bell Manor Court Summers Lane (Route 3399) (Additional ROW only)
ZP NO 40 LLC	Mount Vernon	Richmond Highway (U.S. Route 1) (Additional ROW only)
Monument Drive at Fairfax Corner	Springfield	Monument Drive (Route 7969)
Monument Drive at Fairfax Corner BOS Property	Springfield	Monument Drive (Route 7969) Monument Drive (Route 7969) (Additional ROW only)
Grand View – Section One	Sully	Old Centreville Road (Route 898) (Additional ROW only)

TIMING:

Routine.

Board Agenda Item
November 17, 2008

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 Form

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
November 17, 2008

ADMINISTRATIVE - 4

Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Virginia Tobacco Settlement Foundation Funds for Implementation of an Early Childhood Prevention Program for Children Ages Three to Eight

ISSUE:

Board authorization is requested for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept funding from the Virginia Tobacco Settlement Foundation for a grant designed to support the *Al's Pals: Kids Making Healthy Choices Program*, a tobacco use prevention program for youth ages three to eight. If received, the total award of \$218,307, would be disbursed as follows: year one funding, \$70,266; year two funding, \$73,041; year 3 funding, \$75,000.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the CSB to apply for and accept Virginia Tobacco Settlement Foundation funds of \$218,307, if received. Upon receipt of the actual award, the Fairfax-Falls Church CSB will request an expenditure appropriation and commensurate revenue increase of the actual award amount each fiscal year of the grant.

TIMING:

Board action is requested on November 17, 2008. Due to the proposal due date of October 8, 2008, the grant application was submitted. Should approval not be granted, the proposal will be immediately withdrawn. Grant awards will be announced December 3, 2008 and the grant award period begins July 1, 2009.

BACKGROUND:

The Virginia Tobacco Settlement Foundation (VTSF) issued a Request for Proposals (RFP) on August 8, 2008 to fund three-year contracts to provide tobacco use prevention programs for youth. The VTSF was created in 1999 by the General Assembly to distribute monies from the Virginia Tobacco Settlement Fund for the purpose of restricting the use of tobacco products by minors. This RFP provides funds to local organizations and agencies to provide tobacco use prevention programs for youth. Programs must be selected from the VTSF approved compendium. This grant award will run from July 1, 2009 through June 30, 2012.

The Fairfax-Falls Church CSB will collaborate with the Fairfax County Public Schools, Head Start programs, and employer and faith-based childcare education programs in

Board Agenda Item
November 17, 2008

implementing the program. This project will build organizational capacity to deliver proven prevention programs while strengthening skills in young children receiving the program.

The *AI's Pals* compendium is an early childhood prevention curriculum and teacher training program for children ages three to eight years old. Using 46 interactive lessons, *AI's Pals* develops children's pro-social skills, self-control, problem-solving abilities and an understanding that they are not to use tobacco, alcohol, and other drugs. Program outcomes include increased pro-social skills, such as appropriate expression of feelings, demonstration of self control, interpersonal problem-solving, healthy decision-making, and positive coping.

The *AI's Pals: Kids Making Healthy Choices Program* is in its third year of operation and has been supported by grant funding that will expire June 30, 2009. The new funding from the Virginia Tobacco Settlement Foundation if received, will allow the *AI's Pals Program* to continue. Grant funds will be used to provide early childhood prevention training for teachers, instructional assistants and administrators; to provide stipends to participating organizations to cover costs of substitute teachers during the two day training period; to purchase the *AI's Pals* curriculum kit for each participating classroom; and for program evaluation. The curriculum consists of 46 lessons of approximately 15 minutes each, to be delivered in sequence twice a week by a trained classroom teacher. Teachers and their instructional assistants are authorized to use the *AI's Pals* curriculum only upon completion of a two-day introductory training session, provided with grant funds. The training addresses ways to apply the concepts of resiliency and protective factors to early childhood education. The funding requested will provide training for 30 teachers and administrators annually, and implement the program in 20 classrooms with 280 children.

The *AI's Pals* compendium has been designated a Model Program by the Center for Substance Abuse Prevention (CSAP), USDHHS; a Promising Program by the Office of Safe and Drug Free Schools, USDOED; and as an Evidence-Based Social-Emotional Learning Program by the Collaborative for Academic, Social and Emotional Learning (CASEL).

Grant funds will also be used for a part-time grant position to provide logistical support, maintain communication with participants, monitor the implementation of the program for in-classroom quality assurance, provide oversight of any required data collection and prepare required reports.

FISCAL IMPACT:

If awarded, the Virginia Tobacco Settlement Foundation will provide funding of \$218,307 over a three-year period for a grant designed to support tobacco prevention programs for youth ages three to eight. No Local Cash Match will be required to accept this funding. The necessary appropriation adjustments for FY 2010 would be included as part of the FY 2009 Carryover Review if received.

Board Agenda Item
November 17, 2008

CREATION OF NEW POSITIONS:

No new positions will be required for this grant. An existing 19 hour per week limited-term position will be used to provide project management of this grant.

ENCLOSED DOCUMENT:

Attachment 1 - RFP Cover Sheet

STAFF:

Verdia L. Haywood, Deputy County Executive

George E. Braunstein, Executive Director, CSB

William H. Williams, Jr., MA, LCADC, Director, ADS

Laura Yager, M.Ed., LPC, Director, CSB Prevention Services

Jamie MacDonald, MS Ed., Director, CSB Prevention Programs

Anita Baker, Fiscal Analyst, Department of Administration for Human Services

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Establish the Singletons Grove 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 Singletons Grove Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for December 8, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Singletons Grove CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on November 17, 2008, to provide sufficient time for advertisement of the public hearing on December 8, 2008, at 4:00 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 CPD.

No such CPD 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 CPD for a maximum of 48 hours for the purpose of

Board Agenda Item
November 17, 2008

loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

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 within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD 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 CPD.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1200 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed Singletons Grove CPD

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

Maria Turner, Sr. Transportation Planner, FCDOT

Board Agenda Item
November 17, 2008

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)

ISSUE:

Board authorization to advertise a public hearing for Monday, December 8, 2008, at 4:00 p.m., to consider a proposed amendment to Appendix G, of *the Code of the County of Fairfax, Virginia*, to expand the Robinson Residential Permit Parking District (RPPD), District 17.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, December 8, 2008, at 4:00 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Robinson RPPD, District 17.

TIMING:

The Board should take action on November 17, 2008, to advertise a public hearing for December 8, 2008, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances of a high school if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

A petition requesting expansion of the RPPD was received on September 22, 2008. The proposed District expansion includes the following street block faces: Sideburn

Board Agenda Item
November 17, 2008

Road (Route 653) from Portsmouth Road (Route 4406) to Stallworth Court (Route 6995).

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on September 22, 2008, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board authorize the proposed advertisement (Attachment III) of a public hearing to consider expanding the Robinson RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$400. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *the Code of the County of Fairfax, Virginia*
Attachment II: Map Depicting Proposed Limits of RPPD Expansion
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
Maria Turner, Sr. Transportation Planner, FCDOT
Hamid Majdi, Transportation Planner II, FCDOT

Board Agenda Item
November 17, 2008

ADMINISTRATIVE - 7

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Mount Vernon District)

ISSUE:

Board endorsement of traffic calming measures as part of the Residential Traffic Administration Program (RTAP)

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures for Highland Lane (Attachment I), consisting of the following:

- Two speed humps on Highland Lane (Mount Vernon 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 November 17, 2008.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria for Highland Lane. Subsequently, petitions were gathered from the community evidencing support for further study. A task force was formed with the community to develop a traffic calming plan to reduce the speed of traffic. Once a plan for the road was adopted and approved by staff and VDOT, the plan was submitted for approval to residents of the petition area in the community. On October 15, 2008, the Department of Transportation received written verification from the local supervisor confirming community support for the referenced traffic calming plan.

Board Agenda Item
November 17, 2008

FISCAL IMPACT:

The estimated cost of \$8,000 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Highland 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

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

Board Agenda Item
November 17, 2008

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Expand the White Oaks Community Parking District (Springfield 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 expand the White Oaks Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for December 8, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the White Oaks CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on November 17, 2008, to provide sufficient time for advertisement of the public hearing on December 8, 2008, at 4:30 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 CPD.

No such CPD 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 CPD for a maximum of 48 hours for the purpose of

Board Agenda Item
November 17, 2008

loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

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 within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD 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 CPD.

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

The parking prohibition identified above for the White Oaks 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 \$500 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed White Oaks CPD Expansion
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
Maria Turner, Sr. Transportation Planner, FCDOT

Board Agenda Item
November 17, 2008

ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing to Establish the Reston Community Parking District (Hunter Mill 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 large area Reston Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for December 8, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Reston CPD in accordance with current large area CPD restrictions.

TIMING:

The Board of Supervisors should take action on November 17, 2008, to provide sufficient time for advertisement of the public hearing on December 8, 2008, at 4:00 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 CPD.

No such CPD 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 CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily

Board Agenda Item
November 17, 2008

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a large area CPD if the proposed District contains all of a magisterial district, excluding certain areas that meet minimum size requirements. In this case, the proposed District will encompass the entire Hunter Mill District but will exclude all areas of the Hunter Mill District except the areas within the Reston CPD as set forth in Attachments I and II. Staff has verified that the requirements for a large area CPD have been satisfied.

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

If approved, the proposed Reston large area CPD would be the second non-petition based CPD established in the County; the first was the Mount Vernon District established on March 10, 2008. Existing CPD signs within the Golf Course Square and Vantage Hill communities which are within the new district will not be removed.

FISCAL IMPACT:

The recommended changes should have minimal fiscal impact. Signs will not be installed.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Reston CPD
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
Maria Turner, Sr. Transportation Planner, FCDOT

Board Agenda Item
November 17, 2008



ADMINISTRATIVE - 10

Installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Signs and Washington and Old Dominion Regional Park Trail Crossings

ISSUE:

Board endorsement for the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs at five locations, as shown in Attachment I.

RECOMMENDATION:

The County Executive recommends that the Board endorse the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs at the five subject locations, as shown in Attachment I.

TIMING:

Board action is requested on November 17, 2008.

BACKGROUND:

On August 4, 2008, the Board directed staff to install Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs at the Washington and Old Dominion (W&OD) Regional Park Trail crossings in the County.

Virginia Code Section 46.2-924 and Section 82-9-7 of *The Code of the County of Fairfax, Virginia*, authorize the Board to install and maintain highway signs at marked crosswalks specifically requiring motorists to yield the right-of-way to pedestrians crossing the highway at those signed locations. Any operator of a motor vehicle who fails to yield the right-of-way to pedestrians as required shall be guilty of a traffic infraction punishable by a fine of no less than \$100 or more than \$500.

The Board established the following criteria to be followed in selecting locations for the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs:

- At marked crosswalks where conditions or experience indicate that failure to yield is likely to result or has resulted in pedestrian injuries. For example these signs could be installed at locations with unexpected crossings, poor sight distances, crosswalks with 35 mph or greater traffic speeds, and/or with a minimum number of 3 pedestrian accidents in the past 5 years.
- At marked crosswalks with a high number of crossings by children, elderly, or persons

Board Agenda Item
November 17, 2008

with disabilities (e.g., at a school zone or designated school crossing, or near elderly housing or a senior center).

- To make drivers aware that failing to yield to pedestrians in Fairfax County can result in higher fines, at marked crosswalks at selected high profile and/or “gateway” locations on major roadways where there is significant pedestrian traffic.

Staff has reviewed the eight W&OD Regional Park Trail crossing locations, and the three crossings that do not have signs are included for approval in Attachment I. Additionally, two other requested locations are included in Attachment I for a total of five locations. The locations in Attachment I meet one or more of the above established criteria.

On August 4, 2008, the Board also directed staff to examine other types of crossing treatments for the W&OD Trail to catch drivers’ attention and encourage them to slow down. Staff is working with Virginia Department of Transportation (VDOT) staff including the Statewide Bicycle and pedestrian program Coordinator to implement alternative crossing treatments at priority W&OD Trail crossings.

For the Board’s reference, Attachment II provides a map of sign locations and installation status and Attachment III provides a listing of the 434 locations previously approved.

FISCAL IMPACT:

The installation cost of each Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine sign is approximately \$150 each, usually with four signs per intersection. The cost for signs at the five locations is approximately \$3,000. These funds are currently available in the Department of Transportation’s budget. The installation cost and funding for the potential alternative crossing treatments are undetermined at this time.

ENCLOSED DOCUMENTS:

Attachment I: Locations Recommended for Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Signs

Attachment II: Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine Sign Locations

Attachment III: Locations Previously Approved for Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine 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

Christopher D. Wells, Pedestrian Program Manager, FCDOT

Jeffrey C. Hermann, Transportation Planner II, FCDOT

Board Agenda Item
November 17, 2008

ADMINISTRATIVE - 11

Formal Acceptance of the Dedication of Murdock Street by Fairfax County (Sully District)

ISSUE:

Board adoption of the attached resolution accepting Murdock Street as a public street.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) accepting the offer of dedication for Murdock Street.

TIMING:

Routine.

BACKGROUND:

Murdock Street was created by a plat dated March 31, 1953, entitled "Plat of Fairwood Estates" (Plat), as an attachment to a Deed of Dedication (Deed) recorded on August 4, 1953, among the land records of Fairfax County, Virginia, in Deed Book 1099 at Page 404. Although the Deed dedicated "to public use the streets and roadways as shown on the plat," neither the Deed nor the Plat was formally accepted by the County because Fairwood Estates was a large-lot division that was not subject to the County's Subdivision Ordinance. Absent evidence of acceptance by the County or the State, either formally or informally, as by the exercise of dominion and control or the long continued public use of requisite character, the offer of dedication in the Deed is merely an offer to dedicate. The Plat and the Deed do not, on their faces, cleanly transfer the fee simple ownership of Murdock Street to the County.

The Virginia Department of Transportation (VDOT) is currently constructing a maintenance facility that needs to use Murdock Street for access. In order for the County to give VDOT permission to use Murdock Street, it will have to formally accept the offer to dedicate the street contained in the Deed. Accordingly, it is requested that the Board formally accept the offer of dedication for Murdock Street.

FISCAL IMPACT:

None.

Board Agenda Item
November 17, 2008

ENCLOSED DOCUMENTS:

Attachment I: Resolution

Attachment II: Deed of Dedication and Attached Plat

Attachment III: Vicinity Map (Tax Map 33-2)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michael A. Davis, FCDOT

Board Agenda Item
November 17, 2008



ADMINISTRATIVE - 12

Supplemental Appropriation Resolution AS 09068 for the Fairfax County Police to Accept Funding from the Virginia Department of Transportation for Traffic Management Related to the Construction of the High Occupancy Toll Lanes Project

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09068 for the Fairfax County Police Department to accept funding from the Virginia Department of Transportation (VDOT) not to exceed \$2,658,147 for traffic patrol augmentation for the High Occupancy Toll (HOT) Lanes Project. Funding in the amount not to exceed \$2,658,147 will provide financial assistance over a two-year period, from approximately November 2008 to December 2010, for officers' overtime salaries to augment patrols in the area surrounding the HOT Lanes project. The augmented police patrols will be staffed by off-duty officers so as not to adversely impact the Police Department's abilities to respond to calls for service. No Local Cash Match will be required.

RECOMMENDATION:

The County Executive recommends that the Board approve the agreement between the Police Department and the Virginia Department of Transportation and the Supplemental Appropriation Resolution AS 09068 for the Fairfax County Police to accept funding not to exceed \$2,658,147 from VDOT for the HOT Lanes Project. Funding will be used for traffic and incident management during the HOT lanes project. No Local Cash Match will be required.

TIMING:

Board approval is requested on November 17, 2008.

BACKGROUND:

The I-495 HOT Lanes Project is anticipated to add 11.2 miles of additional lanes just north of the Springfield interchange to just south of Georgetown Pike. The HOT lanes will utilize a variable-rate pricing system, which changes the toll rates throughout the day to maintain high traffic speeds for faster travel through two additional lanes in both northbound and southbound directions. The project is a public-private venture with VDOT in partnership with Capital Beltway Express, which will operate the toll lanes once the project is completed.

The traffic management plan, which involves VDOT, Virginia State Police, along with the Fairfax County Police and Fire and Rescue Departments, is designed to reduce or alleviate congestion and enhance the mobility of vehicular travel during the construction period.

Board Agenda Item
November 17, 2008

While the Virginia State Police will provide traffic and incident management along I-495, the Fairfax County Police Department will focus their efforts on the arterial roadways leading up to I-495, to include Arlington Boulevard, Lee Highway, Gallows Road, Little River Turnpike, and Braddock Road. Responsibilities include:

- Assisting in incident detection
- Securing the incident scene
- Assisting disabled motorists
- Providing emergency medical aid until help arrives
- Coordinating with the Traffic Management Center for incident response and management
- Directing traffic at the incident scene
- Conducting accident investigations
- Supervising scene clearance
- Providing traffic management support and enforcement in local neighborhoods

Initial construction has begun on the project. Traffic and incident management is expected to start November 2008 and last until December 2010.

FISCAL IMPACT:

Funding in the amount of \$2,658,147 will be available from VDOT to be used for traffic and incident management during construction of the HOT Lanes Project. Funding will be provided by VDOT on a reimbursement basis using authorized State billing procedures. Acceptance of this funding will not increase the expenditure level in Fund 102, Federal/State Grants, as funds are held in reserve for unanticipated grant awards. This agreement does not allow the recovery of indirect costs. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENT:

Attachment 1 – Memorandum of Understanding from the Virginia Department of Transportation

Attachment 2 – Supplemental Appropriation Resolution AS 09068

STAFF:

Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Robert M. Ross, Assistant County Attorney

Board Agenda Item
November 17, 2008

ADMINISTRATIVE - 13

Authorization to Advertise a Public Hearing on the Proposed Comprehensive Agreement with JPI Development Services, L.P. for the Development and Operation of "The Residences at the Government Center" Pursuant to the Public-Private Education and Infrastructure Act of 2002 (Springfield District)

ISSUE:

Authorization to advertise a public hearing on a proposed Comprehensive Agreement with JPI Development Services, L.P., pursuant to the Public-Private Education and Infrastructure Act of 2002, for the development and operation of "The Residences at the Government Center" (Springfield District)

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, December 8, 2008 at 4:30 p.m.

TIMING:

Board action is requested for Monday, November 17, 2008, to provide sufficient time to advertise the proposed public hearing on Monday, December 8, 2008 at 4:30 p.m.

BACKGROUND:

Fairfax County received solicited proposals on or before the closing date of February 28, 2007, in response to a Request for Proposal (RFP 07-898910-30) released under the Public-Private Educational Facilities and Infrastructure Act of 2002, as amended (PPEA). The RFP sought qualified developers to ground lease, develop, construct and operate an innovative, high-quality, mixed-income, rental housing community on a portion of the county's 86.4 acre Government Center Campus for workforce housing. The proposed site is further described as a portion of Tax Map Parcel 0561-15-0014 and is situated on Monument Drive adjacent to the Fairfax County Government Center. In accordance with the PPEA and county regulations, the county RFP was competitively solicited from November 30, 2006 through February 28, 2007. The county received six proposals in response to the solicitation, and a proposed comprehensive agreement, ground lease, and a contract to ground lease have been negotiated for the development, construction and operation of "The Residences at the Government Center" with JPI Development Services, L.P.

The conceptual layout of the Project consists of approximately 270 apartment units in a 4-story configuration, with a parking garage located in the middle of the residential

Board Agenda Item
November 17, 2008

buildings. The proposed unit mix includes 39 studio apartments, 123 one-bedroom apartments, 93 two-bedroom apartments and 15 three-bedroom apartments. The Project, as currently planned, includes approximately 433 parking spaces.

The project is proposed to have an extensive community amenities package. This includes conference room, landscape courtyards, leasing/management office and a community room available for use by Fairfax County. The apartments will be developed utilizing Green Building Technology.

The purpose of the public hearing is to receive public comment on the comprehensive agreement. The comprehensive agreement, which includes as attachments the ground lease and the contract to the ground lease, has been posted on the county web site by the Department of Purchasing and Supply Management and can be viewed at <http://www.fairfaxcounty.gov/dpsm/solic.htm>.

FISCAL IMPACT:

"The Residences at the Government Center" will be constructed on county-owned land and it is anticipated that the project will not result in a cost to the county.

ENCLOSED DOCUMENTS:

Attachment 1 - General Terms and Conditions of Agreement.

STAFF:

Verdia L. Haywood, Deputy County Executive

Paula C. Sampson, Director, Department of Housing and Community Development (HCD)

John Payne, Deputy Director, Real Estate, HCD

Cynthia Ianni, Director, Design, Development and Construction Division, HCD

Rex Peters, Associate Director, Real Estate and Acquisitions, HCD

Board Agenda Item
November 17, 2008

ACTION – 1

Approval of Grant Transfer to Clean Fairfax Council, Incorporated and the Alice Ferguson Foundation

ISSUE:

Board approval of the transfer of the State Litter Prevention and Recycling Grant Funding to Clean Fairfax Council, Incorporated, and the Alice Ferguson Foundation. The total grant amount from FY2008 is \$122,104.

RECOMMENDATION:

The County Executive recommends that the Board approve the transfer of \$97,104 to Clean Fairfax Council, Incorporated, and \$25,000 to the Alice Ferguson Foundation.

TIMING:

Approval of the transfer is requested to allow both groups to utilize the grant funding.

BACKGROUND:

Annually, Fairfax County applies for a State grant from the Virginia Department of Environmental Quality from the Litter Prevention and Recycling Grant Program. This grant was awarded to the County in September 2008 in the amount of \$122,104 and funds were received in the Solid Waste Program's budget, specifically Fund 109 Refuse Collection and Recycling.

Last year's grant amount was \$126,004. The grant varies, as it is based upon sales tax revenue.

Traditionally, the grant has been conveyed entirely to Clean Fairfax Council, Incorporated; however, earlier this year, the County received a request from the Alice Ferguson Foundation to fund litter initiatives which it undertakes.

The Alice Ferguson Foundation requested approximately \$50,000 in funding from the parties whom had signed the Potomac Watershed Trash Treaty.

It is proposed, in the spirit of signing the Trash Treaty, that half of the amount requested from the Alice Ferguson Foundation, \$25,000, be conveyed to them from the Virginia Litter Prevention Grant.

Board Agenda Item
November 17, 2008

The remaining grant funds of \$97,104 shall be conveyed to Clean Fairfax Council, Incorporated.

All parties receiving the grant will need to comply with the provisions of the grant, including reporting back to the County pursuant to State requirements.

FISCAL IMPACT:

None. The grant is from the State.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum dated January 28, 2008, to Anthony H. Griffin, County Executive, from Gerald E. Connolly, Chairman, Board of Supervisors, regarding Trash Free Potomac Watershed Initiative

Attachment 2: Memorandum dated April 14, 2008, to Gerald E. Connolly, Chairman, Board of Supervisors, from Anthony H. Griffin, County Executive, regarding County Contribution to the Alice Ferguson Foundation

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
November 17, 2008

ACTION – 2

Approval of the Revised Volunteer Fire Commission Charter

ISSUE:

Request for the Board to approve and adopt the revised charter of the Volunteer Fire Commission.

RECOMMENDATION:

The County Executive recommends that the Board approve and adopt the revised charter for the Volunteer Fire Commission.

TIMING:

The Board should act on this recommendation as soon as possible.

BACKGROUND:

The original Volunteer Fire Commission charter was adopted by the Board on February 28, 1983, in order to reaffirm the Board's long-standing commitment to volunteer participation in the Fire and Rescue Department. The commission was restructured and redefined to assume responsibility for considering and dealing with all issues related to the volunteer organization. The commission was appointed to serve in an advisory capacity to the Board on volunteer matters and tasked to report to the Board annually. In adopting this charter, the Board also recognized that the fire and rescue service in Fairfax County is a combined career/volunteer system and reaffirmed its commitment to provide support and encouragement to all activities of the volunteers.

It was determined at the Volunteer Fire Commission Summit on January 28, 2007, that in order to further define the role of the commission and to sufficiently update the language in the document, a revision was necessary.

Changes were made to reflect the change in structure of the representatives from the volunteer associations. In January 2004, the Volunteer Chief's Association and the Volunteer Association merged and became the Fairfax County Volunteer Fire and Rescue Association. This newly formed association would retain two representatives; one from each of the former associations. All references to the former associations have been deleted as well as other obsolete references, i.e., the \$25 compensation to commissioners for attending monthly meetings.

Board Agenda Item
November 17, 2008

Language has been added to empower the commission to address management issues that relate to viability of volunteer departments and to address disciplinary measures at the company level.

Staff has reviewed and analyzed the new charter and recommends that the Board adopt the new charter as written. By adopting and implementing these strategies, the Board will support the county's long standing commitment to volunteer participation and will ensure that the volunteer element will continue to play a critical role in the overall plan for the Fire and Rescue Department.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 – Revised Volunteer Fire Commission Charter

STAFF:
Robert A. Stalzer, Deputy County Executive
Chief Ronald L. Mastin, Fire and Rescue Department

Board Agenda Item
November 17, 2008

ACTION – 3

Approval of the Department of Community and Recreation Services' Field Allocation Policy

ISSUE:

The current Field Allocation Policy calls for periodic reviews. The Department of Community and Recreation Services (CRS) and the Fairfax County Athletic Council (FCAC) have completed a thorough review of the policy. The recommended new policy better reflects the current state of community athletics in the county.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed Field Allocation Policy.

TIMING:

Board action is requested on November 17, 2008, as the deadline for applications for spring field use is December 1, and CRS will need to notify user groups of any policy changes prior to their submission of applications.

BACKGROUND:

The Field Allocation Policy, which determines how CRS allocates athletic fields to community user groups, calls for periodic review. That provision, plus changes in the local athletic community, necessitates revisions to the policy. The Field Allocation Policy originally was adopted in 2002. In the summer of 2007, the Fairfax County Athletic Council began its review of the policy, working with the athletic community and staff from CRS, the Fairfax County Park Authority, and Fairfax County Public Schools.

At its October 15, 2008, meeting, the FCAC voted to recommend a revised Field Allocation Policy (Attachment 1). The FCAC also voted to recommend that CRS implement a \$20 per person per season fee for youth who are not county residents. This fee, which is already allowed for in the current Field Allocation Policy, would be in addition to the application fee (the "\$5.50 fee"), and will be included in CRS's Fiscal Year 2010 budget submission.

After developing a draft of the policy, the FCAC distributed the proposal for public comment. Opinions from the athletic community and the community at large were obtained through written comments and at public comment meetings held throughout the county. (Those who attended the meetings also were encouraged to submit written comments to ensure their views were accurately captured.) The comments were passed on to the FCAC in their full, unedited state (Attachment 3). The comments were also categorized and presented by

Board Agenda Item
November 17, 2008

topic (Attachment 4). Notes taken by CRS staff capturing the comments presented at the public meetings also were distributed (Attachment 5). The FCAC reviewed all comments and further revised the proposals. Summaries of the comments and the FCAC response to the comments are included as Attachment 6.

Attachment 2 lists all substantive changes to the allocation policies; the document also highlights which changes were made in response to public comment. Many of the changes are designed to ensure consistency between the field and gym policies and to clarify language in the existing policies. Highlights of the changes include the following:

- Definitions of code of conduct and progressive disciplinary procedures have been clarified and requirements for how groups should disseminate them to participants have been added.
- Changes to allocation formulas for some sports have been made to match team and age group structure and to account for field size, based on input from FCAC sports representatives. This is not expected to have a significant impact on required space for groups.
- A winter field season for synthetic turf has been established, giving primary season status to any group playing games.
- Youth residency requirements have been changed from 90 percent per team to 90 percent per organization or 75 percent for individual teams applying independently for space. All major youth organizations will meet the 90 percent requirement; however, some smaller select programs may not. They will need to acquire additional space through other jurisdictions or fall to the end of the CRS order of scheduling. The proposed non-county resident fee for youth will help to offset the change in residency requirements.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Field Allocation Policy

Attachment 2: Substantive Changes to the Field and Gym Allocation Policies

Attachment 3: Public Comments (Full-text) on Policy Proposals (Distributed to Board Members under separate cover)

Attachment 4: Public Comments (Categorized) on Policy Proposals (Distributed to Board Members under separate cover)

Attachment 5: Notes From Public Comment Meetings (Distributed to Board Members under separate cover)

Attachment 6: Athletic Council Responses to Public Comments on the Allocation Policies and Non-County Fee

Board Agenda Item
November 17, 2008

STAFF:

Verdia L. Haywood, Deputy County Executive

Patricia D. Franckewitz, Director, Department of Community and Recreation Services (CRS)

Christopher A. Leonard, Deputy Director, CRS

Karen B. Avvisato, Division Supervisor, Athletic Services Division, CRS

Jesse M. Ellis, Branch Manager, Athletic Services Division, CRS

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

ACTION – 4

Approval of the Department of Community and Recreation Services' Gym Allocation Policy

ISSUE:

The current Gym Allocation Policy calls for periodic reviews. The Department of Community and Recreation Services (CRS) and the Fairfax County Athletic Council (FCAC) have completed a thorough review of the policy. The recommended new policy better reflects the current state of community athletics in the county.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed Gym Allocation Policy.

TIMING:

Board action is requested on November 17, 2008, as the deadline for applications for spring gym use is December 1, and CRS will need to notify user groups of any policy changes prior to their submission of applications.

BACKGROUND:

The Gym Allocation Policy, which determines how CRS allocates gyms to community user groups, calls for periodic review. That provision, plus changes in the local athletic community, necessitates revisions to the policy. The Gym Allocation Policy originally was adopted in 2004. In the summer of 2007, the Fairfax County Athletic Council began its review of the policy, working with the athletic community and staff from CRS, the Fairfax County Park Authority, and Fairfax County Public Schools.

At its October 15, 2008, meeting, the FCAC voted to recommend a revised Gym Allocation Policy (Attachment 1). The FCAC also voted to recommend that CRS implement a \$20 per person per season fee for youth who are not county residents. This fee, which is already allowed for in the current Gym Allocation Policy, would be in addition to the application fee (the "\$5.50 fee"), and will be included in CRS's Fiscal Year 2010 budget submission.

After developing a draft of the policy, the FCAC distributed the proposal for public comment. Opinions from the athletic community and the community at large were obtained through written comments and at public comment meetings held throughout the county. (Those who attended the meetings also were encouraged to submit written comments to ensure their views were accurately captured.) The comments were passed on to the FCAC in their full, unedited state (Attachment 3). The comments were also categorized and presented by

Board Agenda Item
November 17, 2008

topic (Attachment 4). Notes taken by CRS staff capturing the comments presented at the public meetings also were distributed (Attachment 5). The FCAC reviewed all comments and further revised the proposals. Summaries of the comments and the FCAC response to the comments are included as Attachment 6.

Attachment 2 lists all substantive changes to the allocation policies; the document also highlights which changes were made in response to public comment. Many of the changes are designed to ensure consistency between the field and gym policies and to clarify language in the existing policies. Highlights of the changes include the following:

- Definitions of code of conduct and progressive disciplinary procedures have been clarified and requirements for how groups should disseminate them to participants have been added.
- Changes to allocation formulas for some sports have been made to match team and age group structure and to account for field size, based on input from FCAC sports representatives. This is not expected to have a significant impact on required space for groups.
- Youth residency requirements have been changed from 90 percent per team to 90 percent per organization or 75 percent for individual teams applying independently for space. All major youth organizations will meet the 90 percent requirement; however, some smaller select programs may not. They will need to acquire additional space through other jurisdictions or fall to the end of the CRS order of scheduling. The proposed non-county resident fee for youth will help to offset the change in residency requirements.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Gym Allocation Policy

Attachment 2: Substantive Changes to the Field and Gym Allocation Policies

Attachment 3: Public Comments (Full-text) on Policy Proposals (Distributed to Board Members under separate cover)

Attachment 4: Public Comments (Categorized) on Policy Proposals (Distributed to Board Members under separate cover)

Attachment 5: Notes from Public Comment Meetings (Distributed to Board Members under separate cover)

Attachment 6: Athletic Council Responses to Public Comments on the Allocation Policies and Non-County Fee

Board Agenda Item
November 17, 2008

STAFF:

Verdia L. Haywood, Deputy County Executive

Patricia D. Franckewitz, Director, Department of Community and Recreation Services (CRS)

Christopher A. Leonard, Deputy Director, CRS

Karen B. Avvisato, Division Supervisor, Athletic Services Division, CRS

Jesse M. Ellis, Branch Manager, Athletic Services Division, CRS

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

ACTION – 5

Approval of Department of Community and Recreation Services' Policy Regarding Memorandum of Understanding for Synthetic Turf Fields

ISSUE:

The Department of Community and Recreation Services (CRS) and the Fairfax County Athletic Council (FCAC) are proposing a policy, to be incorporated into the Field Allocation Policy, which delineates when CRS would enter into a memorandum of understanding (MOU) with a community group seeking to contribute to the development of a synthetic turf field.

RECOMMENDATION:

The County Executive recommends that the Board approve the requirements for Synthetic Turf Field Partnership Agreements policy.

TIMING:

Board action is requested on November 17, 2008, as the adopted policy would be incorporated into the Field Allocation Policy, for which Board action is also requested on November 17, 2008.

BACKGROUND:

As the number of synthetic turf athletic fields in Fairfax County has greatly increased the past few years, issues surrounding their development and use also have increased. Various entities, including the Board of Supervisors, the School Board, the Park Authority, and CRS, have identified a variety of creative ways to fund the development of turf fields. Several turf fields have been developed through partnerships with community athletic groups who provided up to 100 percent of the project costs. With increased interest among the athletic community in funding turf field conversions, CRS and the Athletic Council wanted to ensure a consistent approach to these agreements. In the summer of 2007, the Fairfax County Athletic Council began its review of the issues, working with the athletic community and staff from CRS, the Fairfax County Park Authority, and Fairfax County Public Schools.

After developing a statement of issues regarding the potential policy, the FCAC distributed the statement for public comment. Opinions from the athletic community and the community at large were obtained through written comments and at public comment meetings held throughout the county. (Those who attended the meetings also were encouraged to submit written comments to ensure their views were accurately captured.) The comments were

Board Agenda Item
November 17, 2008

passed on to the FCAC in their full, unedited state (Attachment 2). The comments were also categorized and presented by topic (Attachment 3). Notes taken by CRS staff capturing the comments presented at the public meetings also were distributed (Attachment 4). The FCAC reviewed all comments and developed the proposed policy. Summaries of the comments and the FCAC response to the comments are included as Attachment 5.

At its October 15, 2008, meeting, the FCAC voted to recommend a policy delineating when CRS should enter into a memorandum of understanding (MOU) when a community group seeks to contribute to the development of a synthetic turf field (Attachment 1). If the Board adopts the turf field MOU policy, the language will be incorporated into the Field Allocation Policy as a new section.

The proposed turf field MOU policy will apply only to MOUs regarding synthetic turf fields in CRS's scheduling inventory that are developed at least in part by funding provided by one or more community athletic organizations. The policy will ensure that CRS only signs such MOUs when certain conditions are met.

In developing the provisions of the policy, CRS and the FCAC attempted to balance two priorities, which at times compete with each other. The policy must be able to encourage private investment in turf field development. It must also recognize that these fields are public property, owned by all Fairfax County residents; CRS's mission in field scheduling is to provide fair and equitable opportunities for all who qualify.

The development of synthetic turf fields should be encouraged as a means to address the deficiency of available outdoor facilities for athletic users. To facilitate the development of as many synthetic turf fields as possible and to minimize the cost to the taxpayer, the FCAC believes the County should encourage private funding of turf fields wherever practicable. However, the development of the basic site for an athletic field already can cost the County (e.g., FCPS or FCPA) between \$4 to \$5 million in land acquisition and improvements. The additional costs to convert the field to synthetic turf typically range from \$750,000 to \$1 million. The investment of the additional \$750,000 does not represent the full cost of the field. Any turf field development needs to protect the taxpayers' prior investment in that site by ensuring fair and equitable allocation of use. The 20 percent reservation time clause helps ensure that synthetic turf fields are available for groups regardless of their ability to fund a turf conversion.

CRS and the FCAC recognize that the reservation time requirement is seen by some community groups as a disincentive to contributing to turf field development. Similarly, CRS's Synthetic Turf Field Allocation Guidelines, which aim to allocate groups turf space proportionate to their participation levels, can also be viewed as a disincentive in that groups would not qualify for the full amount of space made available by converting a field to synthetic turf. Community groups have also noted that the decision-making process for identifying new fields to be publicly funded can serve as a disincentive to privately funded development. In choosing sites for new fields to be built with public money, CRS and the

Board Agenda Item
November 17, 2008

FCPA have considered, among other criteria, geographic dispersion. But if an area of the county has several privately-funded fields, that may hurt the area's chance of receiving a publicly-funded field.

Both CRS and the FCAC feel that the public's investment in the field (original construction, infrastructure, maintenance, etc.), combined with CRS's mission to ensure fair and equitable allocations to all eligible participants, requires that the field be available to the community, not just to the contributing group. CRS and the FCAC also recognize the importance and value of community groups financially supporting the development of synthetic turf fields. Therefore, to address the potential disincentives listed above, concurrent to the development of these policies, CRS and the FCAC are working on two initiatives to provide additional incentive for groups to invest in turf fields.

First, CRS will develop a mini-grant program using revenue from the Athletic Services' application fee to encourage public-private partnerships in the development of future turf fields. The mini-grant program would alleviate some concerns about the 20 percent reservation of time and would also tend to mitigate the impact of counting privately-funded fields in the site selection process for publicly funded fields. Second, the FCAC will be amending the Synthetic Turf Field Allocation Guidelines to address disincentive concerns presented by the community.

Regarding the consideration of privately funded fields in the site selection process for publicly funded fields, the FCAC feels strongly that the existence of such fields should not be ignored and has asked CRS and FCPA staff to take into consideration all relevant factors in their site selection decisions. Such factors would include the number of both publicly and privately financed fields, avoiding adverse impact of private investment on site selection; suitability of the site; demographics; patterns of use and need; and geographic distribution (not by magisterial district, but countywide). The proposed comment period will provide opportunity for interested groups to comment on proposed site and MOU partners. This will also help to ensure that the process for selecting fields for development is open and transparent.

Finally, it is imperative that any MOUs be consistent with other aspects of the Field Allocation Policy, with one notable exception: the Field Allocation Policy's primary season designations may be superseded by the scheduling provisions of an MOU. Any potential areas of conflict should be identified clearly in the MOU and explicitly stated during the public comment period.

FISCAL IMPACT:

None.

Board Agenda Item
November 17, 2008

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Requirements for Synthetic Turf Field Partnership Agreements

Attachment 2: Public Comments (Full-text) on Policy Proposals (Distributed to Board Members under separate cover)

Attachment 3: Public Comments (Categorized) on Policy Proposals (Distributed to Board Members under separate cover)

Attachment 4: Notes from Public Comment Meetings (Distributed to Board Members under separate cover)

Attachment 5: Athletic Council Responses to Public Comments on the Synthetic Turf Field MOU Requirements

STAFF:

Verdia L. Haywood, Deputy County Executive

Patricia D. Franckewitz, Director, Department of Community and Recreation Services (CRS)

Christopher A. Leonard, Deputy Director, CRS

Karen B. Avvisato, Division Supervisor, Athletic Services Division, CRS

Jesse M. Ellis, Branch Manager, Athletic Services Division, CRS

Board Agenda Item
November 17, 2008

ACTION - 6

Approval of a Memorandum of Understanding Between the Fairfax County Police Department, the United States Attorney for the District of Columbia and the Metropolitan Police Department of Washington, D.C.

ISSUE:

Board approval of a Memorandum of Understanding between the Fairfax County Police Department, the United States Attorney for the District of Columbia, and the Metropolitan Police Department of Washington, D.C authorizing Fairfax County Police Department to participate as members in the Presidential Inauguration Task Force (PITF).

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to sign the Memorandum of Understanding between the Police Department, the United States Attorney for the District of Columbia, and the Metropolitan Police Department of Washington, D.C.

TIMING:

Board of Supervisors' action is requested on November 17, 2008.

BACKGROUND:

The Presidential Inauguration Task Force (PITF) will be established as a joint operation between a number of federal, state and local law enforcement agencies, for the period from January 15, 2009 to January 21, 2009. Its mission will be to "achieve maximum coordination and cooperation in bringing to bear combined resources to effectively implement measures to promote the safety of the President of the United States, inaugural participants, the public, visitors and residents while allowing individuals and groups to exercise their legal rights."

As a member of the task force, the Fairfax County Police Department will provide resources, share information, and coordinate its law enforcement and investigative activities in keeping with the stated mission.

The Department will assign approximately 165 police officers to the task force; assignees will be federally deputized by the United States Marshals Service for a period

Board Agenda Item
November 17, 2008

to last through the entire tenure of their assignment or until the termination of the task force, whichever occurs first. Fairfax County will assume all associated personnel costs for assigned officers, with reimbursement for costs to be made by the District of Columbia.

FISCAL IMPACT:

None

ENCLOSED:

Attachment 1: Memorandum of Understanding between the Fairfax County Police Department, the United States Attorney for the District of Columbia, and the Metropolitan Police Department of Washington, D.C.

STAFF:

Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Robert M. Ross, Assistant County Attorney

Board Agenda Item
November 17, 2008

ACTION - 7

Approval to Accept the Terms and Conditions for Fairfax County Donation to the Medical Care for Children Partnership Foundation and Medical Care for Children Partnership Fund Agreement

ISSUE:

Board approval is requested to terminate the existing agreement between the Northern Virginia Community Foundation (NVCF) and the County regarding a fund established to support the Medical Care for Children Partnership (MCCP) program administered by the County. In addition, the approval of the Board is requested for the County to enter into two agreements with the Medical Care for Children Partnership Foundation (MCCP Foundation). One agreement sets forth the terms and conditions for the County donation to the MCCP Foundation set aside as part of the *FY 2008 Carryover Review*. The second agreement details the terms for the Medical Care for Children Partnership Fund (MCCP Fund) established by the MCCP Foundation. The assets maintained by the NVCF and contributions received by the MCCP Foundation from donors for the benefit of the MCCP program shall be held in the MCCP Fund as stated in the attached MCCP Fund Agreement.

RECOMMENDATION:

The County Executive recommends that the Board authorize the County Executive to give notice to terminate the existing agreement between NVCF and the County and to request transfer of all assets held by NVCF in the fund to the MCCP Foundation. In addition, the County Executive recommends that the Board authorize the County Executive to execute agreements substantially in the form of the Terms and Conditions for Fairfax County Donation to the Medical Care for Children Partnership Foundation and the Medical Care for Children Partnership Fund Agreement.

TIMING:

Immediate approval of the agreements is requested, to allow for transfer of funds held by NVCF to be completed by December 31, 2008.

BACKGROUND:

The MCCP Endowment was created by NVCF pursuant to an agreement signed by the County Executive in February 1991, to provide for the financial viability of MCCP in support of MCCP's mission to provide medical care for indigent children in Fairfax County. Since that time, the Northern Virginia Community Foundation has maintained and managed the funds of the MCCP Endowment. In 2006, negotiations began with NVCF to update this

Board Agenda Item
November 17, 2008

agreement in order to address processes for handling of MCCP donations and investment management. Fairfax County and NVCF were unable to come to terms for a new agreement due to differences regarding handling of administrative fees and investment management fees. The original agreement states that either party may terminate with thirty days' written notice. In addition, the original agreement allows for transfer of assets to an organization operated for the sole purpose of providing medical care for indigent children in Fairfax County as stated in the agreement.

Concurrent with NVCF negotiations, the Office of Partnerships was restructured to relocate the operating functions of its current partnership programs, including MCCP, so that it could focus on catalyzing and developing new partnerships to address critical issues in Fairfax County. Creation of a new MCCP Foundation to oversee the Endowment was proposed to address both the deficits in the NVCF agreement and to transfer fund management responsibilities out of the new Office of Public Private Partnerships. Since early 2007, members of the MCCP Advisory Council, which is composed of private citizens concerned about health care for children in Fairfax County, have been working, in consultation with County staff, to form a foundation exclusively for the Medical Care for Children Partnership.

The MCCP Foundation was established as a Virginia non-profit corporation on July 25, 2008, to provide financing for medical care for indigent children in Fairfax County. Creation of an independent non-profit foundation improves the ability of MCCP to raise funds for children's medical care while maintaining an arms-length relationship with Fairfax County Government. Upon approval, the holdings of the Medical Care for Children Partnership Endowment Fund of \$3,484,433 (as of September 30, 2008) will be transferred from the Northern Virginia Community Foundation to the MCCP Foundation, to be managed and distributed in accordance with the attached agreements.

To support the operations of the Foundation, \$270,000 was transferred to the contributory fund as part of the County's *FY 2008 Carryover Review*. For FY 2010 the projected operating budget for the Foundation is \$237,000. The attached agreements set forth financial and administrative oversight for the MCCP Foundation to ensure accountability and the best interests of Fairfax County.

- The Terms and Conditions for Fairfax County Donation to the Medical Care for Children Partnership Foundation (Attachment 1) governs the annual donation by Fairfax County to the MCCP Foundation to help cover the Foundation's operating expenses. The donation will be made through the Fairfax County Contributory Fund and is subject to approval by the Board of Supervisors on an annual basis. The terms and conditions provide that the Foundation is responsible for its own operations and that Foundation records will be subject to audit at the request of the Board of Supervisors. The Terms of the County Donation agreement also require that Fairfax County provide a quarterly report to the Foundation of the number of

Board Agenda Item
November 17, 2008

children who received medical care and the number of health care providers paid by the MCCP Foundation.

The Medical Care for Children Partnership Fund Agreement (Attachment 2) sets forth the terms and conditions for the MCCP Fund established by MCCP Foundation. The Fund Agreement requires that the Foundation:

- Notify the County of selection of the investment manager and the investment fee schedule
- Maintain a separate operating fund
- Maintain proper internal controls and fiscal procedures
- Provide quarterly and annual reports on financial activity, including a list of contributors
- Obtain a commercial crime insurance policy and fiduciary insurance policy
- Notify the County of news releases and other public information related to MCCP
- Make distributions to Fairfax County from the MCCP Fund as directed by the County Executive to cover the costs of the medical care for children covered by MCCP.

The Fund Agreement requires that the County:

- Monitor financial operations of the Foundation, as stated in the Agreement
- Through written authorization by the County Executive, request disbursements from the MCCP Foundation to cover the health care costs of children covered by MCCP.

All amounts transferred from the fund held by NVCF shall be fully committed to the provision of medical care by MCCP for indigent children in Fairfax County. The MCCP Foundation may set aside a maximum of 20% of each dollar of certain new contributions by donors to the Foundation to be held in the Foundation operating fund. The operating fund shall be maintained separately by the Foundation and may be spent for Foundation fundraising activities and administrative expenses. The percentage set aside does not apply to funds transferred from NVCF to the MCCP Foundation or to contributions to the Foundation expressly designated by a donor for the MCCP Endowment Fund established by the MCCP Foundation.

FISCAL IMPACT:

The County will provide \$270,000 to assist the MCCP Foundation with its operating expenses and startup costs for FY 2009. These funds were set aside as part of the *FY 2008 Carryover Review*. The Foundation has submitted a FY 2010 budgetary request of \$237,000. (see Attachment 3 - FY 2010 Budget). Future donations from the County to the MCCP Foundation will be determined through the budgetary process established by the Department of Management and Budget for the Contributory Fund (119) and shall be subject to approval by the Board of Supervisors on an annual basis.

The MCCP Foundation's goal is to cover all health care costs of the indigent children in

Board Agenda Item
November 17, 2008

Fairfax County. For FY 2009, the Office of Public Private Partnerships has contracted with Kaiser for \$390,000 to provide health care for 1,300 qualified children in Fairfax County. The Kaiser contract cost is paid for out of the MCCP Gift Fund balance of \$823,000 (as of October 27, 2008), which is a result of fundraising efforts of the MCCP Advisory Council, supported by the Office of Public Private Partnerships. Once the Foundation is staffed and begins conducting fundraising operations, it is intended that, in addition to the costs of the Kaiser contract, the Foundation would cover costs of care provided by private practice providers, which averages about \$180,000 per year.

During each subsequent fiscal period for which funding is requested from the County, the MCCP Foundation, along with its requests, shall submit to the County financial reports, budgetary submissions, and performance indicators required for contributory agencies as set forth in the Contributory Agencies Budget Manual, Fairfax County, Virginia, as may be revised by the County Department of Management and Budget ("Contributory Agencies Budget Manual").

Upon authorization, the County Executive will notify NVCF of termination of the current agreement and request the transfer of funds associated with MCCP to the new MCCP Foundation, Inc.

CREATION OF NEW POSITIONS:

No County positions are funded by this agreement

ENCLOSED DOCUMENTS:

Attachment 1 - Terms and Conditions for Fairfax County Donation to the Medical Care for Children Partnership Foundation

Attachment 2- Medical Care for Children Partnership Fund Agreement

Attachment 3 - MCCP Foundation Proposed FY 2010 Budget

STAFF:

Anthony H. Griffin, County Executive

Patricia M. Stevens, Executive Director, Office of Public Private Partnerships

Board Agenda Item
November 17, 2008



ACTION - 8

Approval of Principles for the Authorization of the Federal Surface Transportation Program (FY 2010 to FY 2015)

ISSUE:

Board approval of principles for the next authorization of the Federal Surface Transportation Program to cover the period from Federal FY 2010 to FY 2015.

RECOMMENDATION:

The County Executive recommends that the Board endorse the following principles for the next authorization of the Federal Surface Transportation Program to cover the period from Federal FY 2010 to FY 2015 and direct staff to communicate these principles to the County's Federal delegation and other key members of Congress:

- The level of Federal investment in the nation's transportation infrastructure, including both maintenance of the existing system and expansion, must increase significantly;
- The distribution of funding within the Federal Surface Transportation Program must be simplified and the number of funding programs streamlined and consolidated;
- The time required to complete the federal review process of significant new transportation projects must be reduced, and the approval process must be consistent across all modal administrations;
- Greater decision-making authority for determining how transportation funding is spent should be given to metropolitan areas and local governments;
- Energy efficiency and environmental protection must be addressed in the development of transportation projects; however environmental reviews should be conducted within specified timeframes, so that a project's environmental impacts can be identified and adequately addressed; and
- Safety and security must continue to be an important focus of transportation projects.

In addition, the County Executive recommends that the Board endorse the transportation projects contained in Attachment I for consideration for inclusion in a Federal economic stimulus package.

TIMING:

The Board of Supervisors should act on this item on November 17, 2008, because work

Board Agenda Item
November 17, 2008

on the authorization of the Federal Surface Transportation Program has already begun. Some public hearings have already been held. Congress will begin more detailed discussion regarding the Surface Transportation Program in January 2009.

Also, the economic stimulus package will likely be discussed when Congress returns on November 17, 2008.

BACKGROUND:

Authorization of the Federal Surface Transportation Program

The current Federal Surface Transportation Program was authorized in July 2005, by the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). This legislation authorizes both highway and transit funding over a six-year period (FY 2004 to FY 2009) and establishes the policies and grant programs for distributing these funds. This authorization expires on September 30, 2009. Efforts are underway to develop a new surface transportation program for the period from Federal FY 2010 to FY 2015.

In preparation for discussions of the new authorization bill, various transportation groups, including the Transportation Planning Board, the American Association of State Highway and Transportation Officials and the American Public Transportation Associations are adopting principles and/or position statements. In addition, the National Surface Transportation Policy and Revenue Study Commission, one of two established by SAFETEA-LU, has released their report on the future structure of the surface transportation program. The other commission, called the National Surface Transportation Infrastructure Financing Commission, is working on a report regarding potential future revenue sources. The U.S. Department of Transportation has also released a position paper on the new authorization.

Throughout these various documents there are some common themes that are relevant to Fairfax County. In general, there seems to be agreement that the current surface transportation program should not be “reauthorized.” Instead, a number of significant changes should be considered. Staff recommends that the Board of Supervisors adopt six broad position statements for submission to the County’s Congressional delegation and to key committee chairmen. Each of these principles is discussed below.

1. The level of Federal investment in the nation’s transportation infrastructure, including both maintenance of the existing system and expansion, must increase significantly.

The National Surface Transportation Policy and Revenue Study Commission estimates that \$135 billion more than has currently been identified over the next 50 years is needed just to upgrade the nation’s existing transportation system to a state of good repair.

Board Agenda Item
November 17, 2008

Federal transportation funds are largely provided by a cents-per-gallon motor fuels tax. Inflation is eroding the revenue from this tax. This problem will worsen as cars become more fuel efficient and the cost of fuel increases. These factors will cause the number of vehicle miles traveled and the number of gallons sold to decline. To keep the Federal Highway Trust Fund from running out of money in FY 2009, Congress approved the transfer of \$8 billion in Federal General Funds to the Highway Trust Fund. This was a one time fix. Without additional revenue, the Highway Trust Fund will not be able to meet all of the fund's obligations in FY 2010.

2. The distribution of funding within the Federal Surface Transportation Program must be simplified and the number of funding programs streamlined and consolidated.

There are currently 108 different funding programs authorized by SAFETEA-LU. Each has different purposes and requirements. The result is a surface transportation program that is segregated into a large number of specialty pots of funding, rather than concentrating funding in a limited number of larger, more uniform, categories. The current approach complicates the ability to find funding for particular projects. The National Surface Transportation Policy and Revenue Study Commission recommended that funding be distributed via ten programs. They are: asset management; freight transportation; metropolitan mobility; safety; connecting small cities and rural areas; intercity passenger rail; environmental stewardship; energy security; public access to federal lands and research, development and technology. Under this approach funding would not be provided by mode, as is currently the case. This type of approach would provide significantly greater flexibility in project selection and implementation.

3. The time required to complete the federal review process of significant new transportation projects must be reduced, and the approval process must be consistent across all modal administrations.

The National Surface Transportation Policy and Revenue Study Commission estimated for major projects, it can take 14 years to complete planning, environmental review and construction activities. There are several large projects in Fairfax County that reflect this type of schedule, including the Springfield Interchange, the Woodrow Wilson Bridge and the Dulles Rail Project. Unfortunately, there are also smaller projects, such as the Route 29/Gallows Road intersection improvements and the Fairfax County Parkway interchange at Fair Lakes Parkway that have suffered the same types of delays. One significant impact of such lengthy schedules is that the cost of implementing the project rises significantly. Highway construction costs rose an average of 7.2 percent per year from 2000 to 2006. In the case of each of the Fairfax County projects mentioned above, the projects were "fully funded" several times, only to be subsequently underfunded as inflation increased project costs. More streamlined delivery of projects will save taxpayers money and allow them to receive the benefits of their investments more

quickly. Specifically, delays resulting from the federal review process of the Dulles Rail project are estimated to have increased the cost of the project by at least \$300 million. This increase required additional non-federal contributions to the project.

4. Greater decision-making authority for determining how transportation funding is spent should be given to metropolitan areas and local governments.

While SAFETEA-LU and its predecessors have allowed metropolitan areas greater decision making authority in determining which projects to implement and to apply funding to, more progress is still needed. In Virginia, in particular, many key project recommendations are made by the Virginia Department of Transportation's Central Office, and decisions are made by the Commonwealth Transportation Board (CTB). The CTB has granted Northern Virginia the responsibility of recommending projects for some federal programs, but others, such as Enhancement funding, are allocated uniformly between construction districts around the state. It is recommended that greater decision making authority be given to regional bodies, such as the Northern Virginia Transportation Authority, and to individual local governments. This approach could include funding set-asides for metropolitan area priorities.

5. Energy efficiency and environmental protection must be addressed in the development of transportation projects; however environmental reviews should be conducted within specified timeframes, so that a project's environmental impacts can be identified and adequately addressed.

Protecting the environment is critical to the quality of life in Fairfax County. In addition, energy efficiency has significant environmental benefits, as well financial and national security benefits. Environmental protection and energy efficiency should continue to be part of the review of transportation projects; however, as part of the new surface transportation program authorization, the review process should be streamlined to prevent costly project delays, while still conducting a rigorous environmental analysis. There are recent examples in which information prepared for alternative analyses prior to the formal beginning of the National Environmental Policy Act (NEPA) process had to be redone as part of NEPA. This was the case with the Dulles Rail Project. The net effect can be confusion, because there is the appearance of reopening decisions that have been previously made. This approach also results in duplicative efforts and additional project costs.

6. Safety must continue to be an important focus of transportation projects. In 2007, 1,012 people were killed in accidents on Virginia's highways. Nationally more than 40,000 people are killed each year in highway accidents. In addition, there are more than 2.5 million highway accident-related injuries annually. While fatality rates have dropped from 5.3 per 100 million vehicle miles traveled in 1965 to 1.42 per 100 million vehicles miles traveled in 2006, the gross number is still very significant. The current

Board Agenda Item
November 17, 2008

surface transportation program includes several safety programs. Safety should receive additional focus in any new authorization of the surface transportation program.

Economic Stimulus Package

As the economy continues to struggle, there is some growing interest in the Federal government considering an economic stimulus package specifically related to infrastructure. Congress is scheduled to return to session between November 17, 2008, and November 28, 2008. If an economic stimulus package is to be adopted by the current Congress, it would probably be considered during this time frame. It is our understanding that Congress is unlikely to approve specific projects, but more likely to approve additional funding for states using existing transportation programs.

To ensure that Fairfax County's projects are included in the discussion in a timely manner, Department of Transportation staff has submitted the attached list of "ready-to-go" projects (Attachment I) to the County's federal lobbyist to transmit to the County's Congressional delegation and key committee chairmen. This list has also been submitted to Virginia Secretary of Transportation Pierce Homer's staff. In developing the list, staff focused only on projects that are ready to move into the next phase immediately or within the next six months, and projects that are related to past Board priorities for Federal appropriations. Many of the projects are related to implementation of the Base Realignment and Closure (BRAC) Commission recommendations.

Staff included the Dulles Rail Project, Phases 1 and 2 on the list to demonstrate continued County support for the project even though VDOT and MWAA have requested the project be included in the "ready-to-go" economic stimulus package proposals. Similarly, capital funding for the Washington Metropolitan Area Transit Authority and the Virginia Railway Express was also included on the County list. If the Board of Supervisors chooses not to endorse the list, the project requests that were submitted will be withdrawn.

FISCAL IMPACT:

There is no direct fiscal impact on Fairfax County as a result of endorsing the principles for the next authorization of the Federal Surface Transportation Program; however, this effort will have a significant impact on the Federal funds available for transportation improvements in Fairfax County, the region, and the state over the next six years.

There is also no direct fiscal impact of submitted projects for the economic stimulus package. Depending on the structure of such a stimulus packages, there may be non-federal match requirements for any projects funded; however, the details have yet to be determined. If a County project is included in the list economic stimulus package, it will presumably be implemented more quickly than otherwise anticipated.

Board Agenda Item
November 17, 2008

ENCLOSED DOCUMENTS:

Attachment I: Fairfax County Projects for Consideration in the Federal Economic Stimulus Package

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

Claudia Arko, Legislative Liaison

Board Agenda Item
November 17, 2008



ACTION - 9

Approval of a Proposed Amendment to the Consolidated Plan One Year Action Plan for FY 2009 to Include the Implementation of Neighborhood Stabilization Program Activities

ISSUE:

Final action by the Fairfax County Board of Supervisors (Board) on the Proposed Amendment to the Consolidated Plan One-Year Action Plan for FY 2009 to incorporate Neighborhood Stabilization Program (NSP) activities.

RECOMMENDATION:

The County Executive recommends that the Board (1) adopt the Proposed Amendment to the Consolidated Plan One-Year Action Plan for FY 2009 to include the implementation NSP activities with the federal funding allocation of \$2,807,300; (2) authorize signature of the Consolidated Plan Certifications and Federal funding application form (SF424) required by the U.S. Department of Housing and Urban Development (HUD); (3) authorize the Department of Housing and Community Development (HCD) to request additional NSP funds from the State; and (4) authorize modifications to the existing Silver Lining Program.

TIMING:

Board action is requested on November 17, 2008, in order to maintain the schedule for the NSP Substantial Amendment to the Consolidated Plan process and to ensure timely submission of the Proposed Amendment to the Consolidated Plan One-Year Action Plan for FY 2009 to HUD by November 25, 2008.

BACKGROUND:

The One-Year Action Plan for FY 2009 was approved on April 28, 2008 by the Board of Supervisors. The proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2009 includes the implementation of NSP activities and contains the proposed uses of NSP funded programs to be implemented in the fourth year of the Five-Year Consolidated Plan for FY 2006-2010. An annual action plan is required by HUD for four federal programs. These programs include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). HUD has added a fifth program under the Consolidated Plan, the new NSP.

The Housing and Economic Recovery Act of 2008 (HERA) (Public Law 110-289, approved July 30, 2008) appropriates \$3.92 billion nationwide for emergency assistance for the

Board Agenda Item
November 17, 2008

acquisition of abandoned and foreclosed homes, and provides that the grants are to be considered CDBG funds. The grant program under Title III is commonly referred to as the Neighborhood Stabilization Program (NSP). Fairfax County will receive \$2,807,300 from HUD under the program.

In accordance with federal requirements, the Proposed Amendment to the Consolidated Plan One-Year Action Plan for FY 2009 for the implementation of NSP activities contains several certifications, including drug-free workplace, affirmatively furthering fair housing, and lobbying restrictions, which will be signed by the County Executive following Board approval of the Plan Amendment.

HERA calls for allocating funds “to States and units of general local government with the greatest need, based on: (a) the number and percentage of home foreclosures; (b) the number and percentage of homes financed by a subprime mortgage; and (c) the number and percentage of homes in default or delinquency.”

The following is a list of NSP-eligible activities:

- Establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-second, loan loss reserves, and shared-equity loans for low and middle income homebuyers.
- Purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties.
- Establish land banks for homes that have been foreclosed upon.
- Demolish blighted structures for redevelopment (blighted properties must also be foreclosures).
- Redevelop demolished or vacant properties.

NSP funds may not be used for foreclosure prevention activities (other federal resources have been provided), demolition of structures that are not blighted, or the purchase of residential properties that have not been abandoned or foreclosed upon.

At least 25 percent of the funds must be spent to benefit households at or below 50 percent Area Median Income (AMI). The NSP program allows assistance to households up to 120 percent AMI. Ten percent of an NSP grant provided to a jurisdiction and up to ten percent of any program income earned, may be used for general administration and planning activities. Under the NSP, properties must be purchased at a 15% discount from the appraised value.

States will be allowed to spend NSP funds in entitlement communities based upon the greatest need even if the community receives direct NSP grant funds. HCD will be communicating with the state administrators on opportunities to access additional funding under the state allocation of \$38.7 million.

Board Agenda Item
November 17, 2008

The NSP funding is a one-time disbursement. The funds need to be obligated within 18 months of receipt and expended within four years or they will be subject to recapture.

On March 31, 2008, the Board directed the Department of Housing and Community Development (HCD) to address the growing foreclosure problem in the County by developing ways to stabilize neighborhoods.

On June 30, 2008, the Board approved a foreclosure program designed to address the current foreclosure problem and help stabilize impacted neighborhoods while increasing the opportunities for additional affordable workforce housing. The entire foreclosure strategy includes assistance to homeowners in distress, neighborhood preservation efforts, and the "Silver Lining Initiative". The Silver Lining Initiative is the template by which staff proposes to implement the federal NSP funds; this program will be known as "Silver Lining Plus". Net foreclosures appear to be clustered in specific areas of Fairfax County, including Springfield, Annandale, Herndon, Centreville, Alexandria, Chantilly and Lorton. Fairfax County considers these seven areas to be of the greatest need.

The following are the proposed methods to incorporate the \$2,807,300 federal NSP funds to be called the "Silver Lining Plus" Program:

First-time Homebuyers: Fifty-four percent or \$1,526,570 Silver Lining Plus (NSP) funds will be available for equity-share second trusts for first-time homebuyers purchasing foreclosed single family homes or townhouses in Fairfax County. The shared equity loan will include closing costs and downpayment costs. All shared equity loans will be limited to households with income up to 100 percent AMI. An affordability period of 30 years will be applied by way of a FCRHA Promissory Note and Deed of Trust. If at any time during the 30 years, the property is sold, the loan will become due and payable and the FCRHA's share of the equity is due and payable. At year 15, Silver Lining Plus homeowners will be required to have their income recertified. Deferred, simple interest will begin to accrue from that point forward for homeowners whose income exceeds 120% AMI. The principle loan amount and FCRHA equity share will be forgiven after 30 years for those households who maintain continuous residence. These terms are subject to approval by the Virginia Housing Development Authority (VHDA) as a first trust lender. HCD is seeking comments from other first trust lenders as well.

Non-profit Organizations: Thirty-six percent or \$1 million Silver Lining Plus funds will be provided to non-profits through no-interest, deferred share equity loans to purchase foreclosed properties for rental housing. Non-profit organizations may purchase any housing type, including condominiums, for use as rental properties to households that have incomes strictly at or below 50 percent AMI. A FCRHA Deed of Trust will be required for an affordability period of 30 years. Funds will be available through a rolling application process for acquisition of property within the areas of greatest need as determined by the County.

Board Agenda Item
November 17, 2008

To qualify, non-profits must meet the following criteria: 1) must be an approved 501(c) (3) organization; 2) must have a successful track record in owning and managing real estate; and (3) must be in sound financial condition, as determined by the County. Non-profits will be allowed to purchase foreclosed condominiums up to \$180,000, as well as, single family homes or townhouses. However, support of the District Supervisor will be needed to purchase more than one property in any single development, subdivision or neighborhood.

Incomes to be served: Consistent with the existing Silver Lining Initiative, purchasers will have incomes that do not exceed 100 percent of the Area Median Income (AMI), currently \$99,000 for a family of four. Non-profit organizations which purchase and rent units using Silver Lining Plus funds will be asked to target persons earning 50 percent of AMI and below; this satisfies the federal requirement that at least 25 percent of the Neighborhood Stabilization Program funds must serve persons earning very low-incomes.

Purchase price limits and maximum shared equity loan amounts: The following chart depicts the proposed purchase price limits and maximum allowable shared equity loan under Silver Lining Plus.

Board Agenda Item
November 17, 2008

<i>Unit Type</i>	<i>Purchase Price Limit</i>	<i>Silver Lining Plus: Proposed FCRHA Maximum Loan*</i>	<i>Maximum Loan Comparison to Existing Silver Lining Initiative</i>
<i>Condominium (non-profits only)</i>	<i>\$180,000</i>	<i>\$90,000**</i>	<i>Not applicable</i>
<i>Townhouse</i>	<i>\$270,000</i>	<p><i>\$66,200***</i></p> <p>- At or below 80% AMI- Gap financing up to <u>\$50,000</u> plus 6 % of the sales price for downpayment and closing costs with the sum equal to no greater than \$66,200.</p> <p>- 80% -100% AMI - Gap financing up to <u>\$40,000</u> plus 6% of the sales price for downpayment and closing costs with the sum equal to no greater than \$56,200.</p>	<i>\$91,767</i>
<i>Single Family</i>	<i>\$362,790</i>	<p><i>\$91,767</i></p> <p>- At or below 80% AMI- Gap financing up to <u>\$70,000</u> plus 6% of the sales price for downpayment and closing costs with the sum equal to no greater than \$91,767.</p> <p>- 80% -100% AMI - Gap financing up to <u>\$50,000</u> plus 6% of the sales price for downpayment and closing costs with the sum equal to no greater than \$71,767.</p>	<i>\$91,767</i>

***Purchase price is subject to appraisals being 15% above the purchase price on the sales contract. Maximum purchase price is subject to change in market sales prices. This amount includes down-payment and closing cost assistance.**

**** Must serve households earning 50 percent of AMI and below.**

***** Correction from \$66,350 figure in presentation to the Board's Housing Subcommittee on October 27, 2008.**

Board Agenda Item
November 17, 2008

Rehabilitation: HCD recommends that the Home Improvement Loan Program be made available to Silver Lining and Silver Lining Plus purchasers to rehabilitate the properties in accordance with procedures approved by the FCRHA. This would be in the form of deferred loans. HCD may consider strategic acquisitions of foreclosed properties.

General Administration: Ten percent or \$280,730 NSP funds will be allocated for the general administration of the NSP program. Funding provides for HCD administration of housing and community development programs and projects; required local, state, and federal reports and preparation of documents; provision of technical assistance; financial management; compliance monitoring; and administrative and professional support of various citizen participation processes.

Timing: In order to access the funds from HUD, HCD must submit a complete application for to HUD no later than December 1, 2008. The NSP/Silver Lining Plus Initiative was presented to the Board of Supervisors Housing Committee October 27, 2008. Attachment 1 is the Neighborhood Stabilization Plan (NSP) Substantial Amendment, which follows the template requested by HUD and has been added as Appendix I to the Consolidated Plan One-Year Action Plan for FY 2009.

The NSP Substantial Amendment to the Consolidated Plan One-Year Action Plan for FY 2009 was circulated for review and comment by citizens, service providers and other interested parties during the formal public comment period which ended on November 15, 2008. HCD considered all comments received on the Proposed Amendment, and forwarded its recommendation to the Board for final action on November 17, 2008.

Revisions to the Silver Lining Program:

Several revisions to the existing Silver Lining Program are recommended to improve the program as well as to make the Silver Lining and Silver Lining Plus programs more compatible. In addition to the FCRHA's right of first purchase, it is recommended that the Silver Lining Program also adopt the 15 year certification requirement. During year 15, the household will be subject to an income recertification which will include a look-back for the past three years. If the household income is found to be over 120 percent of AMI, deferred simple interest will begin to accrue. At the time of sale or transfer, the interest and principle plus FCRHA's equity share will be due and payable. For households which still have eligible incomes, the terms will not change.

Second, it is recommended that the Silver Lining Program adopt the purchase price limits of the Silver Lining Plus Program.

FISCAL IMPACT:

Total funding of \$2,807,300 is the federal allocation for the FY 2009 NSP grant, and the funds are currently anticipated to be a one-time grant. Funding adjustments will be made in Fund 142, Community Development Block Grant, as part of the *FY 2009 Third Quarter*

Board Agenda Item
November 17, 2008

Review if HUD approves HCD's proposed NSP activities. One new limited term position will be established for 24 months for a total cost of \$90,685 and up to two existing positions will be re-assigned to the Silver Lining Plus Program for one year at a cost of approximately \$157,000.

ENCLOSED DOCUMENTS:

Attachment 1: The Neighborhood Stabilization Plan (NSP) Substantial Amendment
Appendix I to the Consolidated Plan One-Year Action Plan for FY 2009

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
John Payne, Acting Deputy Director, Real Estate and Development, HCD
Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD
Audrey Spencer-Horsley, Associate Director, Grants Management Division, HCD
Stephen E. Knippler, Senior Program Manager, Grants Management HCD
Kehinde Powell, Housing Community Developer, Grants Management Division, HCD

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

ACTION – 10

Endorsement of County Staff Comments on the Draft Environmental Assessment and Finding of No Significant Impact for the National Museum of the United States Army at Fort Belvoir, Virginia (Mount Vernon District)

ISSUE:

The Department of the Army has issued a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FNSI) to locate the National Museum of the United States Army at Fort Belvoir, Virginia. The EA and FNSI were made available on October 9, 2008, for review and comment for a period of 30 days ending November 7, 2008. Fairfax County requested and was granted an extension to November 17, 2008, to provide comments on the EA and FNSI.

RECOMMENDATION:

The County Executive recommends that the Board approve the cover letter and comments prepared by staff (Attachment 1 and 2) and authorize the transmittal of these materials to Fort Belvoir.

TIMING:

Board action is requested on November 17, 2008, which is the first available Board date for endorsement of the staff comments and is also the final date to provide comments on the EA and FNSI.

BACKGROUND:

The Army proposes to build the National Museum of the United States Army (NMUSA) at U.S. Army Garrison, Fort Belvoir, Virginia. In October 2001, the Secretary of the Army officially designated Fort Belvoir as the site for the NMUSA, and Congress made this decision into law in September 2003 (Title 10, United States Code, Section 4772).

The EA conducted by the Department of the Army evaluated the environmental and socioeconomic impacts of the National Museum of the United States Army in accordance with the National Environmental Policy Act of 1969 (NEPA) and implementing regulations issued by the President's Council on Environmental Quality (CEQ) and the Army. The EA evaluated a number of potential sites at Fort Belvoir for the NMUSA along with the "no action" alternative. The Army narrowed the choices down to Pence Gate (South Post – Route 1), Gunston Site (North Post – Fairfax County

Board Agenda Item
November 17, 2008

Parkway in proximity to the Kingman Gate), and the “no action” alternative. The Army originally estimated approximately 1 million visitors per year would visit the NMUSA; the EA revised this number to approximately 740,000 visitors annually, with approximately 4,800 visitors on peak days.

Staff has reviewed and prepared comments on the EA and FNSI for Board endorsement to meet the due date of November 17, 2008, through collective efforts involving a number of County agencies. Staff is seeking Board endorsement of the staff comments on the EA and FNSI and will forward any additional comments the Board may have to the Army as well.

FISCAL IMPACTS:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Draft letter from the Board of Supervisors to Commander, U. S. Army Garrison Fort Belvoir endorsing staff comments on the Draft Environmental Assessment and Draft Finding of No Significant Impact, National Museum of the United States Army

Attachment 2: Copy of staff comments on the Draft Environmental Assessment and Draft Finding of No Significant Impact for the National Museum of the United States Army

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Department of Transportation (FCDOT)
Mark G. Canale, BRAC Coordinator, FCDOT
Jim P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred Selden, Chief, Planning Division, DPZ

Board Agenda Item
November 17, 2008

INFORMATION - 1

Contract Award – Open-End Contracts for Geotechnical Engineering and Related Services

On October 22, 2008, the Fairfax County Park Authority Board approved open-end contract awards to the firms of Burgess & Niple, Inc., and ECS Mid-Atlantic, LLC, for geotechnical engineering and related services required to accomplish projects in the Park Authority's Capital Improvement Program.

Each firm will be awarded a contract in the not-to-exceed amount of \$200,000 for a term of one year. The contracts are renewable for two additional one-year terms with the approval of the Park Authority Board.

In accordance with Fairfax County's procurement policy, staff took appropriate steps to identify two qualified firms to provide geotechnical engineering and related services through the use of open-end contracts. A Selection Advisory Committee (SAC) comprised of three staff members was established to evaluate qualification materials submitted by the professional firms that responded to a publicly advertised "Request for Qualifications." The SAC then interviewed the top five rated firms, from which two firms were determined to be the most qualified.

The Department of Tax Administration has verified that Burgess & Niple, Inc., and ECS Mid-Atlantic, LLC. either have the appropriate Fairfax County Business, Professional and Occupational License (BPOL) or are located outside the County and do not require a license.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award the open-end contracts for geotechnical engineering and related services to the firms of Burgess & Niple, Inc., and ECS Mid-Atlantic, LLC in the not-to-exceed amount of \$200,000 per one (1) year term.

FISCAL IMPACT:

Funds are available within Fund 371, Park Capital Improvement Fund to initiate these contracts. Contract expenditures will be charged to individual projects as work is assigned, up to the maximum amount of the contract.

Board Agenda Item
November 17, 2008

ENCLOSED DOCUMENTS:

Attachment 1: Respondents to the Request for Qualifications

STAFF:

Robert A. Stalzer, Deputy County Executive

John W. Dargle, Jr., Director, Fairfax County Park Authority

Board Agenda Item
November 17, 2008

INFORMATION - 2

Contract Award - Architectural/Engineering Design Services for the I-66 Solid Waste Transfer Station Workers' Facility (Springfield District)

Consultant services are required to provide preliminary architectural and engineering services for the I-66 Workers Facility, Project 174007, in Special Revenue Fund 110, Refuse Disposal. The work will consist of space programming/needs assessment, conceptual studies, and schematic design of an approximately 10,000 square-foot facility, and related site improvements on the existing I-66 Transfer Station site, located on West Ox Road in Fairfax. This project is included in the FY 2009 – FY 2013 Adopted Capital Improvement Program.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of Ritter Architects, PLLC, was selected on June 19, 2008, to enter into negotiations to provide design services for this project. The solicitation included a provision stating that Fairfax County retains the option to develop this project under alternate contract approaches, including Public Private Education Facilities and Infrastructures Act (PPEA), or Design-Build, through a separate procurement, subsequent to the initial design phase(s) under this contract. The solicitation also contains a provision stating that Fairfax County retains the right to contract with the selected firm for full design and construction administration services for the project.

The Department of Tax Administration has verified that Ritter Architects, PLLC is located in Alexandria and is not required to have a Fairfax County Business, Professional and Occupational License.

The total contract value is \$101,211.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Ritter Architects, PLLC in the amount of \$101,211.

BACKGROUND:

Used trailers currently at the I-66 Transfer Station site serve as work and training space for solid waste workers. However, since the trailers are in deteriorating condition, permanent facilities are needed to replace the trailers. The scope of this project is to construct a two-story, approximately 10,000 square-foot facility serving the Division of Solid Waste Disposal and Resource Recovery. It will be located at the I-66 Transfer

Board Agenda Item
November 17, 2008

Station, and situated on a portion of a closed landfill. It is anticipated that the new facility will include a lunch room, a conference room for employee training, locker rooms, showers, and bathrooms for staff. The project will comply with Fairfax County's sustainable design policy. This contract provides for the needs assessment and schematic design for this project. A future contract amendment will be required for full design and construction administration.

FISCAL IMPACT:

Funding in the amount of \$4,574,656 is available in Project 174007, Special Revenue Fund 110, Refuse Disposal, to award this contract and to fund the associated contingency and other project costs. Funding for this project was approved as part of the FY 2009 Adopted Budget Plan for Special Revenue Fund 110.

ENCLOSED DOCUMENTS:

(Copy of contract amendment 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
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, DPWES

Board Agenda Item
November 17, 2008

INFORMATION - 3

Contract Award - Kenmore Subdivision Sanitary Sewer Extension and Improvement (Dranesville District)

Fifteen sealed bids were received and opened on Tuesday, October 14, 2008, for the construction of the Kenmore Subdivision Sanitary Sewer Extension and Improvement, Project X00826, Extension Projects, Fund 402, Sewer Construction Improvements. This contract award will provide for the construction of approximately 2600 linear feet of eight inch gravity flow sewer system, which will make public sewer available to 19 existing properties located predominantly in the Kenmore Subdivision in the Dranesville District of Fairfax County. This project is included in the FY 2009 - FY 2013 Adopted Capital Improvement Program (with future fiscal years to 2018).

The lowest responsive and responsible bidder is Jones Sitework, Inc. The firm's bid of \$444,607.30 is \$48,992.70 or 9.9% lower than the Engineer's Estimate of \$493,600.00. The second lowest bid of \$546,616.00 is \$102,008.70 or 22.9% above the low bid. The highest bid of \$1,139,079.85 is \$694,472.55 or 156.2% above the low bid. Only one bid was below the Engineer's Estimate, and the remaining 14 bidders were above the Engineer's Estimate, as noted.

The firm of Jones Sitework, Inc. has not performed any projects for Fairfax County. Jones Sitework Inc. has successfully performed work for other governmental jurisdictions and is considered to be a responsible contractor. The Department of Tax Administration has verified that Jones Sitework, Inc. has the appropriate Fairfax County Business, Professional and Occupations License. Jones Sitework, Inc. is a small business firm.

This bid may be withdrawn after November 28, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Jones Sitework, Inc. in the amount of \$444,607.30.

FISCAL IMPACT:

Funding in the amount of \$639,000 is necessary to award this contract and to fund the associated contingency and other costs including design, utility relocation, contract

Board Agenda Item
November 17, 2008

administration, inspection, testing, permits, and fees. Funding is currently available in Project X00826, Extension Projects, Fund 402, Sewer Construction Improvements.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

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
November 17, 2008

INFORMATION – 4

Contract Award – Annual Contract for Construction Services

Six sealed bids were received and opened on Wednesday, October 22, 2008, for the Annual Contract for Construction Services. The contract will provide for general horizontal construction including earthwork, concrete, paving, pedestrian improvements, sewers and other miscellaneous items. Construction work will be performed as required on various capital construction projects administered by the Department of Public Works and Environmental Services.

The lowest responsive and responsible bidder is Ashburn Contracting Corporation. Ashburn's bid of \$2,925,734.00 is \$189,336.00 or 6.08% lower than the Engineer's Estimate of \$3,115,070.00. The second lowest bid of \$3,117,980.00 is \$192,246.00 or 6.57% above the low bid. The highest bid of \$4,231,343.23 is \$1,305,609.23 or 44.63% above the low bid. There was one bid below the Engineer's Estimate and five bids above the Engineer's Estimate, as noted.

The advertisement for bid indicated that the initial award will be for one year with two one year extensions at the option of the County.

The firm of Ashburn Contracting Corporation has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Ashburn Contracting Corporation has the appropriate Fairfax County Business, Professional and Occupational License. Ashburn Contracting Corporation is a small, minority owned business.

This bid may be withdrawn after December 6, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Ashburn Contracting Corporation in the amount of \$2,925,734.00.

FISCAL IMPACT:

Funding for work under this annual contract will be provided by individual capital construction projects as required work is identified.

Board Agenda Item
November 17, 2008

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

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
November 17, 2008

INFORMATION - 5

Contract Award - Annual Contract for Stormwater and Flood Proofing Improvements

Nine sealed bids were received and opened on Wednesday, October 15, 2008, for the Annual Contract for Stormwater and Flood Proofing Improvements. This contract provides for construction, repair, and enhancement of multiple stormwater ponds, storm drainage, stream restoration, and flood proofing projects countywide. Construction work will be performed as required on various stormwater projects administered by the Department of Public Works and Environmental Services.

The lowest responsive and responsible bidder is Environmental Quality Resources, L.L.C. (EQR). EQR's bid of \$1,803,827.90 is \$176,972.10 or 8.93% lower than the Engineer's Estimate of \$1,980,800.00. The second lowest bid of \$1,817,130.00 is \$13,302.10 or 0.73% above the low bid. The highest bid of \$2,695,606.32 is \$891,778.42 or 49.44% above the low bid. There were five bids below the Engineer's Estimate and four bids above the Engineer's Estimate, as noted.

The advertisement for bid indicated that the initial award will be for one year with two one year extensions at the option of the County.

The firm of EQR has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that EQR has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after November 28, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Environmental Quality Resources, L.L.C. in the amount of \$1,803,827.90.

FISCAL IMPACT:

Funding for work under this annual contract will be provided by individual capital construction projects as required work is identified.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Board Agenda Item
November 17, 2008

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
November 17, 2008

INFORMATION - 6

Mobility Device Securement Policy

In accordance with Section 37.165 (c) (3) of the United States Code (Department of Transportation) and Americans with Disabilities Act (ADA) regulations, the Fairfax County Department of Transportation (FCDOT) intends to enact a mandatory Mobility Device Securement Policy for use on the County's FAIRFAX CONNECTOR bus system. FCDOT has drafted this new policy (Attachment I) to ensure that FAIRFAX CONNECTOR bus operating policies continue to ensure the safety and reliability of the County's transportation services. Unsecured mobility devices create a potential safety issue for bus riders utilizing the mobility device as well as other bus passengers, particularly in the event of a bus having to stop quickly in an emergency situation.

The new securement policy will require that all mobility devices be affixed to the floor of all FAIRFAX CONNECTOR buses using an ADA-compliant securement system. The policy has been developed in cooperation with the Disability Services Board as well as the current FAIRFAX CONNECTOR bus services contractor.

Unless otherwise directed by the Board, the Department of Transportation will implement this New Mobility Device Securement Policy effective January 1, 2009.

FISCAL IMPACT:

There is no fiscal impact as a result of this policy as the Fairfax Connector buses are already equipped with the ADA-compliant securement system.

ENCLOSED DOCUMENTS:

Attachment I: FAIRFAX CONNECTOR Securement Policy, January 1, 2009

Attachment II: Veolia Transportation Acceptance Letter, February 11, 2008

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, P.E., Director, Department of Transportation (FCDOT)

Rollo C. Axton, Chief, Transit Services Division, FCDOT

Thomas N. Black, Chief, Fairfax Connector Section, FCDOT

THIS PAGE INTENTIONALLY LEFT BLANK



INFORMATION – 7

FAIRFAX CONNECTOR Charter Bus Service Policies and Rates

The Federal Transit Administration (FTA) recently issued charter bus service regulations for public transit agencies which receive federal transit operating financial assistance. These new regulations restrict federally-funded public transit agencies from operating charter bus service. As a result, the FAIRFAX CONNECTOR bus system, which does not receive federal transit operating assistance and therefore is not affected by the new FTA regulations, has experienced a surge in interest and requests for charter bus service. In light of this increased interest in FAIRFAX CONNECTOR charter service, staff felt this was an appropriate time to reacquaint the Board with the FAIRFAX CONNECTOR system's charter bus service policies to ensure that these policies continue to reflect the Board's direction. Further, in conformance with these policies, staff is notifying the Board of its intent to increase the charter hourly rates to offset rising system costs for operations, fuel, and insurance.

The policies currently governing the operation of FAIRFAX CONNECTOR Charter Bus Service are as follows:

- Charters are available to the following entities only:
 - All Fairfax County departments, agencies, and authorities including the cities of Falls Church and Fairfax and the towns of Clifton, Herndon, and Vienna
 - Elected officials
 - Fairfax County Public Schools
 - Metropolitan Washington Airports Authority
 - Registered not-for-profit organizations based in Fairfax County
 - Virginia Railway Express
- Charter hourly rates shall be set annually by the Department of Transportation with prior notification to the Board of Supervisors to ensure recovery of FAIRFAX CONNECTOR direct operating costs including contractor service provider costs, fuel costs and insurance.
- Charter operations and bus availability will be limited during weekday rush hours (6 AM to 9 AM and 4 PM to 7 PM) so as not to impact scheduled bus service delivery.
- Charters must originate and terminate within Fairfax County.
 - Waivers may be granted for operation within the jurisdictions comprising the Northern Virginia Transportation District Commission, the Washington

Board Agenda Item
November 17, 2008

Metropolitan Area Transit Authority compact, and the “collar counties” of Loudoun and Prince William counties.

- Payment for bus charter services will be calculated from time of garage departure to time of garage return:
 - Depending on the size of the charter movement and/or requirements of the chartering entity, additional fees at the prevailing charter rate for supervisory personnel may be included.
 - A minimum of three (3) hours per bus chartered will be charged or actual time, whichever is greater.
 - A fuel surcharge may be added upon notification to the Board of Supervisors.

Current charter rates per hour are \$65.00. It is recommended that the FAIRFAX CONNECTOR hourly charter rate be increased to \$75.00 effective January 1, 2009, and to \$80.00 effective July 1, 2009, with semi-annual adjustments to reflect increasing costs for operations, fuel, and insurance. Charters booked prior to the date of any rate change will be operated at the prevailing rate at the time of booking.

Attachment A provides a summary of charter bus service policies and rates which currently prevail in the metropolitan area.

Unless otherwise directed by the Board, the Department of Transportation will operate FAIRFAX CONNECTOR charter bus service according to the policies described above and will implement the hourly charter rate of \$75.00, effective January 1, 2009, and \$80.00, effective July 1, 2009, with semi-annual adjustments thereafter.

ENCLOSED DOCUMENTS:

Attachment A – Regional Charter Bus Service Rates

FISCAL IMPACT:

None as direct operating costs of the charter service are covered by the proposed hourly charter rate adjustments and semi-annual adjustments thereafter.

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Rollo C. Axton, Chief, Transit Services Division, FCDOT
Thomas N. Black, Chief, Fairfax Connector Section, FCDOT

Board Agenda Item
November 17, 2008

11:00 a.m.

Matters Presented by Board Members

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

11:50 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. *Claim of the Estate of Ashley McIntosh* (Mount Vernon District)
 - 2. *Lenir Richardson v. Zips Dry Cleaners, Jeff Levine, and Officer Corrigan* (sic), Case No. CL-2007-0011466 (Fx. Co. Cir. Ct.)
 - 3. *Franklyn St. Hilaire v. Donnel A. Clark and County of Fairfax*, Case No. 08-0020039 (Fx. Co. Gen. Dist. Ct.)
 - 4. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. James Norman Graham-Yooll, Juan Guerra, and Laura Guerra*, Case No. CL-2008-0003245 (Fx. Co. Cir. Ct.) (Springfield District)
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. 7610 Lee Highway, LLC, d/b/a Park's Auto Service*, Case No. CL-2008-0003570 (Fx. Co. Cir. Ct.) (Providence District)
 - 7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Barbara Brasher and Larnell Brasher*, Case No. CL-2008-0004427 (Fx. Co. Cir. Ct.) (Lee District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case No. CL-2007-0014495 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. David Whedon*, Case No. CL-2008-0000292 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Scott W. Pruitt and Paula E. Pruitt*, Case No. CL-2008-0001802 (Fx. Co. Cir. Ct.) (Sully District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdeljaleel R. Shadid*, Case No. CL-2008-0004629 (Fx. Co. Cir. Ct.) (Lee District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arnel B. Lis, et al.*, Case No. CL-2008-0004632 (Fx. Co. Cir. Ct.) (Dranesville District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Veroushka Uriona Rivas and Oscar Mengoa*, Case No. CL-2008-0007168 (Fx. Co. Cir. Ct.) (Sully District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Magnis Ibeth Zelaya-Gonzalez*, Case No. CL-2008-0009331 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ibne Khuldoon*, Case No. CL-2008-0009516 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tuckerwyatt, L.L.C.*, Case No. CL-2008-0008358 (Fx. Co. Cir. Ct.) (Providence District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry Martin*, Case No. CL-2008-0008078 (Fx. Co. Cir. Ct.) (Sully District)

20. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Fares Abi-Najm, Case No. CL-2008-0010478 (Fx. Co. Cir. Ct.) (Mason District)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Martha Tabares, Case No. CL-2008-0009440 (Fx. Co. Cir. Ct.) (Mason District)*
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser, Case No. CL-2008-0008940 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)*
24. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mohamed Sorour, Case No. CL-2008-0006134 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter P. Mitrano and Virginia L. Mitrano, Case No. CL-2008-0013342 (Fx. Co. Cir. Ct.) (Springfield District)*
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jerry K. Pnevmatikatos and Susan Pnevmatikatos, Case No. CL-2008-0013590 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Circle Towers, LLC, Case No. CL-2008-0013591 (Fx. Co. Cir. Ct.) (Providence District)*
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Carlos Romero and Martha L. Santay, Case No. CL-2008-0013623 (Fx. Co. Cir. Ct.) (Lee District)*
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dora Alicia Alaya, Case No. CL-2008-0013589 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas R. Ohner and Mildred H. Ohner, Case No. CL-2008-0013675 (Fx. Co. Cir. Ct.) (Providence District)*

31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank Rowe*, Case No. CL-2008-0013676 (Fx. Co. Cir. Ct.) (Braddock District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Philpott, David C. Jones, Gabrielle C. Jones, and Catherine Mitchell*, Case No. CL-2008-0013759 (Fx. Co. Cir. Ct.) (Lee District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sumera A. Shaozab*, Case No. CL-2008-0013830 (Fx. Co. Cir. Ct.) (Providence District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Celio Guevara*, Case No. CL-2008-0014067 (Fx. Co. Cir. Ct.) (Lee District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lola Stubblefield*, Case No. CL-2008-0014170 (Fx. Co. Cir. Ct.) (Mount Vernon District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sortiris P. Ioannou*, Case No. 08-0027339 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ephriam J. Present and Shirley M. Present*, Case No. 08-0027984 (Fx. Co. Gen. Dist. Ct.) (Lee District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdelkrim Elmouhib*, Case No. 08-0026797 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. 08-0027439 (Fx. Co. Gen. Dist. Ct.) (Providence District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter Paul Mitrano*, Case No. 08-0029359 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marco A. Guzman and Cinthia L. Guzman*, Case No. 08-0030691 (Fx. Co. Gen. Dist. Ct.) (Providence District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kirar Khatib*, Case No. 08-0031565 (Fx. Co. Gen. Dist. Ct.) (Lee District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alexis Rodriguez and Maria Claribe Arrgueta De Rodriguez*, Case No. 08-0031587 (Fx. Co. Gen. Dist. Ct.) (Mason District)

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

3:30 p.m.

Public Hearing on RZ 2006-PR-013 (Washington Property Company, LLC) to Rezone from C-3, C-6, C-8 and HC to C-6 and HC to Permit Commercial Development with an Overall Floor Area Ratio of 0.04, Located on Approximately 13.52 Acres, Providence District

and

Public Hearing on SE 2006-PR-005 (Washington Property Company, LLC) to Permit a Drive-In Financial Institution and a Drive-In Pharmacy, Located on Approximately 3.68 Acres Zoned C-6 and HC, Providence District

The application property is located in the southwest quadrant of the intersection of Lee Highway and Nutley Street and the northwest quadrant of the intersection of Arlington Boulevard and Nutley Street at 9200 Arlington Blvd Tax Map 48-4 ((1)) 12.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, June 25, 2008, the Planning Commission voted 8-0-3 (Commissioners de la Fe, Murphy, and Sargeant abstaining; Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors deny RZ 2006-PR-013 and SE 2006-PR-005. As noted in the attached verbatim excerpts, the Commission found that the application property could reasonably be developed under its existing zoning and that the applicant had not adequately demonstrated that the proposed development conformed to the Comprehensive Plan and the Zoning Ordinance standards for approval.

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

3:30 p.m.

Public Hearing on PCA 92-M-038 (Paolozzi Investments, Inc.) to Amend the Proffers for RZ 92-M-038 Previously Approved for Commercial Development and Site Modifications to Permit a Car Wash and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio (FAR) of 0.19, Located on Approximately 1.08 Acres Zoned C-5, CRD, HC and SC, Mason District

and

Public Hearing on SE 2008-MA-019 (Paolozzi Investments, Inc.) to Permit a Car Wash and Modifications and Waivers in a Commercial Revitalization District, Located on Approximately 1.08 Acres Zoned C-5, CRD, HC and SC, Mason District

The application property is located on the south side of Columbia Pike approximately 300 feet north of Lacy Boulevard at 5901 Columbia Pike, Tax Map 61-2 ((1)) 117.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 2, 2008, the Planning Commission voted unanimously (Commissioners Litzenberger, Lusk, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 92-M-038, subject to the execution of proffers consistent with those dated August 29, 2008;
- Approval of SE 2008-MA-019, subject to the Development Conditions dated September 17, 2008; and
- Modification of the transitional screening requirements next to the residential properties to the south and west, in favor of that shown on the GDP/SE Plat;

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

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

3:30 p.m.

Public Hearing on RZ 2008-MA-013 (Board of Supervisor's Own Motion) to Rezone from PDH-5, HC and SC to R-5, HC and SC to Permit Residential Development at a Density of 2.30 Dwelling Units Per Acre and a Waiver of the Minimum District Size, Located on Approximately 2.17 Acres, Mason District

and

Public Hearing on PCA 2001-MA-049 (Board of Supervisor's Own Motion) PCA Appl. to Delete Land Area from RZ 2001-MA-049 Previously Approved for Residential Development to Permit up to Five Residential Lots at a Density of 2.30 Dwelling Units Per Acre (du/ac) and include it in RZ 2008-MA-013. Located on Approximately 2.17 Acres Zoned PDH-5, HC and SC, Mason District

The application property is located in the northeast and southeast quadrants of the intersection of Evergreen Lane and Alpine Drive, Tax Map 71-2 ((2)) 27 and 28; 71-2 ((4)) 4, 5 and 6.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 6, 2008, the Planning Commission voted unanimously (Commissioners de la Fe, Flanagan, and Hart absent from the meeting) to recommend the following actions to the Board of Supervisors relevant to the subject applications:

--approval of RZ 2008-MA-013;

--approval of PCA 2001-MA-049; and,

--waiver of the minimum district size associated with RZ 2008-MA-013.

The Commission also voted unanimously (Commissioners de la Fe, Flanagan, and Hart absent from the meeting) to approve FDPA 2001-MA-049, subject to the Board's approval of PCA 2001-MA-049 and RZ 2008-MA-013.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kristen Abrahamson, Branch Chief, Rezoning and Special Exception Branch, Zoning Evaluation Division, DPZ

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

3:30 p.m.

Public Hearing on PCA 93-V-028-02 (Lorton Corner Road LLC) to Amend the Proffers for RZ 93-V-028 Previously Approved for Retail Development with an Overall Floor Area Ratio of 0.19 to Permit Site Modifications, Located on Approximately 3.69 Acres Zoned C-5, Mount Vernon District

and

Public Hearing on SE 2007-MV-031 (Lorton Corner Road LLC) to Permit Drive-In Financial Institution and Drive-Thru Pharmacy, Located on Approximately 3.56 Acres Zoned C-5, Mount Vernon District

The application property is located in the northeast quadrant of the intersection of Lorton Road and Richmond Highway at 7621 and 7637 Lorton Road and 9260, 9360 and 9372 Richmond Highway, Tax Map 108-3 ((1)) 2 and 3; 108-3 ((2)) 2, 5 and 6 and a portion of Lorton Rd. public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of a portion of the public right-of-way for Lorton Rd. to proceed under Section 33.1-155 of the Code of Virginia).

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, September 24, 2008, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 93-V-028-02, subject to the execution of proffers consistent with those dated September 11, 2008;
- Approval of SE 2007-MV-031, subject to the Development Conditions dated September 24, 2008;
- Modification of the transitional screening requirement and waiver of the barrier requirement along Richmond Highway, in favor of the landscaping shown on the Generalized Development Plan and the SE Plat;
- Modification of the transitional screening requirement along the north property line, in favor of the 12-foot wide transitional screening yard and the 7-foot high brick masonry wall, as shown on the Generalized Development Plan and the SE Plat;
- Waiver of the service drive requirement along Richmond Highway; and

Board Agenda Item
November 17, 2008

- Modification of the Comprehensive Plan trail requirement along Richmond Highway, in favor of the existing 10-foot wide asphalt trail, as shown on the Generalized Development Plan and SE Plat.

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

Board Agenda Item
November 17, 2008

4:00 p.m.

Public Hearing to Establish the Colvin Meadows Community Parking District
(Dranesville 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 Colvin 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 Colvin Meadows CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on October 20, 2008, for November 17, 2008, at 4:00 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

Board Agenda Item
November 17, 2008

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 petition-based CPD have been satisfied.

The parking prohibition identified above for the Colvin Meadows CPD 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.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
November 17, 2008

4:00 p.m.

Public Hearing to Establish the Hayfield View Community Parking District (Lee 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 Hayfield View 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 Hayfield View CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on October 20, 2008, for November 17, 2008, at 4:00 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

Board Agenda Item
November 17, 2008

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 petition-based CPD have been satisfied.

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$500 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
November 17, 2008

4:00 p.m.

Public Hearing to Establish the Cedar Lakes Community Parking District (Springfield 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 Cedar Lakes 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 Cedar Lakes CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on October 20, 2008, for November 17, 2008, at 4:00 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

Board Agenda Item
November 17, 2008

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 petition-based CPD have been satisfied.

The parking prohibition identified above for the Cedar Lakes CPD 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.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
November 17, 2008

4:00 p.m.

Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Mason, Mount Vernon and Providence Districts)

ISSUE:

Board approval of 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 approve the proposed petitions within the Mason, Mount Vernon and Providence Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 Within Mason District (6456 Overlook Drive)	Enlarge 1 Units	Refuse/Recycling & Leaf	Approve
Local District 1E Within Small District 1 Within Mount Vernon District (Battery Road Area)	Enlarge 14 Units	Leaf	Approve
Small Transportation District 1 Within Providence District (Hartlee Centre)	De-Create/ Re-Create	Remove From Leaf	Approve
Small Transportation District 1 Within Providence District (Metro Place I & II)	De-Create/ Re-Create	Remove From Leaf	Approve
Small District 1 Within Providence District (Metro Place Association)	De-Create/ Re-Create	Remove From Leaf	Approve

Board Agenda Item
November 17, 2008

TIMING:

Board of Supervisors' authorized to advertise on October 20, 2008, for a Public Hearing on November 17, 2008, at 4:00 p.m.

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.

The submitted petitions have been reviewed, and it is recommended that the submitted petitions be approved. If approved, the modifications will become permanent in January 2009.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Resolution and Map

STAFF:

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

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
November 17, 2008

4:30 p.m.

Public Hearing to Establish the Caroline Oaks Community Parking District (Springfield 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 Caroline Oaks 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 Caroline Oaks CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on October 20, 2008, for November 17, 2008, at 4:30 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 CPD 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

Board Agenda Item
November 17, 2008

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.

On June 30, 2008, the Board waived the minimum size requirement for the proposed Caroline Oaks CPD. Staff has verified that all other requirements for a petition-based CPD have been satisfied.

The parking prohibition identified above for the Caroline Oaks CPD 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.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
November 17, 2008

4:30 p.m.

Public Hearing to Expand the Danbury Forest Community Parking District (Braddock 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 Danbury Forest 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 Danbury Forest CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on October 20, 2008, for November 17, 2008, at 4:30 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 or

Board Agenda Item
November 17, 2008

(iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

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 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 petition-based CPD have been satisfied.

The parking prohibition identified above for the Danbury Forest 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 \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
November 17, 2008



4:30 p.m.

Public Hearing on Proposed Amendments to Chapter 104 (Erosion and Sedimentation Control) of The Code of the County of Fairfax, Virginia Re: Stream Restoration Banks

ISSUE:

Board adoption of proposed amendments to Chapter 104 (Erosion and Sedimentation Control) of *The Code of the County of Fairfax, Virginia* (The Code). The proposed amendments address a newly adopted State Code provision, that allows the submittal of general erosion and sediment control specifications annually to the State by persons engaging, in more than one jurisdiction, in the creation and operation of stream restoration banks in lieu of the submittal of a conservation plan to the local jurisdictions.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to the Erosion and Sedimentation Control Ordinance as set forth in the Staff Report dated October 20, 2008 (Rev. October 22, 2008).

TIMING:

The Board is requested to take action on November 17, 2008. On October 20, 2008, the Board authorized advertisement of the public hearing. These amendments will become effective at 12:01 a.m. November 18, 2008.

BACKGROUND:

During the 2008 legislative session, the General Assembly of Virginia adopted legislation (see attached Staff Report), that allows persons engaging, in more than one jurisdiction, in the creation and operation of stream restoration banks to submit general erosion and sediment control specifications to the Virginia Soil and Water Conservation Board (State Board) for review and approval in lieu of submitting an individual erosion and sediment control plan to the County for each project.

A stream restoration bank is an area that has been restored, created, enhanced, or in exceptional circumstances, preserved for the purpose of providing compensation for unavoidable stream losses associated with a proposed development, when such compensation cannot be achieved at the development site or would not be as environmentally beneficial. The owner or operator of the stream restoration bank can sell compensatory restoration credits to developers.

Board Agenda Item
November 17, 2008

The proposed amendment to the Erosion and Sedimentation Control Ordinance implements the newly adopted State legislation by incorporating provisions permitting persons engaged in land development that includes the creation and operation of stream restoration banks in multiple jurisdictions to submit their erosion and sediment control plans directly to the State rather than the localities. Such stream restoration banks shall be approved and operated in accordance with applicable federal and state guidance, laws, or regulations pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers. Accordingly, any person who qualifies may file general erosion and sediment control specifications for stream restoration banks annually with the State Board for review and approval pursuant to Virginia Code Section 10.2-563.E.

During the stream restoration work to create the bank, the contractor is required to maintain inspection records in accordance with an approved program authorized by the State Board. In addition, staff from the Department of Conservation and Recreation inspects the site for compliance with erosion and sediment control requirements and reviews both the site and the inspection records. Upon completion of the project, as-built surveys are submitted to the Department of Environmental Quality and the U.S. Army Corps of Engineers for approval, prior to releasing credits. Monitoring and maintenance of stream restoration banks are required for 10 years following the completion of the project and annual monitoring reports are sent to the Department of Environmental Quality and the U.S. Army Corps of Engineers during this period. The credits are tracked by the U.S. Army Corps of Engineers. This information is available on line (<https://ribits.nao.usace.army.mil/ribits/index.php>). Following completion of the monitoring period and after all credits are sold off, the landowner or easement holder of the bank lands takes over long-term maintenance and management responsibility. The long-term maintenance and management responsibility may be designated once the minimum standards required to meet the objectives for which the bank was established are satisfied (typically monitoring for 10 years following completion of grading). Performance measures for evaluating the success of the project are stipulated in the legal agreement upon which the bank was created.

The annual erosion and sediment control specifications submitted to the State are in lieu of a conservation plan submission to the County. However, approval of annual erosion and sediment control specifications by the State Board does not relieve the owner or operator from compliance with any other local ordinance or regulation. The requirements of other ordinances, including the Zoning Ordinance, the Chesapeake Bay Preservation Ordinance, and the Subdivision Ordinance, would have to be satisfied before approval of the construction of a stream restoration bank. For example, if soil is removed or added to a depth greater than 18 inches in an area greater than 2500 square feet, a grading plan would be required in accordance with the Zoning Ordinance. The grading plan would not have to show erosion and sedimentation control facilities, but it would have to show that the finished grades meet adjacent properties' grades and that the natural drainage has not been substantially altered offsite.

Board Agenda Item
November 17, 2008

FISCAL IMPACT:

None

REGULATORY IMPACT:

If a person engaging, in more than one jurisdiction, in the creation and operation of stream restoration banks chooses to obtain State Board approval of annual erosion and sediment control specifications in lieu of a county permit, the burden of enforcing and inspecting the project regarding erosion and sediment control practices will fall upon State rather than County staff. However, approval of the general erosion and sediment control specification by the State Board does not relieve the owner or operator from compliance with any other local ordinance or regulation.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report, Dated October 20, 2008 (Rev. October 22, 2008)

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard Guba, Deputy Director, DPWES
James Patteson, Director, Land Development Services, DPWES

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008



4:30 p.m.

Public Hearing on Proposed Amendments to Various Chapters of The Code of the County of Fairfax, Virginia Re: References to the Department of Public Works, the Department of Environmental Management, the Building Official, and the Construction Trades Advisory Board

ISSUE:

Board adoption of proposed amendments to Chapters 1, 2, 4, 30, 46, 61, 63, 64, 65, 66, 67.1, 68.1, 71, 102, 103, 104, and 117, and Appendix A of *The Code of the County of Fairfax, Virginia* (The Code). The proposed administrative amendments delete references to the Construction Trades Advisory Board which was disbanded by the Board in 2004 and replace remaining references to the Director of the Department of Environmental Management, the Department of Public Works, and the Building Official to reflect current departmental organizational structure and authority.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapters 1, 2, 4, 30, 46, 61, 63, 64, 65, 66, 67.1, 68.1, 71, 102, 103, 104, and 117, and Appendix A of The Code as set forth in the Staff Report dated October 20, 2008 (Rev. October 22, 2008).

TIMING:

The Board is requested to take action on November 17, 2008. On October 20, 2008, the Board authorized advertisement of the public hearing. These amendments will become effective at 12:01 a.m. November 18, 2008.

BACKGROUND:

On July 1, 1998, the Department of Environmental Management, the Department of Public Works (DPWES), and the Facilities Management Division (FMD) of the Department of General Services were reorganized into a new DPWES. Subsequently, on January 1, 2004, FMD was designated as a department and is no longer part of DPWES. A new section, § 1-1-16 (Reorganization of Departments, Agencies and Offices) was added to Chapter 1, Article 1 (General Provisions) of The Code, to provide for transition and continuity within The Code necessary to implement the consolidation. The amendment also designated the Director of the Office of Building Code Services as the Fairfax County Building Official. It was the intention at the time that references to the directors of the two agencies would be changed in the various parts of The Code as

Board Agenda Item
November 17, 2008

other amendments were processed. However, many parts of The Code are only rarely amended, and the parts involving the proposed amendments are now proposed to be changed to reflect current departmental organization structure and authority. On March 29, 2004, the Board disbanded the Construction Trades Advisory Board. Due to an internal reorganization, the Office of Building Code Services no longer exists. On April 4, 2005, the Board adopted an amendment to Chapter 61 which included changes to the definition of Building Official. The proposed amendments to Chapters 1, 2, 4, 30, 46, 61, 63, 64, 65, 66, 67.1, 68.1, 71, 102, 103, 104, and 117, and Appendix A of the Code will replace the remaining references to the Director of the Department of Environmental Management, the Director of DPWES, and the Director of the Office of Building Code Services with the correct references and delete all references to the Construction Trades Advisory Board.

PROPOSED AMENDMENTS:

- Proposed amendments to Chapters 2, 4, 30, 46, 61, 63, 67.1, 71, 102, 103, 104, and 117, and Appendix A of The Code replace references to the Director of Department of Environmental Management and the Department of Public Works.
- Proposed amendments to Chapters 1, 68.1, and 71 replace references to the Director of the Office of Building Code Services as the Building Official.
- Proposed amendments to Chapters 61, 64, 65, and 66 delete all references to the Construction Trades Advisory Board.

FISCAL IMPACT:

None

REGULATORY IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report, Dated October 20, 2008 (Rev. October 22, 2008)

STAFF:

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

Board Agenda Item
November 17, 2008

5:00 p.m.

Public Hearing on Proposed Plan Amendment S06-IV-S1 Located West of Elder Avenue, East of Interstate-95, South of Franconia Road, and North of the Franconia-Springfield Parkway (Lee District)

ISSUE:

Plan Amendment (PA) S06-IV-S1 involves the land area, generally located west of Elder Avenue, east of Interstate-95, south of Franconia Road, and north of the Franconia-Springfield Parkway. The 182-acre subject area is located within the Franconia-Springfield Transit Station Area in the Springfield Planning District and currently planned for residential, retail, office, and hotel uses at various densities and intensities. The focus of the Plan amendment is the approximately 80-acre, central portion of the subject area, which contains Springfield Mall, a regional shopping mall developed in 1975. The Plan amendment authorized that this area be considered for redevelopment as a mixed-use "town center" with an intensity up to 2.0 FAR. Bordered by Frontier Drive, Loisdale Road, Franconia Road and Spring Mall Road, the proposed town center would include residential, office, retail, and hotel components and act as a catalyst for the revitalization of Springfield. A concurrent rezoning application RZ/FDP 2007-LE-007, requests the approval of a PDC District on most of this 80-acre area to implement the mixed-use town center recommendation.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 30, 2008, the Planning Commission voted unanimously to recommend that the Board of Supervisors adopt the staff recommendation for Plan Amendment S06-IV-S1, as shown on pages 28 through 31 of the staff report dated October 16, 2008.

The Planning Commission also voted unanimously to clarify that the recommendation would modify the Plan language for an 80-acre portion of the 182-acre subject area (Land Unit B of the Franconia-Springfield Transit Area) to add an option for a mixed-use town center to include residential, retail, office, and hotel uses with an intensity of up to 1.71 FAR with partial consolidation and 1.82 FAR with full consolidation; that the town center would need to achieve certain conditions related to urban design, mixture of land uses, transportation, and environment; that any unconsolidated parcels within Land Unit B would remain at their base Plan recommendation for retail use up to an intensity of .35 FAR; and, that Plan recommendations for any other portions of the 182-acre subject property would not be amended via adoption of S06-IV-S1.

Board Agenda Item
November 17, 2008

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation. The recommendation would add an option for redevelopment of Land Unit B as a mixed-use town center with an intensity up to 1.71 FAR with partial consolidation and up to 1.82 FAR with full consolidation. Conditions to achieve the recommended intensity relate to mixture of land uses, urban design, urban parks, recreation, multi-modal connectivity (especially to the nearby Joe Alexander Transportation Center), the environment, transportation demand management, context-sensitive design of streets, and other transportation issues.

TIMING:

Planning Commission public hearing– October 30, 2008
Board of Supervisors' public hearing – November 17, 2008

BACKGROUND:

On June 26, 2006, the Board of Supervisors authorized PA S06-IV-S1 for the Springfield Mall and the surrounding area, generally located west of Elder Avenue, east of Interstate-95, south of Franconia Road, and north of the Franconia-Springfield Parkway. The 182-acre subject area is addressed by Comprehensive Plan recommendations for Land Units A-1, A-2, B, C, E, F-1, and F-2 of the Franconia-Springfield Transit Station Area (TSA) in the Springfield Planning District. The focus of the Plan amendment is the approximately 80-acre, central portion of the subject area, Land Unit B, which contains the Springfield Mall. Land Unit B is planned for retail use up to an intensity of 0.35 FAR and 0.50 FAR and zoned C-7 and C-8. The Plan amendment authorized that this area be considered for redevelopment as a mixed-use "town center" up to an intensity of 2.0 FAR. The town center would include residential, office, retail, and hotel components and act as a catalyst for the revitalization of Springfield. A concurrent rezoning application, RZ/FDP 2007-LE-007, would implement the recommendations for this town center through the development of approximately 5.8 million square feet of residential, retail, office, and hotel uses.

The primary impetus behind the Plan amendment was the recommendations of an Urban Land Institute (ULI) Advisory panel in May of 2006 that studied the Transit Station Area, including Land Unit B, and the Springfield Community Business Center (CBC), west of Interstate-95. The panel identified redevelopment opportunities and challenges to the revitalization in this area. A key recommendation of the report proposed the redevelopment of the Springfield Mall area as a mixed-use "town center." Further evaluation of land use and transportation recommendations outside the Mall area is ongoing by staff and consultants in the Springfield Connectivity Study. The subject area of the Plan amendment also may provide jobs and housing that may support the Department of Defense jobs being relocated to Fort Belvoir and the Engineer Proving Ground.

Board Agenda Item
November 17, 2008

The proposed Plan text shown in the Staff Report, dated June 12, 2008, would allow an option for redevelopment of Land Unit B as a mixed-use town center up to an intensity of 1.71 FAR with at least a 78-acre consolidation and 1.82 FAR with an 80-acre consolidation. The proposed Plan text outlines ranges for the mixture of land uses to allow for flexibility within the proposed mixture of uses and to create a more vibrant, social, and active place. A sense of place would be created through recommendations encouraging enhanced urban design and connectivity features. These features would emphasize the relationship of buildings and open spaces, both internal to the town center and external to the surrounding land units, and would integrate land uses to provide convenient access to employment, housing, recreation, and retail and community-serving uses.

In regards to transportation, the proposed Plan amendment would synergize land use and amenities in the town center, so that the complementary uses would decrease the impact on transportation, by reducing the need to drive. Further, streets would incorporate multi-modal features into the design and encourage safe usage by pedestrians, bicyclists, and drivers along the roadway and at intersections. If all of these goals are realized, the town center would become a focal point for the Springfield area and would serve as a catalyst for future revitalization and redevelopment in the Springfield CBC and TSA, as described in the Plan amendment authorization.

This Plan amendment requires that a Chapter 527 Traffic Impact Analysis be completed. Under the Virginia Chapter 527 Traffic Impact Analysis Regulations, adopted by the General Assembly of 2006, localities are required to submit Comprehensive Plans and amendments to Comprehensive Plans that will substantially affect transportation on state-controlled highways to VDOT, in order for the agency to review and provide comments on the impact of the item submitted. VDOT Chapter 527 comments regarding this proposed Plan amendment are included as Attachment 2. Attachment 3 is the Fairfax County Department of Transportation response to the VDOT Chapter 527 Analysis.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report for Proposed Plan Amendment S06-IV-S1
Attachment 2 - Virginia Department of Transportation Evaluation Report Of
The Springfield Mall Town Center Traffic Impact Analysis (3rd Submission)
Attachment 3 – Fairfax County Department of Transportation Response to VDOT
Chapter 527 Evaluation Report of the Springfield Mall Town Center Traffic Impact
Analysis (3rd Submission)
Attachment 4 – Planning Commission Verbatim

Board Agenda Item
November 17, 2008

STAFF:

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

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

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

Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ

Meghan D. Van Dam, Planner III, Policy and Plan Development Branch, PD, DPZ

Jaak Pedak, Planner III, Transportation Planning Branch, FCDOT

Board Agenda Item
November 17, 2008



5:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Civil Penalties and Appeal Period

ISSUE:

The proposed amendment requires appeals for certain zoning violations, including the occupancy of a dwelling unit, to be filed within ten days from the date of the notice of zoning violation with the Zoning Administrator and Board of Zoning Appeals; and allows a violation that is subject to civil penalties to be prosecuted as a criminal misdemeanor when such civil penalties total \$5,000 or more.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 22, 2008, the Planning Commission voted 6-3-2 (Commissioners Lusk, Murphy, and Sargeant opposed; Commissioners Hall and Harsel abstaining, and Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors that the proposed Appeal Period and Civil Penalties Zoning Ordinance Amendment be approved as contained in the staff report dated September 22, 2008, with the deletion of proposed Par. 2G of Sect. 18-303, and with an effective date of 12:01 a.m. on the day following adoption.

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendation except that the County Executive recommends that proposed Paragraph 2G of Sect. 18-303 be maintained.

TIMING:

Board of Supervisors authorization to advertise on July 21, 2008; Planning Commission public hearing on September 18, 2008; Board of Supervisors reauthorized advertisement on September 22, 2008, to add a new Paragraph 2G of Sect. 18-303; Planning Commission public hearing on October 16, 2008; Deferred Planning Commission decision on October 22, 2008; and Board of Supervisors' public hearing on November 17, 2008 at 5:00 p.m.

BACKGROUND:

The proposed amendment is on the 2008 Priority 1 Zoning Ordinance Amendment Work Program and is in response to House Bills 679 and 1061, which were adopted by the 2008 Virginia General Assembly. House Bill 679 allows zoning violations for which civil penalties total \$5,000 or more to be prosecuted as a criminal misdemeanor. If no civil penalties are

Board Agenda Item
November 17, 2008

sought, violations may be prosecuted as a criminal misdemeanor. House Bill 1061 allows for appeal periods of less than thirty days, but not less than ten days, for a notice of zoning violation involving maximum occupancy limitations of a residential dwelling unit or similar short-term, recurring violations. Under the current Zoning Ordinance, all appeals of notices of violation must be filed within 30 days of the notice.

The proposed amendment will provide additional tools in zoning enforcement efforts, to include assisting the Strike Team in resolving multiple occupancy and overcrowding violations.

The proposed amendment includes the following:

- A. Allows a zoning violation that is subject to civil penalties to be prosecuted as a criminal misdemeanor when such civil penalties total \$5,000 or more.
- B. Requires that appeals to the Fairfax County Board of Zoning Appeals of notices of violations for the following zoning violations be filed within ten days from the date of issuance of the notice of violation: over occupancy of a dwelling unit; parking of inoperative motor vehicles; parking a commercial vehicle in a residential district; parking of a vehicle on an unsurfaced area in the front yard of a single family detached dwelling in the R-1, R-2, R-3 and R-4 Districts; erection of a prohibited sign and erection of a sign without the required sign permit; and other short term, recurring violations similar to those listed above.
- C. Requires that written notices of zoning violations involving the zoning violations set forth in Paragraph B above include a statement that the person to whom the violation is issued has a right to appeal the notice to the Fairfax County Board of Zoning Appeals within 10 days.

The violations set forth in Paragraph B above that would be subject to a 10 ten appeal period are listed in a new Paragraph 2 of Sect. 18-303 of the attached proposed amendment. It is noted that the last item listed in B above and shown at Par. 2G in the proposed amendment regarding "other short-term, recurring violations", was added at the request of the Board at its September 22, 2008 public meeting, and this addition resulted in the re-authorization and advertisement of the amendment.

On October 16, 2008, the Planning Commission held a public hearing on the re-advertised amendment and discussed the proposed new Paragraph 2G of Sect. 18-303. The Planning Commission was concerned that the proposed paragraph did not provide sufficient guidance and was subject to interpretation and deferred decision until October 22, 2008. The Planning Commission at its October 22, 2008, meeting recommended to the Board that the amendment be approved as contained in the attached Staff Report with one modification and that was the deletion of proposed Paragraph 2G of Sect.18-303.

Board Agenda Item
November 17, 2008

Staff believes that proposed Paragraph 2G of Sect. 18-303 should be maintained as it provides for flexibility.

REGULATORY IMPACT:

The proposed amendment enhances the ability to enforce the Zoning Ordinance by allowing a violation that is subject to civil penalties to be prosecuted as a criminal misdemeanor when such civil penalties total \$5,000 or more, and it reduces the appeal period from 30 to 10 days for certain notices of zoning violation.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission Recommendation

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Brian Parsons, Senior Assistant to the Zoning Administrator, DPZ

THIS PAGE INTENTIONALLY LEFT BLANK

Board Agenda Item
November 17, 2008

5:00 p.m.

Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2009 Virginia General Assembly

ENCLOSED DOCUMENTS:

Attachment I -- Draft Fairfax County Legislative Program for the 2009 Virginia General Assembly

Attachment II – Draft Human Services Issue Paper

The proposed Legislative Program and Human Services Issue Paper are available by close of business November 12, 2008 at www.fairfaxcounty.gov/government/board or in the Office of the Clerk to the Board. A revised copy of the documents, based upon any revisions the Board may make at its November 14 Legislative Committee meeting, will be available mid-day on Monday, November 17 at

www.fairfaxcounty.gov/government/board and in the Office of the Clerk to the Board.

STAFF:

Anthony H. Griffin, County Executive

Susan E. Mittereder, Legislative Director

THIS PAGE INTENTIONALLY LEFT BLANK