

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
DECEMBER 4, 2006**

**AGENDA**

- |       |                       |   |
|-------|-----------------------|---|
| 9:30  | <b>Done</b>           | Presentations   |
| 10:00 | <b>Adopted</b>        | Board Adoption of the 2007 Legislative Program for the Virginia General Assembly and Approval of the County's 110 <sup>th</sup> Congress Federal Appropriations Request for FY 2008 |
| 10:15 | <b>Report Adopted</b> | Presentation of the Environmental Quality Advisory Council 2006 Annual Report   |
| 10:30 | <b>Done</b>           | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups   |
| 10:30 | <b>Done</b>           | Items Presented by the County Executive   |

**ADMINISTRATIVE  
ITEMS**

- |   |                                 |  |
|---|---------------------------------|--|
| 1 | <b>Approved</b>                 | Streets into the Secondary System for Dranesville, Hunter Mill, Providence, Mount Vernon and Sully Districts   |
| 2 | <b>Approved</b>                 | Authorization to Advertise a Public Hearing to Expand the Kingstowne Community Parking District (Lee District)   |
| 3 | <b>Approved</b>                 | Authorization to Advertise a Public Hearing to Expand the Southrun Community Parking District (Mount Vernon District)  |
| 4 | <b>Approved</b>                 | Authorization to Advertise a Public Hearing on a Proposal to Abandon Segments of Lockheed Boulevard and Convey the Same to the Fairfax County Park Authority (Lee District)                                    |
| 5 | <b>Approved</b>                 | Authorization to Advertise a Public Hearing on a Proposed Cut-Through Traffic Mitigation Plan for Memorial Street and Lenclair Street as Part of the Residential Traffic Administration Program (Lee District) |
| 6 | <b>Approved<br/>w/Amendment</b> | Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Centreville Historic Overlay District (CHOD)   |
| 7 | <b>Approved</b>                 | Additional Time to Commence Construction for Special Exception SE 99-M-038, Leewood Investments and Associates, LLC, (Mason District)  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
DECEMBER 4, 2006**

**ADMINISTRATIVE  
ITEMS (CONTINUED)**

- |    |                 |  |
|----|-----------------|--|
| 8  | <b>Approved</b> | Additional Time to Commence Construction for Special Exception SEA 94-D-002, Fairfax County Redevelopment and Housing Authority (Dranesville District)   |
| 9  | <b>Approved</b> | Additional Time to Commence Construction for Special Exception SE 98-M-002, Washington International Teleport, Incorporated (Mason District)   |
| 10 | <b>Approved</b> | Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Waiver of Residential Minimum Lot Width Requirement  |
| 11 | <b>Approved</b> | Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Mason, Mount Vernon, and Providence Districts)  |
| 12 | <b>Approved</b> | Supplemental Appropriation Resolution AS 07067 for Various Fairfax County Agencies to Accept Department of Homeland Security Urban Area Security Initiative Sub-Grant Awards from the District of Columbia Office of the Deputy Mayor for Public Safety and Justice to Support Emergency Preparedness and Response |
| 13 | <b>Approved</b> | Additional Time to Commence Construction for Special Exception Amendment SEA 85-M-086, Radley Automobiles, Incorporated d/b/a Radley Acura (Mason District)  |
| 14 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Obtain Input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia for Three Replacement Vehicles  |
| 15 | <b>Approved</b> | Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Portable Storage Containers   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
DECEMBER 4, 2006**

**ACTION ITEMS**

- |   |                                 |   |
|---|---------------------------------|---|
| 1 | <b>Approved</b>                 | Approval of the Renewal of a Cooperative Agreement Between ChildHelp Children’s Center of Virginia and Fairfax County Police Department, Fairfax County Department of Family Services, Fairfax/Falls Church Community Services Board, Office of the Commonwealth’s Attorney of Fairfax County, INOVA Fairfax Hospital for Children, and Hispanics Against Child Abuse and Neglect |
| 2 | <b>Approved</b>                 | Authorization to Reallocate and Disburse from HOME Development Costs to Transitional Housing/Katherine K. Hanley Family Shelter (Springfield District)  |
| 3 | <b>Approved</b>                 | Parking Reduction for Radha Soami Society Beas America (Mount Vernon District)  |
| 4 | <b>Approved</b>                 | Proposed Amendment to Board of Equalization Resolution  |
| 5 | <b>Approved<br/>w/Amendment</b> | Endorsement of the Chief Administrative Officers Task Force’s Comments Regarding the Preliminary FY 2008 Virginia Railway Express Budget (Braddock, Lee, Mason, Mount Vernon, and Springfield Districts)  |
| 6 | <b>Approved</b>                 | Authorization for the County Executive to Act as Agent of the Board and Sign Memoranda of Agreement for the Federal Highway Administration Project to Design and Construct the Richmond Highway - Telegraph Road Connector Road Near Fort Belvoir (Mount Vernon and Lee Districts)  |
| 7 | <b>Approved</b>                 | Designation of Virginia Department of Transportation FY 2007 Revenue Sharing Program Funds and Matching Fairfax County Funds (Springfield and Sully Districts)  |
| 8 | <b>Approved</b>                 | Approval to Make a Loan from The Penny for Affordable Housing Fund from Fiscal Year 2007 as Part of the Financing Plan for the Acquisition, Rehabilitation and Preservation of the 90-Unit Sunset Park Apartments by AHC Limited Partnership – 15 (Mason District)  |
| 9 | <b>Approved</b>                 | Authorization to (1) Reallocate Funding Among Community Development Block Grant and HOME Investment Partnerships Program (2) Approve a Loan to Jewish Foundation (Hunter Mill District), and (3) Approve a Loan to FCRHA Cedar Ridge, LP (Hunter Mill District)   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
DECEMBER 4, 2006**

**CONSIDERATION  
ITEMS**

1        **Approved**                      Election Year Policies

**INFORMATION  
ITEMS**

1        **Noted**                              Presentation of Fiscal Year 2006 Comprehensive Annual  
Financial Report (CAFR)

2        **Noted**                              Contract Awards and Approval of Street Acceptance Items  
During the Period Between the December Board Meeting and  
the First Board Meeting in January

11:00    **Done**                                Matters Presented by Board Members

11:50    **Done**                                Closed Session

**PUBLIC HEARINGS**

3:00    **Approved**                          Public Hearing on PCA 2000-SU-033 (Rita Powell & Mark A.  
Johnson) (Sully District)

3:00    **Approved**                          Public Hearing on SE 2006-SU-015 (Rita Powell & Mark A.  
Johnson) (Sully District)

3:30    **Withdrawn**                        Public Hearing on RZ 2006-PR-008 (Chalice Crest, L.C.)  
(Providence District)

3:30    **Approved**                          Public Hearing on RZ 2005-PR-039 (Dunn Loring Metro LLC)  
(Providence District)

3:30    **Approved**                          Public Hearing on PCA 88-P-030 (Dunn Loring Metro, LLC)  
(Providence District)

3:30    **Public hearing  
deferred 1/8/07 at  
3:30 p.m.**                          Public Hearing on PCA 93-Y-044 (FL Promenade Outparcel  
L.C.) (Springfield District)

3:30    **Approved**                          Public Hearing on SE 2006-HM-022 (Marymount University)  
(Hunter Mill District)

4:00    **Approved**                          Public Hearing on SEA 01-D-022 (Sugarland Hill LLC)  
(Dranesville District)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
DECEMBER 4, 2006**

**PUBLIC HEARINGS  
(CONTINUED)**

4:00	<b>Public hearing deferred to 1/22/07 at 3:30 p.m.</b>	Public Hearing on AF 2006-SP-002 (George & Susan Schulz) (Springfield District)
4:00	<b>Approved</b>	Public Hearing on AF 2006-DR-001 (John H. and Barbara Whitney) (Dranesville District)
4:30	<b>Approved</b>	Public Hearing on RZ 2006-SU-007 (LPC Commercial Services, Inc.) (Sully District)
4:30	<b>Approved</b>	Public Hearing on PCA 75-2-016-03 (LPC Commercial Services, Inc.) (Sully District)
4:30	<b>Approved</b>	Public Hearing on SE 2006-SP-010 (Chevy Chase Bank, F.S.B.) (Springfield District)
4:30	<b>Denied (Motion to approve failed)</b>	Public Hearing on SE 2006-BR-004 (7-Eleven, Inc.) (Braddock District)
4:30	<b>Approved</b>	Public Hearing on Proposed Zoning Ordinance, Subdivision Ordinance and Public Facilities Manual Amendments Re: Shape Factor Limitations for Lots in Certain Single Family Detached Residential Districts
4:30	<b>Approved</b>	Public Hearing Regarding the Conveyance of County-Owned Property to the Virginia Department of Transportation for Project 0001-029-F20-R201 (Mount Vernon District)
5:00	<b>Public hearing deferred to 1/22/07 at 4:30 p.m.</b>	Public Hearing on RZ 2004-SU-029 (NVP, Inc.) (Sully District)
5:00	<b>Approved</b>	Public Hearing on Proposed Plan Amendment S06-IV-LP1, Located at the Intersection of Lorton Road and Richmond Highway, North of Lorton Road (Mount Vernon District)
5:00	<b>No speakers</b>	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



*Fairfax County, Virginia*  
**BOARD OF SUPERVISORS**  
**AGENDA**

**Monday**  
**Dec. 4, 2006**

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9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize Sasha Ryjik for his accomplishment as the 2006 National Sabre Fencing Champion for age 12 and under. Requested by Supervisor Kauffman.
2. RESOLUTION – To recognize Jim Chesley for his dedication and commitment to the Town of Clifton. Requested by Supervisor McConnell.
3. CERTIFICATE – To John Byers for 21 years on the Planning Commission and nearly four decades of involvement with Fairfax County. Requested by Supervisor Hyland.
4. CERTIFICATE – To recognize Ben Pepper for his years of service with the Fairfax-Falls Church Community Services Board. Requested by Supervisor Kauffman.
5. CERTIFICATE – To recognize Mount Pleasant Baptist Church on the occasion of its 140th anniversary. Requested by Supervisor Hudgins

STAFF:

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

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Board Agenda Item  
December 4, 2006

10:00 a.m.

Board Adoption of the 2007 Legislative Program for the Virginia General Assembly and Approval of the County's 110<sup>th</sup> Congress Federal Appropriations Request for FY 2008

ISSUE:

Board adoption of a legislative program for the 2007 Session of the Virginia General Assembly and Board approval of items identified for FY 2008 federal appropriations requests for the 110<sup>th</sup> Congress.

TIMING:

Immediate. On November 20, 2006, the Board of Supervisors held a public hearing on the 2007 Legislative Program. This program will be presented at the Board's annual breakfast meeting with the members of the Fairfax County Delegation to the Virginia General Assembly on December 13, 2006. The Board will continue its advocacy of County initiatives and positions at a Board-hosted reception on February 13, 2007.

Board action is also requested at this time in order to formally submit the requests to Fairfax County's Congressional Delegation for the 110<sup>th</sup> Congress. County staff will begin the process of completing formal applications for each request as required by the House and Senate Appropriations Committees. The Chairman of the Board will present the requests to individual members of the Fairfax County Delegation at a series of scheduled meetings on Capitol Hill.

BACKGROUND:

The draft State legislative program has been developed over the past several months by the Legislative Committee of the Board. The program contains the Committee's recommended legislative initiatives and positions for the County at the 2007 Session of the Virginia General Assembly; an issue paper on human services needs is included as an addendum to this program. In preparing this package, the Committee has considered the County's legislative needs and opportunities and has endeavored to maintain a program of priority legislative requests. The Legislative Committee will continue to meet, generally on a weekly basis, throughout the Session to monitor legislation and recommend positions for adoption at regular Board meetings.

The draft Federal appropriations request was also developed as part of the Legislative Committee process, and was discussed at the October 13, 2006 and November 3, 2006 Legislative Committee meetings. Staff recommendations were presented to the

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Committee focused on areas determined to be of strategic importance to the County, including transportation, Base Realignment and Closure (BRAC), affordable housing, public safety, historic preservation, the environment, and homeland security. Specifics on general budget items as well as the County's appropriations requests will be reported periodically to the Board as the federal appropriations process progresses.

ENCLOSED DOCUMENTS:

Attachment 1 -- Draft Fairfax County Legislative Program for the 2007 Virginia General Assembly

Attachment 2 – 2007 Draft Human Services Issue Paper

Attachment 3 – Draft FY 2008 Federal Appropriations Funding Requests to the 110<sup>th</sup> Congress

STAFF:

Chairman Gerald E. Connolly, Chairman of the Legislative Committee of the Board of Supervisors

Anthony H. Griffin, County Executive

Susan E. Mittereder, Legislative Director

Katharine D. Ichter, Director, Department of Transportation

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10:15 a.m.

Presentation of the Environmental Quality Advisory Council 2006 Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Stella Koch, Chairperson, Environmental Quality Advisory Council

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10:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be Heard December 4, 2006

Attachment 2: Brief biography of Martha Lloyd, FFX-FC CSB nominee

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:30 a.m.

Items Presented by the County Executive

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Board Agenda Item  
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ADMINISTRATIVE – 1

Streets into the Secondary System for Dranesville, Hunter Mill, Providence, Mount Vernon and Sully Districts

ISSUE:

Board approval of streets to be accepted into 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>
Little Run Farm	Dranesville	Chamberlain Woods Way Little Run Farm Court Hunter Mill Road – Route 674 (Additional ROW only)
Woodlea Mill Section 1B	Dranesville	Woodlea Mill Road Daviswood Drive (Route 6629) Orlo Drive (Route 3634)
Woodlea Mill Section 1C	Dranesville	Woodbranch Court Orlo Drive
Battery Park	Hunter Mill	Old Courthouse Road (Route 677) (Additional ROW only)
JDA Custom Homes, Inc.	Hunter Mill	Old Courthouse Road (Route 677) (Additional ROW dedication only)
Shady Brook, Section B, Lots 14-18	Providence	Capital Beltway (I-495) (Additional ROW only)
Unitarian Universalist Congregation of Fairfax Lt. 23	Providence	Huntermill Road (Route 674) (Additional ROW only)

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Wells Addition	Providence	Lee Highway (Route 29) (Additional ROW only)
Cadlerock Properties Joint Venture, LP – Laurelwood II	Mount Vernon	Alban Road (Route 790) Pohick Road (Route 641) (Additional ROW only) Creekside View (Prev. Pohick Road) (Additional ROW only) Creekside View Lane (Prev. Pohick Road) (Additional ROW only)
Cardinal Forest Estates, LLC	Sully	Pleasant Valley Road (Route 609) (Additional ROW only)
Copper Creek Section 1	Sully	Bronzagate Court (Route 6304) English Garden Court West Ox Road (Route 608) (Additional ROW only) West Ox Road (Route 608) (Additional ROW only)
Rainbow Day Care Center, INC.	Sully	Braddock Road (Route 620) (Additional ROW only)

TIMING:  
Routine.

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

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Form 1-2's showing the listed streets

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Expand the Kingstowne Community Parking District (Lee 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 Kingstowne Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for January 8, 2007, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Kingstowne CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on December 4, 2006, to provide sufficient time for advertisement of the public hearing on January 8, 2007, 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. Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting

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

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

The parking prohibition identified above for the Kingstowne 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. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Proposed Kingstowne 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  
Bruce W. Taylor, Acting Chief, Traffic Operations Section, FCDOT  
Maria Turner, Transportation Planner, FCDOT

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Expand the Southrun Community Parking District (Mount Vernon 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 Southrun Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for January 8, 2007, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Southrun CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on December 4, 2006, to provide sufficient time for advertisement of the public hearing on January 8, 2007, 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. Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting

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

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Proposed Southrun 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  
Bruce W. Taylor, Acting Chief, Traffic Operations Section, FCDOT  
Maria Turner, Transportation Planner, FCDOT

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ADMINISTRATIVE – 4

Authorization to Advertise a Public Hearing on a Proposal to Abandon Segments of Lockheed Boulevard and Convey the Same to the Fairfax County Park Authority (Lee District)

ISSUE:

Authorization of a public hearing to consider the abandonment of segments of Lockheed Boulevard and the conveyance to the Park Authority.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the abandonment and conveyance of the subject roadway.

TIMING:

The Board should take action on December 4, 2006, to provide sufficient time to advertise the public hearing for January 8, 2007.

BACKGROUND:

The applicant, the Fairfax County Park Authority, is requesting that segments of Lockheed Boulevard be abandoned and conveyed to the Park Authority. These sections are not in the Virginia Department of Transportation Secondary Highway System. The purpose of this abandonment is to allow addition of the land to the adjacent Huntley Meadows Park and preserving specimen quality Swamp Chestnut Oak trees in the right of way. The right-of-way is not currently used for transportation purposes.

Traffic Circulation and Access

The abandonment will have no effect on vehicle circulation and access. The right-of-way is not currently used for through access. Recreational access will be maintained by the transfer to the Park Authority.

Easements

Fairfax Water and Washington Gas have expressed a need for easements for their facilities within the right-of-way. The Department of Public Works and Environmental Services (DPWES) has also expressed a need for easements for both sanitary and

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storm sewer facilities. Easement agreements and plats have been provided for these needs. No other easement needs were identified.

The proposal to vacate this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, DPWES, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax Water, Fairfax County School Board, Fairfax County Park Authority, Fire and Rescue Department, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas, and Verizon. None of these agencies indicated any opposition to the proposal.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification

Attachment II: Notice of Intent to Abandon and Notice of Intent to Convey

Attachment III: Order of Abandonment and Resolution to Convey

Attachment IV: Abandonment Plat

Attachment V: Metes and Bounds Descriptions

Attachment VI: Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michael A. Davis, FCDOT

Donald Stephens, FCDOT

Board Agenda Item  
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ADMINISTRATIVE – 5

Authorization to Advertise a Public Hearing on a Proposed Cut-Through Traffic Mitigation Plan for Memorial Street and Lenclair Street as Part of the Residential Traffic Administration Program (Lee District)

ISSUE:

Board authorization to advertise a public hearing on a proposed cut-through traffic mitigation plan for Memorial Street and Lenclair Street as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Memorial Street, between Richmond Highway and South Kings Highway, and Lenclair Street, between Memorial Street and South Kings Highway, for a cut-through traffic mitigation plan as part of the R-TAP. The proposed plan consists of the following traffic calming measures:

- Speed hump, speed table and raised crosswalk on Memorial Street
- Speed hump on Lenclair Street

TIMING:

The Board should take action on December 4, 2006, to provide sufficient time for advertisement of the proposed public hearing scheduled for January 22, 2007, 4:00 p.m.

BACKGROUND:

In October 2001, the Groveton Civic Association requested traffic calming measures on Memorial Street. An initial engineering review revealed traffic counts in excess of 4,000 vehicles per day, which necessitated a comprehensive cut-through study. The study found that Memorial Street qualified for cut-through measures due to 89-95% of peak hour traffic having an origin or destination outside the study area. At the request of the community, Lenclair Street was included in the cut-through mitigation plan because it is part of the same cut-through route and could receive displaced traffic if cut-through measures were installed on Memorial Street.

On September 12, 2005, the Board of Supervisors approved a resolution requesting the Virginia Department of Transportation (VDOT) to consider cut-through or traffic calming measures for Memorial Street and Lenclair Street. Subsequently, a community task force was formed, which developed a cut-through mitigation plan consisting of four

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traffic calming devices (Attachment II).

In order for the plan to be implemented as part of the R-TAP for cut-through traffic mitigation, a public hearing must be held pursuant to the policies and procedures adopted by the Commonwealth Transportation Board contained in the "Policy and Procedures, Control of Residential Cut-Through Traffic" dated May 9, 1996. In addition, a resolution (Attachment III) must be forwarded to VDOT requesting such measures.

FISCAL IMPACT:

The estimated cost of \$26,000 for the traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Notice of Public Hearing for Memorial Street and Lenclair Street

Attachment II: Proposed Cut-Through Traffic Mitigation Plan for Memorial Street and Lenclair Street

Attachment III: Proposed Resolution on Cut-Through Traffic Mitigation for Memorial Street and Lenclair Street

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

Bruce W. Taylor, Acting Chief, Traffic Operations Section, FCDOT

Douglas W. Hansen, Senior Transportation Planner, FCDOT

Michael Jollon, Transportation Planner, FCDOT

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ADMINISTRATIVE - 6

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance  
Amendment Re: Centreville Historic Overlay District (CHOD)

ISSUE:

A proposed Zoning Ordinance amendment to revise the existing Centreville Historic Overlay District (CHOD) provisions. The proposed Zoning Ordinance amendment is one component of the proposed expansion of the CHOD which also includes a proposed rezoning application to expand the boundaries of the CHOD and a Comprehensive Plan amendment to reflect the expansion of the CHOD.

RECOMMENDATION:

The County Executive recommends the authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on December 4, 2006, to provide sufficient time to advertise the proposed Planning Commission public hearing on January 18, 2007, at 8:15 p.m. and proposed Board of Supervisors' public hearing on February 26, 2007, at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2006 Priority 1 Zoning Ordinance Amendment Work Program and would modify the existing CHOD provisions. The proposed amendment is one of several components related to the proposed expansion of the CHOD. On August 2, 2004, the Board directed staff to examine the expansion of the CHOD, to review the regulations of the Zoning Ordinance and the recommendations of the Comprehensive Plan, and to initiate a Board's Own Motion rezoning action to expand the boundaries of the CHOD, if such recommendation was the outcome of the study. A citizen work group was formed and a series of meetings were held to discuss the proposed expansion and modification of the CHOD. Following review by the work group, additional properties were added to the Study Area, and a comprehensive list of those properties was recommended for study by the Board on March 27, 2006. On September 11, 2006, the Board initiated the Board's Own Motion rezoning application to expand the CHOD, using the final list of properties that were recommended for study. The parcels for the rezoning action are listed and specifically delineated on maps in Attachment 2. The Board also directed that the rezoning application be scheduled concurrently with the Comprehensive Plan and Zoning Ordinance Amendments. The

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proposed Comprehensive Plan amendment, the proposed Zoning Ordinance amendment and the report on the proposal to expand the CHOD are each set forth in Attachment 2.

The CHOD was established by the Board in 1986. The Zoning Ordinance requires that the boundaries of all historic districts be based on an analysis that determines and describes the characteristics of the area that is to be preserved and enhanced. Certain specifications and criteria must be met for including properties in historic overlay districts. These specifications and criteria are set forth in the *Staff Report on the Proposal to Expand the Centreville Historic Overlay District* contained in Attachment 2.

Currently, the specific requirements for the CHOD are contained in Part 13 of Appendix I of the Zoning Ordinance. Part 13 includes provisions related to the purpose and intent of the CHOD, permitted uses, use limitations and other zoning provisions which supplement or modify the regulations in the Zoning Ordinance. The existing provisions are intended to protect against destruction of the historic and architectural quality of the landmarks; to encourage uses which will lead to their continuance, conservation and improvement; and to assure that new uses within the CHOD will be in keeping with the character to be preserved and enhanced.

The purpose of revising the CHOD provisions is to accomplish the recommendations contained in the *Staff Report on the Proposal to Expand the Centreville Historic Overlay District*. In recognition of the changing character of the CHOD and the additional information identified in the study, the proposed amendment revises the purpose and intent of the CHOD and the use limitations to include protection of archaeological features and to recognize their significance in the CHOD. The proposed amendment also revises the permitted uses in the CHOD to prohibit automobile-oriented, drive-through and other uses with high trip generation rates and parking demands. The proposed amendment also prohibits certain other uses which are not in keeping with the historic character of the CHOD. A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

The proposed amendment has been reviewed and coordinated with the Fairfax County History Commission and the Fairfax County Architectural Review Board (ARB). On August 2, 2006 and August 10, 2006, respectively, the History Commission and ARB recommended approval of the proposed Zoning Ordinance amendment.

**REGULATORY IMPACT:**

The proposed Zoning Ordinance amendment will facilitate development within the CHOD while still protecting the historic, cultural and archaeological resources. The expansion of the CHOD will aid in protecting the important heritage resources in the area while encouraging development that will enhance both the economic viability and

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historic character of the CHOD. Additionally, the proposed expansion of the CHOD will add a new ARB review and/or approval step to the review process for development projects located in the expansion area.

FISCAL IMPACT:

The proposed amendment would result in additional expense to applicants for the preparation and submittal of applications requiring review by the ARB. Staff anticipates less than ten additional applications per year in the CHOD requiring review by the ARB. The additional cost to the County for the review of projects within the expanded CHOD would be minimal.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution

Attachment 2 – Staff Report on the Proposed Expansion and Modification of the Centreville Historic Overlay District (Attachment D is separate from package)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Eileen M. McLane, Zoning Administrator, DPZ

Barbara A. Byron, Director, Zoning Evaluation Division, DPZ

Fred Seldon, Director, Planning Division, DPZ

Cynthia E. Chambers, Senior Assistant to the Zoning Administrator, DPZ

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ADMINISTRATIVE - 7

Additional Time to Commence Construction for Special Exception SE 99-M-038, Leewood Investments and Associates, LLC, (Mason District)

ISSUE:

Board consideration of additional time to commence construction for SE 99-M-038, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months additional time for SE 99-M-038 to October 30, 2008.

TIMING:

Routine.

BACKGROUND:

Under Section 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced 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 April 30, 2001, the Board of Supervisors approved Rezoning RZ 1999-MA-051, subject to proffers, concurrent with Special Exception SE 99-M-038, subject to development conditions. Both applications were filed in the name of Leewood Investments and Associates, LLC to permit medical care facilities, which include a nursing home, assisted living, and adult day care, pursuant to Section 3-504 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 71-3 ((8)) 9, 9A, and 10A (see the Locator Map in Attachment 1). The development conditions for SE 99-M-038 and the proffers for RZ 1999-MA-051 are included in Attachment 2. The development conditions specified that the use be established or construction be commenced and diligently prosecuted within thirty months of the approval date, unless the Board granted additional time. On November 17, 2003, the Board of Supervisors approved eighteen months of additional time to commence construction for SE 99-M-038 until April 30, 2005. On May 23, 2005, the Board

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of Supervisors approved eighteen months of additional time to commence construction for SE 99-M-038 until October 30, 2006 (Attachment 3).

On August 21, 2006, the Department of Planning and Zoning (DPZ) received a letter dated August 18, 2006, from Elizabeth D. Baker, agent for the applicant, requesting twenty-four months additional time to commence construction for this project (Attachment 4). The letter indicates that construction has not commenced for the new Alzheimer's facility due to the current market conditions affecting the development and financing of such facilities. The letter states that the applicant is now prepared to proceed with site plan approval and construction but could not commence construction within the current time frame.

Staff has reviewed Special Exception SE 99-M-038 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow a medical care facility with assisted living and adult day care in the R-5 District. Further, staff knows of no change in land use circumstances that affect the compliance of SE 99-M-038 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed. Finally, the conditions associated with the Board's approval of SE 99-M-038 are still appropriate. Staff recommends that twenty-four months additional time be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated May 23, 2001, to Elizabeth Baker, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 99-M-038. Proffered conditions dated September 21, 2000, accepted by the Board of Supervisors in conjunction with the approval of RZ 1999-MA-051.

Attachment 3: Letter dated November 21, 2003, to Elizabeth Baker, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, granting eighteen months additional time to commence construction to April 30, 2005. Letter dated May 26, 2005, to Jane W. Gwinn, agent for the applicant, from Patti M. Hicks, Deputy Clerk to the Board of Supervisors, granting eighteen months additional time to commence construction to October 30, 2006.

Attachment 4: Letter dated August 18, 2006, from Elizabeth D. Baker, agent for the applicant, to Eileen M. McLane, Zoning Administrator, requesting twenty-four months additional time.

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Barbara A. Byron, Director, Zoning Evaluation Division (ZED), DPZ

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

Fred Seldon, Director, Planning Division, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 8

Additional Time to Commence Construction for Special Exception SEA 94-D-002,  
Fairfax County Redevelopment and Housing Authority (Dranesville District)

ISSUE:

Board consideration of additional time to commence construction for SEA 94-D-002, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty months additional time for SEA 94-D-002 to February 9, 2009.

TIMING:

Routine.

BACKGROUND:

Under Section 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced 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 February 9, 2004, the Board of Supervisors approved Special Exception Amendment SEA 94-D-002, subject to development conditions. The special exception amendment application was filed in the name of Fairfax County Redevelopment and Housing Authority, to amend SE 94-D-022 previously approved for an alternative use of a public facility for a child care center, an adult day care facility, a senior center, an independent living facility, and an assisted living facility to permit site modifications, building additions and to permit an increase in the number of assisted living units and an expansion of the adult day care center and senior center, subject to development conditions, in the R-3 District, pursuant to Sections 3-304 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 30-3 ((1)) 42 (see the Locator Map in Attachment 1). The development conditions for SEA 94-D-002 are included as part of

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the Clerk to the Board's letter in Attachment 2. Pursuant to Sect. 9-015 of the Zoning Ordinance, the Special Exception Amendment will expire, without notice, thirty months after the date of the approval, unless the Board grants additional time.

On August 1, 2006, the Department of Planning and Zoning (DPZ) received a letter dated July 31, 2006, from Paula Sampson, agent for the applicant, requesting thirty months additional time to commence construction for this project (Attachment 3). According to the letter, additional time is being requested due to additions to the scope of work included in the Lewinsville Expansion Project that were not evident at the time the special exception amendment was approved. The existing mechanical, electrical, and plumbing systems are original equipment from 1965 and need to be upgraded. In addition, the existing windows and insulation are inefficient. In addition, the Facilities Management Division of the Department of Public Works and Environmental Services (FMD/DPWES) is currently monitoring some County-owned properties for efficient utility usage and wish to evaluate this building. A Life Cycle Cost Analysis has been done with recommendations on what types of systems would be most efficient and provide a reasonable upgrade. Therefore, the existing building must be reconfigured and upgraded to achieve a utility efficiency compatible with the new addition. The result of the additional analysis has added further design considerations and a second phase of building renovation. Construction is anticipated to begin in summer 2008. The second phase is anticipated to begin in early to mid 2009 and will include the renovation of the existing building.

Staff has reviewed Special Exception SEA 94-D-002 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit site modifications, building additions, and an increase in the number of assisted living units and an expansion of the adult day care and senior center to a property previously approved for an alternative use of a public facility for a child care center, an adult day care facility, a senior center, an independent living facility, and an assisted living facility in the R-3 District. Further, staff knows of no change in land use circumstances that affect the compliance of SEA 94-D-002 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation of public facility use for this site has not changed since the SE was approved. The conditions associated with the Board's approval of SEA 94-D-002 are still appropriate. Staff recommends that thirty months of additional time be approved.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Memorandum dated March 31, 2004, to Thomas W. Armstrong, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SEA 94-D-002.

Attachment 3: Letter dated July 31, 2006, from Paula Sampson, agent for the applicant, to Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning, requesting additional time.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Barbara A. Byron, Director, Zoning Evaluation Division (ZED), DPZ

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

Fred Selden, Director, Planning Division, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 9

Additional Time to Commence Construction for Special Exception SE 98-M-002,  
Washington International Teleport, Incorporated (Mason District)

ISSUE:

Board consideration of additional time to commence construction for SE 98-M-002 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months of additional time for SE 98-M-002 to April 13, 2008.

TIMING:

Routine.

BACKGROUND:

Under Section 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced 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 July 13, 1998, the Board of Supervisors approved Special Exception SE 98-M-002 for satellite earth stations, subject to development conditions. The special exception application was filed in the name of Washington International Teleport, Incorporated, for the property located at Tax Map 80-2 ((9)) Pt. 18A, (see the Locator Map in Attachment 1). SE 98-M-002 was approved with a condition that the use is established or construction be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time. The development conditions for SE 98-M-002 are included with the Clerk to the Board's letter contained in Attachment 2. On January 22, 2001, the Board of Supervisors granted twenty-four months of additional time to commence construction for SE 98-M-002, to January 13, 2003. On April 7, 2003, the Board of Supervisors granted another fifteen months of additional time to April 13, 2004. On June 7, 2004, the Board of Supervisors

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granted twenty-four months of additional time to commence construction to April 13, 2006. The Clerk's letters documenting the previous approvals of additional time are included in Attachment 3.

On April 10, 2006, the Department of Planning and Zoning received a letter dated April 7, 2006, from Benjamin F. Tompkins, agent for the applicant, requesting twenty-four months of additional time to commence construction. A revised letter with additional information requested by staff dated September 20, 2006, was subsequently received. Copies of both letters are included as Attachment 4. Mr. Tompkins indicates that SES Americom acquired the assets of the previous owner, Verestar, in March, 2004, after Verestar had filed for bankruptcy, and that the process of acquiring assets from an entity in bankruptcy was time consuming but has now been completed. According to DPWES, the site plan (6367-SP-05) was rejected on April 21, 2006, and has not been re-submitted. According to Mr. Tompkins, SES Americom may be ready to commence construction in less than twenty-four months but, since the need for additional satellite earth stations is customer driven, twenty-four months additional time has been requested.

Staff has reviewed SE 98-M-098 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow construction of the satellite earth stations. Further, staff knows of no change in land use circumstances which affect the compliance of SE 98-M-002 with the special exception standards applicable to the use and which should cause the filling of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for the subject site has not changed. Finally, the conditions associated with the Board's approval of SE 98-M-002 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 it be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Locator Map

Attachment 2 – Letter dated July 29, 1998, to Benjamin F. Tompkins, agent for the applicant from Nancy Vehrs Clerk to the Board of Supervisors, which sets forth the conditions of approval for SE 98-M-002

Attachment 3 – Letters from the Clerk to the Board of Supervisors stating approvals of previous requests for additional time

Attachment 4 – Letters dated April 7, 2006, and September 20, 2006, from Benjamin F. Tompkins, agent for the applicant, requesting additional time to commence construction

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Barbara A. Byron, Director, Zoning Evaluation Division (ZED), DPZ

Fred Selden, Director, Planning Division, DPZ

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

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 10

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment  
Re: Waiver of Residential Minimum Lot Width Requirement

ISSUE:

The proposed Zoning Ordinance amendment modifies the existing special exception that allows the Board of Supervisors to waive the minimum lot width requirement to include all residential districts, in addition to the commercial and industrial districts, subject to certain standards. The amendment also establishes an appropriate application fee for the residential district lot width special exception.

RECOMMENDATION:

The County Executive recommends the authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on December 4, 2006, to provide sufficient time to advertise the proposed Planning Commission public hearing on January 11, 2007, at 8:15 p.m., and proposed Board of Supervisors' public hearing on February 26, 2007, at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2006 Priority 1 Zoning Ordinance Work Program and is in response to a request from the Board of Supervisors for staff to prepare a Zoning Ordinance amendment that would allow for a special exception to waive the minimum lot width requirement in a residential zoning district. Historically, these kinds of requests had been reviewed as a variance application; however, the Supreme Court of Virginia confirmed that a variance is limited to those instances where implementation of the regulations would deny all reasonable use of a property, and accordingly, variance applications may not be appropriate for certain lot width reduction requests.

To provide flexibility in instances that may warrant a reduction of the minimum lot width in residential districts, the proposed amendment modifies the existing special exception for lot width currently applicable for commercial and industrial districts to allow the Board to consider requests in residential districts. Staff is proposing to add the residential lot width waiver to the existing special exception provisions in Sect. 9-610. There are three existing standards for the commercial and industrial district lot width waivers that staff is proposing to be applicable to residential districts. In addition, staff is recommending one additional standard to be applicable to any lot width reduction request. The standards for a reduction of lot width are as follows, with the new standard indicated by underlining:

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1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance, except by condemnation or by acquisition of a portion thereof for public purposes by any governmental agency.
2. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties.
3. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.
4. Such waiver shall result in a development that preserves existing vegetation, topography, historic resources and/or other environmental features to the greatest extent practical.

A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

The proposed amendment modifies an existing special exception to include a reduction of the minimum lot width requirement in all residential zoning districts.

FISCAL IMPACT:

The proposed amendment adds a new application fee of \$2,645 for the special exception to waive lot width in residential districts, which is the same fee that is currently required for an application for a variance of lot width. It is anticipated that this special exception would be utilized in lieu of the variance process for such lot width reduction requests. Because variances and this proposed special exception have the same fee structure, it is anticipated that there would be no fiscal impact as a result of this amendment.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

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

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ADMINISTRATIVE – 11

Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Mason, Mount Vernon, and Providence Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application 2232-D06-20 to February 9, 2007; application FS-B06-72 to February 26, 2007; application FS-M06-73 to March 1, 2007; application FS-V06-79 to March 2, 2007; and application 2232-P06-12 to June 4, 2007.

TIMING:

Board action is required on December 4, 2006, to extend the review periods of the applications noted above before their expiration.

BACKGROUND:

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

The Board of Supervisors should extend the review period for application 2232-P06-12, which was accepted for review by the Department of Planning and Zoning (DPZ) on June 13, 2006. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

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The Board also should extend the review periods for applications 2232-D06-20, FS-B06-72, FS-M06-73, and FS-V06-79, which were accepted for review by DPZ between September 12, 2006, and October 3, 2006. These applications are for telecommunications facilities. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The review periods for the following applications should be extended:

- |             |  |
|-------------|--|
| 2232-P06-12 | Washington Metropolitan Area Transit Authority<br>Parking structure at the Vienna Metrorail Station<br>2900 Nutley Street<br>Providence District               |
| 2232-D06-20 | T-Mobile Northeast LLC<br>10-foot extension to existing 100-foot tall transmission pole<br>Georgetown Pike at Dolley Madison Boulevard<br>Dranesville District |
| FS-B06-72   | Clearwire US LLC<br>Antenna colocation on existing monopole<br>9537 Helenwood Drive<br>Braddock District   |
| FS-M06-73   | Clearwire US LLC<br>Antenna colocation on existing monopole<br>6621 Columbia Pike<br>Mason District  |
| FS-V06-79   | T-Mobile Northeast LLC<br>Antenna colocation inside existing steeple<br>8009 Fort Hunt Road<br>Mount Vernon 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

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ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive

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

David B. Marshall, Planning Division, DPZ

David S. Jillson, Planning Division, DPZ

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December 4, 2006

ADMINISTRATIVE – 12

Supplemental Appropriation Resolution AS 07067 for Various Fairfax County Agencies to Accept Department of Homeland Security Urban Area Security Initiative Sub-Grant Awards from the District of Columbia Office of the Deputy Mayor for Public Safety and Justice to Support Emergency Preparedness and Response

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 07067 in the amount of \$108,233 for Fairfax County to accept Department of Homeland Security (DHS) FY 2005 and FY 2006 Urban Area Security Initiative (UASI) Sub-Grant Awards from the District of Columbia (DC) Office of the Deputy Mayor for Public Safety and Justice. These funds have recently been made available by DHS through DC, which is serving as the State Administrative Agency (SAA). DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. No Local Cash Match or in-kind match will be required. The grant period for FY 2005 awards begins on receipt of the award through January 31, 2007, and the grant period for FY 2006 awards also begin upon receipt of the award through June 30, 2008.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 07067 in the amount of \$108,233. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents. No Local Cash Match or in-kind match is required.

TIMING:

Board approval is requested on December 4, 2006, as funding is available immediately from the grantor.

BACKGROUND:

The Urban Area Security Initiative (UASI) provides Homeland Security Grant program (HSGP) funds from the Department of Homeland Security (DHS) as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique

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planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities. Fairfax County is one of 12 jurisdictions that currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

Grant awards are made to the identified urban area authorities through State Administrative Agencies (SAA). The SAA for the NCR is the District of Columbia Office of the Deputy Mayor for Public Safety and Justice. The NCR process for allocation of the UASI funds included the development of concept papers that were vetted and endorsed by the Metropolitan Washington Council of Governments (MWCOG) Regional Emergency Support Function (RESF) committees, review of proposals by the Chief Administrative Officers (CAO) committee, preparation and submission of project proposals and application documents by the RESF's, prioritization of proposals by the CAO's and ultimately the development of funding recommendations by the CAO's. The Senior Policy Group (SPG) then reviewed the recommended proposals and forwarded selected proposals to the SAA for awards.

Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a sub-grant award to handle all of the financial management, audit, procurement and payment provision of the sub-grant award and grant program. Two Fairfax County agencies, the Office of Emergency Management and the Fire and Rescue Department, are acting as sub-grantees for these latest UASI awards.

DHS and the SAA have recently made available sub-grants from the UASI program from FY 2005 and FY 2006 funds. A listing of the FY 2005 and FY 2006 awards being requested for acceptance is attached along with a project synopsis of each award. Individual sub-grant award documents are also attached to support the requested acceptance. To date, Fairfax County agencies have implemented approximately twenty-six projects by using approximately \$46.1 million in previously awarded UASI funds.

FISCAL IMPACT:

Grant funding in the amount of \$108,233 is available in DHS UASI grant funds through the SAA. These funds will be used to enhance capabilities in law enforcement, emergency management, fire service, information technology and public information and education. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in

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FY 2007. There is no local Cash Match required to accept these awards. Indirect costs are recoverable for those awards where positions are supported.

CREATION OF NEW POSITIONS:

Approval of the FY 2006 Training and Exercise Support grant award will provide for the continuation of 1/1.0 SYE grant position in this award. The County has no obligation to continue this position when the grant period ends or funding is depleted.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Summary

Attachment 2 – Grant Award Documents

Attachment 3 – Supplemental Appropriation Resolution AS 07067

STAFF:

Robert A, Stalzer, Deputy County Executive

C. Douglas Bass, Emergency Management Coordinator, Office of Emergency Management

Catherine Riley-Hall, Grants Administrator, Office of Emergency Management

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Board Agenda Item  
December 4, 2006

ADMINISTRATIVE - 13

Additional Time to Commence Construction for Special Exception Amendment  
SEA 85-M-086, Radley Automobiles, Incorporated d/b/a Radley Acura (Mason District)

ISSUE:

Board consideration of additional time to commence construction for SEA 85-M-086 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six months additional time for SEA 85-M-086 to March 7, 2007.

TIMING:

Routine

BACKGROUND:

Under Section 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced 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 July 7, 2003, the Board of Supervisors approved Special Exception Amendment SEA 85-M-086, subject to development conditions. The special exception amendment application was filed in the name of Radley Automobiles, Incorporated d/b/a Radley Acura to amend a previously approved special exception for a vehicle sales, rental and ancillary service establishment, to permit the addition of land area, site modifications and modifications/waivers in the Commercial Revitalization District (CRD) (open space), pursuant to Sections 4-804 and 9-622 of the Fairfax County Zoning Ordinance, for the property described as Tax Map 61-2 ((1)) 103A and 105 and a portion of Columbia Pike public right-of-way to be abandoned (see the Locator Map in Attachment 1). SEA 85-M-086 was approved with a condition that the use be established or construction commenced and diligently prosecuted within 18 months of the approval date, unless the

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Board grants additional time. The development conditions for SEA 85-M-086 are contained in Attachment 2.

On July 11, 2005, the Board of Supervisors granted eight months of additional time to commence construction for SEA 85-M-086 to September 7, 2005. On November 21, 2005, the Board of Supervisors granted six months of additional time to commence construction for SEA 85-M-086 to March 7, 2006. On May 1, 2006, the Board of Supervisors granted six months of additional time to commence construction for SEA 85-M-086 to September 7, 2006. The Clerk's letters documenting the previous approvals of additional time are included in Attachment 3.

On September 6, 2006, the Department of Planning and Zoning (DPZ) received a letter from William B. Lawson Jr., on behalf of Radley Automobiles, Incorporated, requesting three months of additional time to commence construction for SEA 85-M-086 (see Attachment 4). Mr. Lawson states that the additional time is needed to enable the applicant to finalize arrangements with contractors related to completion of improvements. On November 13, 2006, the Department of Planning and Zoning (DPZ) received a letter from Karen Radley, Radley Automobiles, Incorporated, which revises the request from three months to six months to ensure adequate time to continue completion of improvements (see Attachment 5). The minor site plan (SP 6361-MSP-001-3) for the project was approved on May 5, 2006. The majority of the required improvements have been constructed and payments for improvements to Columbia Pike have been made pursuant to SE Development Conditions No. 21 and 23.

Staff has reviewed Special Exception Amendment SEA 85-M-086 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit the addition of land area, site modifications and modifications/waivers in the Commercial Revitalization District (CRD) (open space). Staff knows of no change in land use circumstances that would affect the compliance of SEA 85-M-086 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. Finally, the conditions associated with the Board's approval of SEA 85-M-086 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 six months additional time be approved.

FISCAL IMPACT:  
None

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ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated July 23, 2003, to William B. Lawson, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SEA 85-M-086

Attachment 3: Letters from Nancy Vehrs, Clerk to the Board of Supervisors, which states approvals of the previous requests for additional time

Attachment 4: Letter dated September 6, 2006, from William B. Lawson, which requests additional time

Attachment 5: Letter dated November 10, 2006, from Karen Radley, which revises request for additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Barbara A. Byron, Director, Zoning Evaluation Division (ZED), DPZ

Fred Selden, Director, Planning Division, DPZ

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

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 14

Authorization to Advertise a Public Hearing to Obtain Input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia for Three Replacement Vehicles

ISSUE:

To obtain public input regarding the Board of Supervisors' approval for the Department of Community and Recreation Services to submit a grant application in the amount of \$156,000 to the Commonwealth of Virginia. If the application is approved, funds will be used to purchase three wheelchair lift-equipped replacement vehicles. The total cost of the vehicles including needed options is estimated at \$156,000. Of this total, the grant will provide 80 percent funding, or \$124,800. The balance of 20 percent, or \$31,200, in required Local Cash Match will be absorbed within the FY 2008 budget for the Department of Community and Recreation Services. No additional County funding is required. The public hearing is a requirement of the application process.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to apply for FTA Section 5310 grant funds. Award of the grant will allow FASTRAN to replace three high-mileage vehicles at a substantially reduced cost to the county.

TIMING:

Board action is requested on December 4, 2006, to provide sufficient time to advertise the proposed public hearing on January 8, 2007, at 4:00 pm.

BACKGROUND:

The county has the opportunity to apply for FTA Section 5310 funds, through the Commonwealth of Virginia, to purchase three wheelchair lift-equipped vehicles that will replace high-mileage FASTRAN vehicles at a total estimated cost of \$156,000. Of this total, the county will receive \$124,800 in funding to cover 80 percent of the cost of the vehicles. The remaining 20 percent, or \$31,200, in required Local Cash Match will be absorbed within the FY 2008 budget for the Department of Community and Recreation Services. No additional county funding is required. These vehicles will be used to provide an estimated 19,291 annual rides for senior citizens and people with disabilities. Since 1994, the county has purchased 24 replacement vehicles through this grant program.

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FISCAL IMPACT:

If the application is approved, the FTA grant will provide 80 percent funding, or \$124,800, of the total purchase cost of \$156,000. The balance of 20 percent, or \$31,200, in required Local Cash Match will be absorbed within the FY 2008 budget for the Department of Community and Recreation Services. No additional county funding is required.

ENCLOSED DOCUMENTS:

Attachment 1 : FTA Section 5310 - General Program Information,  
Attachment 2 : Advertisement of a Public Hearing and Review and Comment on the Proposed Use of Funds Received Under the Federal Transit Administration Section 5310 Grant Program.

STAFF:

Verdia L. Haywood, Deputy County Executive  
Patricia D. Franckewitz, Director, Department of Community and Recreation Services  
Matthew A. Spruill, Director, FASTRAN, Department of Community and Recreation Services  
Michael Artson, Transportation Planner, FASTRAN, Department of Community and Recreation Services

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ADMINISTRATIVE - 15

Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Portable Storage Containers

ISSUE:

The proposed amendment addresses temporary portable storage uses by establishing new regulations for portable storage containers on lots that are developed with dwelling units.

RECOMMENDATION:

The County Executive recommends authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on December 4, 2006, to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on February 8, 2007, at 8:15 p.m., and for the proposed Board of Supervisors' public hearing on March 26, 2007, at 4:30 p.m.

BACKGROUND:

The proposed amendment is on the 2006 Priority 1 Zoning Ordinance Amendment Work Program and was initiated by a Board request that staff review how portable storage units are and should be used on residential properties. If adopted, staff will provide information to the public via a publication and on the internet regarding the new portable storage regulations. The proposed amendment comes at a time when portable storage activity is increasing on residential properties. The proposed amendment introduces a new definition to the Zoning Ordinance in order to distinguish temporary portable storage containers from other, non-portable, accessory storage uses. The proposed amendment provides use limitations for portable storage containers with respect to their permitted size, number, location, signage and duration of use. The proposed amendment also provides a new temporary special permit (TSP) use for temporary portable storage containers when used in association with a dwelling that has suffered a casualty and the dwelling is to be rebuilt or repaired. The proposed regulations are intended to provide a reasonable balance between the appropriate use of portable storage containers and the protection of nearby properties. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

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REGULATORY IMPACT:

The proposed amendment facilitates the placement of temporary portable storage containers on lots developed with dwelling units subject to limitations. The amendment also creates a new TSP use that allows the placement of temporary portable storage containers for up to nine months or the duration of an active Building Permit, whichever is shorter, when a dwelling has been destroyed or damaged by casualty and when such dwelling is to be rebuilt or repaired.

FISCAL IMPACT:

There may be a slight increase in revenue from the new TSP use. All TSP applications, including existing TSP uses and the proposed TSP use, would have an application fee of \$130 when reviewed by the Zoning Administrator and an application fee of \$5,295 when reviewed by the Board of Zoning Appeals.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive  
James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Eileen M. McLane, Zoning Administrator, DPZ  
Jack Reale, Senior Assistant to the Zoning Administrator, DPZ

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ACTION - 1

Approval of the Renewal of a Cooperative Agreement Between ChildHelp Children's Center of Virginia and Fairfax County Police Department, Fairfax County Department of Family Services, Fairfax/Falls Church Community Services Board, Office of the Commonwealth's Attorney of Fairfax County, INOVA Fairfax Hospital for Children, and Hispanics Against Child Abuse and Neglect

ISSUE:

Board approval of the renewal of a cooperative agreement between the Fairfax County Police Department, Fairfax County Department of Family Services, Fairfax/Falls Church Community Services Board, Office of the Commonwealth's Attorney of Fairfax County and ChildHelp Children's Center of Virginia, INOVA Fairfax Hospital for Children, and Hispanics Against Child Abuse and Neglect.

RECOMMENDATION:

The County Executive recommends that the Board authorize the renewal of the cooperative agreement for a period of three years. The purpose of this agreement is to sustain a coordinated, collaborative and systemic response to child abuse and neglect therefore improving the welfare of children.

TIMING:

Board action is requested on December 4, 2006.

BACKGROUND:

On June 4, 2002, the ChildHelp Children's Center was formally established. The Department of Family Services' Children, Youth and Families Division and Mental Health's Youth and Family Services, the Police Department and Commonwealth Attorneys Office collaborated with ChildHelp to establish a Child Advocacy Center, a public-private partnership, to serve abused children in Fairfax County. In July 2002, the Department of Family Services moved the Child Protective Services Sexual Abuse Unit to the Children's Center and collocated with ChildHelp staff. The Center includes office space that is designated and available to Mental Health, the Police Department, and Commonwealth Attorney's office as needed and INOVA Fairfax Hospital for Children.

ChildHelp, a non-profit agency established in 1959 in California, is dedicated to the prevention and treatment of child abuse. ChildHelp has established children's centers in Arizona, California, New York, Tennessee and most recently Fairfax, Virginia. ChildHelp programs include child abuse prevention education and residential treatment and foster home programs for abused and neglected children.

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Since March 18, 2003, ChildHelp USA Children's Center has worked collaboratively with the Fairfax County Police Department, Fairfax County Department of Family Services, Fairfax/Falls Church Community Services Board, Office of the Commonwealth's Attorney of Fairfax County, INOVA Fairfax Hospital for Children, and Hispanics Against Child Abuse and Neglect in implementing the initial Cooperative Agreement, entered into on that date, that supports the development of the ChildHelp USA Children's Center of Virginia.

This Children's Center offers services to abused children through a comprehensive and collaborative approach to providing services for victims and their families. The Center stresses coordination of investigation and intervention services by bringing together professionals and agencies in a multidisciplinary team to create a child-focused approach to child abuse cases. The goal is to ensure that children are not further victimized by the system designed to protect them. Five core disciplines, Child Protective Services, Law Enforcement, Commonwealth Attorney, Mental Health and Medical professionals, have come together to reduce the trauma young victims experience from interaction with a confusing system and to enhance the system's ability to respond to child sexual abuse. Separate, child friendly facilities are available for interviewing and providing services to children and non-offending family members. The center facilitates more immediate follow-up to child abuse reports, more efficient medical and mental health referrals, reduction in the number of victims' interviews, increased successful prosecution, and consistent support for child victims and supportive adults.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Cooperative Agreement between ChildHelp USA Children's Center of Virginia and Fairfax County Police Department, Fairfax County Department of Family Services, Fairfax/Falls Church Community Services Board, Office of the Commonwealth's Attorney of Fairfax County, INOVA Fairfax Hospital for Children, and Hispanics Against Child Abuse and Neglect

STAFF:

Verdia L. Haywood, Deputy County Executive

Dana W. Paige, Director, Department of Family Services

Katherine A. Froyd, Director, Children, Youth, and Families Division, Department of Family Services

Robert F. Horan, Jr., Commonwealth Attorney

Dennis Bates, Senior Assistant County Attorney

James A. Thur, Executive Director, Fairfax-Falls Church Community Services Board

Colonel David M. Rohrer, Chief of Police

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ACTION - 2

Authorization to Reallocate and Disburse from HOME Development Costs to Transitional Housing/Katherine K. Hanley Family Shelter (Springfield District)

ISSUE:

The Board of Supervisors is requested to reallocate and disburse \$207,000 from Project 013974, HOME Development Costs, to Project 014144, Transitional Housing/Katherine K. Hanley Family Shelter, within Fund 145, HOME Investment Partnership Grant (HOME). The funds will be used for predevelopment activities of six units of transitional housing on the same site as the Katherine K. Hanley Family Shelter.

RECOMMENDATION:

The County Executive recommends that the Board approves the reallocation of \$207,000 from Project 013974, HOME Development Costs, to Project 014144, Transitional Housing/Katherine K. Hanley Family Shelter, within Funds 145, HOME Investment Partnership Grant. The funds will be used for the predevelopment and construction of six units of transitional housing on the same site as the Katherine K. Hanley Family Shelter.

TIMING:

Immediate.

BACKGROUND:

The Katherine K. Hanley Family Shelter Campus ("the Campus") is located at 13000 Lee Highway in Fairfax, also identified by Fairfax County tax map number 55-3-((1)) parcel 27B. The Campus property includes two separate construction projects, the Katherine K. Hanley Family Shelter ("the Shelter") project and the Transitional Housing project.

The Shelter project consists of a new 17,000 square foot, 36 bed family shelter. At its meeting on February 6, 2006, the Board of Supervisors was informed of a contract award for the construction of the Katherine K. Hanley Family Shelter which included \$166,120 of improvements related to site costs for the future transitional housing units funded from Project 014144, Transitional Housing/Katherine K. Hanley Family Shelter, within Fund 145, HOME Investment Partnership Grant (HOME). The Shelter is currently under construction and is anticipated to be completed by May 2007; and at that time, the site will be available for construction of the transitional housing units.

The Transitional Housing project proposes to construct six units of housing. The six units will be located within two multiplex buildings or "Great Houses"; each Great House will contain

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three attached units that will be designed to resemble a single family house. The Great Houses will be architecturally compatible with the single family homes located on the adjoining properties. The project is included in the *FY 2007 – FY 2011 Adopted Capital Improvement Program*.

The transitional housing units will be occupied by families who have been assessed at the Katherine K. Hanley Family Shelter as needing more intensive services due to recent domestic violence, substance abuse or other moderate or severe barriers to securing permanent housing. In conjunction with Fairfax County's emphasis to end homelessness by focusing on more rapid re-housing of homeless families, it is envisioned that residents selected for these units will be provided with the necessary supportive services to help them move out within an 8 – 12 month period. This stay is less than the typical two year period proposed in most transitional housing programs. The Department of Housing and Community Development (HCD) is currently negotiating contracts for architectural and engineering services for the design of the Transitional Housing project. HCD and its consultants will work with the Department of Family Services (DFS) to develop the project programming and design.

Therefore, the Board is requested to authorize \$207,000 in HOME Investment Partnerships Grant (HOME) funds to be used for predevelopment costs associated with the development of the six units of transitional housing at the Katherine K. Hanley Family Shelter Campus. These funds will be used to pay for such items as the architectural and engineering fees, construction permit fees and other costs associated with the development of the property.

FISCAL IMPACT:

Funding in the amount of \$207,000 is available in Fund 145, HOME Investment Partnership Grant, and a reallocation within the Fund will be transferred from Project 013974, HOME Development Costs, to Project 014144, Transitional Housing/Katherine K. Hanley Family Shelter to cover predevelopment costs associated with the project. Any funds not expended on predevelopment will be used to fund a portion of the construction of the units. Project 013974 has an available balance of \$226,493.

ENCLOSED DOCUMENTS:

Attachment 1: Site Map

STAFF:

Verdia L. Haywood, Deputy County Executive  
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)  
Harry Swanson, Deputy Director, Revitalization and Real Estate, HCD  
Cynthia J. Ianni, Director, Design, Development and Construction, HCD

ACTION - 3

Parking Reduction for Radha Soami Society Beas America (Mount Vernon District)

ISSUE:

Board approval of a 28.3 percent reduction in required parking for the Radha Soami Society Beas America, a place of worship, located at 7955 Cameron Brown Court, Tax Map 099-1-04-0031-A, Mount Vernon District.

RECOMMENDATIONS:

The County Executive recommends that the Board approve a parking reduction of 28.3 percent for the Radha Soami Society Beas America located at 7955 Cameron Brown Court pursuant to Paragraph 4(B), Section 11-102 of the Fairfax County Zoning Ordinance (Zoning Ordinance), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on condition that:

1. A minimum of 66 parking spaces must be provided on site at all times.
2. A maximum of 250 persons are permitted for the place for worship use.
3. The current owners, their successors or assigns of the parcel identified as Fairfax County Tax Map #099-1-04-0031-A shall submit a parking space utilization study for review and approval by the BOS at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the BOS may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.
4. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of said parking utilization study submission.
5. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the BOS' approval.
6. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.

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7. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on December 4, 2006.

BACKGROUND:

Radha Soami Society Beas America has acquired an existing office and warehouse located at 7955 Cameron Brown Court. They are proposing to restripe the parking lot and establish a place for worship use and an office use on this site. There will be 250 persons in the place of worship to be used primarily on Sunday mornings and 7,944 gross square feet for office use. Upon evaluation of the proposed uses, it is determined that 92 parking spaces are required by the Code and 66 spaces are provided. However, the mix of uses will permit a reduction in the required number of parking spaces, based on different hourly parking accumulations on site. It is recommended that the BOS grant a 28.3 percent parking reduction (26 spaces) for on site shared parking.

The recommended parking reduction reflects a coordinated review by the Department of Public Works and Environmental Services and the Office of the County Attorney.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Parking Reduction Study and Letter of Request dated May 15, 2006, and an amended Letter of Request dated September 21, 2006, from Thomas A. Fisher, AIA  
Attachment II – Site Plan Parking Restriping Plan prepared by Environ Design Collaborative (Separate from package for Board Members only)

STAFF:

Robert A. Stalzer, Deputy County Executive  
Hayden Codding, County Attorney, Office of the County Attorney  
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

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ACTION – 4

Proposed Amendment to Board of Equalization Resolution

ISSUE:

To update the Board of Supervisors' Resolution for the Fairfax County Board of Equalization (BOE) of Real Estate Assessments to better align the member qualifications with State Code. This will provide the Board of Supervisors greater flexibility in making BOE appointments.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed resolution set forth in Attachment 1.

TIMING:

Board action is requested on December 4, 2006, so the revised resolution will be applicable to BOE appointments for the upcoming year.

BACKGROUND:

The Fairfax County Board of Equalization (BOE) is comprised of nine members appointed for two year terms by the Board of Supervisors. State law further caps consecutive service on the BOE to a maximum of nine years. The terms for five current members of the BOE expire at the end of 2006. Three of these members are eligible for reappointment by the Board of Supervisors to new full terms; one can be reappointed for a maximum of three months and then must be replaced with a new member; the fifth BOE member must be replaced for the upcoming 2007 tax year. These memberships are detailed in Attachment 2.

Under the current BOE resolution, the Board of Supervisors appoints members to the BOE based on the following categories:

- 3 – Real Estate Appraisers
- 2 – Attorneys
- 1 – Builder
- 3 – Freeholders (i.e., real estate property owners)

In other words, six out of the nine members are required to have professional qualifications, and the remaining three must be residents or property owners. In considering future appointments, staff recommends that the Board of Supervisors first adopt the proposed resolution amendment in Attachment 1. While this continues to enable

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the Board to appoint six or more BOE members with professional qualifications, it will increase the Board's flexibility in recruiting and considering the appointment of other qualified individuals.

In short, State Code does not mandate that the BOE be comprised of exactly 3 appraisers; 2 attorneys; 1 builder; and 3 freeholders. Rather, Va. Code, Section 58.1-3374 simply requires that "thirty percent of the members of the board shall be commercial or residential real estate appraisers, other real estate professionals, builders, developers, or legal or financial professionals." Instead of specifying individual designations for each BOE position, the proposed resolution recommends that for the Fairfax County BOE, at least 60% of the BOE membership be from the categories as cited in state code. The threshold remains higher than the state minimum, consistent with the current resolution, but the added flexibility means that the Board could also consider other qualified professional appointees such as bankers, accountants, real estate agents, and financial planners. Staff recommends that this flexibility may facilitate the Board's ability to fill BOE vacancies as they occur.

Should the Board elect not to approve the proposed resolution, membership on the BOE will continue under present guidelines and the existing resolution will continue to be controlling. It should be noted that staff has discussed this proposal with the current BOE and they have indicated their support should the Board of Supervisors be inclined to approve the change.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Resolution Concerning the Board of Equalization

Attachment 2: BOE Membership Terms Expiring in 2006

Attachment 3: Virginia Code § 58.1-3374

Attachment 4: Letter from the BOE Concerning Staff Recommendation

STAFF:

Edward L. Long, Jr., Deputy County Executive

Kevin C. Greenlief, Director, Department of Tax Administration

Janet E. Coldsmith, Director, Real Estate Division, DTA

Ellen F.M. Posner, Assistant County Attorney

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ACTION - 5

Endorsement of the Chief Administrative Officers Task Force's Comments Regarding the Preliminary FY 2008 Virginia Railway Express Budget (Braddock, Lee, Mason, Mount Vernon, and Springfield Districts)

ISSUE:

Board endorsement of the Chief Administrative Officers (CAO) Task Force's initial recommendations regarding the proposed FY 2008 Virginia Railway Express (VRE) budget.

RECOMMENDATION:

The County Executive recommends that the Board endorse the CAO Task Force's ten primary recommendations on the FY 2008 VRE budget. In addition to the regular subsidy payment required, VRE is facing a \$7.7 million budget shortfall for FY 2008. To help offset this projected budget shortfall, the CAO Task Force recommends that VRE:

1. Reduce contributions to the Insurance Trust Fund.
2. Increase fares paid to Amtrak for VRE passengers using Amtrak trains.
3. Eliminate the Secret Shopper Program for FY 2008.
4. Defer the Mid-Day Storage Project and reallocate grant revenues.
5. Eliminate the Free Ride Certificate Program beginning July 1, 2007.
6. Reduce its station security budget.
7. Reduce its budget and frequency of car washes from six times a year to four.
8. Reduce its marketing and special events budget.
9. Reduce its overtime and temporary services budget.
10. Implement a combined fare and local subsidy increase to ensure that funding is available to meet capital match requirements for federal grants and increased operating costs for FY 2008.

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TIMING:

The Board should act on this item on December 4, 2006, because this is the last Board meeting before the VRE Operations Board considers adoption of the FY 2008 VRE budget on December 15, 2006.

BACKGROUND:

As previously requested by the Board, VRE has been analyzing a new governance structure for VRE and a more equitable subsidy formula since February 2006. In addition, the VRE Governance Subcommittee met four times and the staff working group met seven times over the past eight months to develop recommendations for both proposals. These recommendations were agreed upon at the last subcommittee meeting on October 20, 2006. Both recommendations were presented to the full VRE Operations Board on November 17, 2006, and were unanimously agreed to endorse in concept and forward them onto NVTC and PRTC. The subsidy allocation recommendation is to change the allocation formula for the VRE member jurisdictions to reflect ridership only, and not include population as it is now in the current model. This would significantly change Fairfax County's subsidy allocation share to be more fair and equitable. The subcommittee subsidy formula proposal is to begin implementation starting on May 1, 2007, when jurisdictions adopt the FY 2008 budget, and continue with a four year phase in until it is in full effect in FY 2011. If this happens, Fairfax County's FY 2008 subsidy will be reduced by approximately seven percent or \$358,000.

Comments on the Preliminary FY 2008 VRE Budget

The VRE Chief Executive Officer presented the preliminary FY 2008 budget to the VRE Operations Board on August 18, 2006. The FY 2008 budget included a deficit of approximately \$7.7 million. The shortfall is mainly attributed to five factors:

- Fare revenues projected for FY 2007 are significantly less than budgeted due to a decrease in ridership. Operational issues on both railroads VRE uses, Norfolk Southern and CSX, have affected on-time performance resulting in a number of riders abandoning this mode of commuting and subsequently affecting the fare revenue. The amount associated with this factor is approximately \$3.4 million.
- Due to increased insurance premiums, the state's Department of Treasury's request to increase the VRE Insurance Trust Fund, and claims mitigation costs and losses incurred, VRE has increased their budget significantly for insurance for FY 2008. This amount is \$4.1 million.
- Fuel costs have risen and VRE is faced with a \$600,000 shortfall.
- In the contracts for operating on the railroads, CSX, Norfolk Southern and Amtrak, there are escalation costs of \$1.2 million.
- In FY 2008, new debt service payments of approximately \$1.4 million begin for the purchase of 61 new bi-level railcars by VRE from the Sumitomo Corporation of America.

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The budget was referred to the local jurisdictions for review and comment. Since August, a staff task force, organized by CAOs of the VRE jurisdictions, has reviewed the preliminary budget and met with VRE staff to discuss it in detail.

The CAO Task Force is preparing a final report summarizing its review of the FY 2008 budget and offering recommendations. The Task Force and VRE staff met on November 14, 2006, and both generally agreed with the proposed recommendations. The CAOs will meet on December 6, 2006, to officially review the Task Force's preliminary recommendations and receive further VRE staff's response. VRE staff are now preparing final revisions to the FY 2008 budget in preparation for the December 15, 2006, VRE Operations Board meeting. Although the Task Force's report is not finalized, it will contain ten primary recommendations for the budget for a total cost reduction and revenue increase of \$3,131,461. The recommendations and their respective cost savings are as follows:

1) Reduce Contributions to the Insurance Trust Fund - \$250,000

The cost to the VRE for insurance is one of the major factors driving the budget crisis in FY 2008. The premiums have risen at the same time that the trust fund has been drawn down. The VRE staff is recommending a budget of \$5.1 million for FY 2008; up from \$1 million in FY 2007. This payment represented \$4.1 million for estimated insurance costs and \$1.0 million to rebuild the trust fund whose balance has been decreasing since FY 2002 due to the combination of lower interest rates and higher premiums for insurance. The CAO Task Force recommends that a \$750,000 contribution to rebuild the trust fund be budgeted in FY 2008 resulting in \$250,000 savings and that this contribution be reevaluated in FY 2009 based on the insurance trust funds experience in FY 2007.

2) Increase Amtrak "Step-Up" Charges - \$163,000

The VRE currently charges \$2 per ticket to "step-up" to an Amtrak train from a VRE train. This is considered a premium service, as riders have larger seats with better facilities, and the Amtrak trains move faster because there are fewer stops along the way. The VRE must pay Amtrak \$10 for each VRE passenger, and by contract has reserved a certain number of seats on each Amtrak train for VRE passengers. This is a subsidized service, as the passengers do not pay the full cost of the fare that VRE must pay to Amtrak for the seat. The rationale for this activity was that the VRE trains were full and crowded, and the Amtrak seats served as surplus capacity. This seems less of a problem in a year where ridership has fallen. The CAO Task Force recognizing that the passengers always have the option of not purchasing the Amtrak "step-up" ticket, recommends that the "step up" charge be increased from \$2 to \$5 per trip. This will result in a revenue increase of \$163,000 in FY 2008.

3) Eliminate Secret Shopper Program - \$75,000

Funding was initially provided for this program in FY 2005 with the first three months of survey data provided to the Operations Board in June 2006. Based on the first three

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months review, the CAO Task Force believes that the program by and large duplicates information received through other sources such as the VRE customer survey and customer e-mails and may safely be discontinued, at least for FY 2008, without affecting VRE's core services.

4) Defer Mid-Day Storage Project and Reallocate Grant Revenues – \$1,856,000

VRE currently has a project for expansion of mid-day storage in Washington DC adjacent to Washington Union Terminal. After evaluating the VRE plans for train expansions in future years and the addition of mid-day storage spaces at L'Enfant Station, which will become available in the spring of 2007, the CAO Task Force believes that the federal funding allocated to this project can be safely deferred for one year and the funding reallocated to support VRE's operating expenses. Federal grant revenues can be reallocated to support certain operating expenses through a provision known as "Capital Cost of Contracting." This concept, which allows transit agencies that contract for transit or maintenance service, to pay for the capital consumed on the assets utilized to provide those transit or maintenance services. The deferral will allow funding to be shifted from the Capital Improvements Program to the FY 2008 operating budget and thereby help to reduce the budget deficit.

5) Eliminate Free Ride Certificates - \$60,000

The Free Ride Certificate program is a program which provides free rides to riders if a train arrives at station 30 minutes or more behind schedule. It assists with public relations; however, it is a very costly endeavor and often is triggered by events outside the control of VRE. The Free Ride Certificates are also redeemed at a surprisingly low rate by the riders. In an effort to remove programs not essential to the core services of VRE, the CAO Task Force recommends the elimination of the Free Ride Certificates.

6) Reduce Station Security - \$100,000

The Operations and Safety department is responsible for programs providing station security. While the safety of VRE passengers and stations is and continues to be of paramount importance, the CAO Task Force believes that \$100,000 can be safely cut without compromising any of VRE's on-going security programs. It is important to note that even with the reduction, the FY 2008 budgeted amount will still be \$73,000 more than the \$167,000 FY 2006 actual expenditure.

7) Decrease the Proposed Frequency of Car Washes from Six to Four Times a Year - \$100,000

The budget for car washing rose dramatically in response to a failure to adequately clean the cars by Amtrak. This is now a contracted service which has removed most of the buildup of dirt and other contaminants. Now that this dirt buildup has been removed and coaches can once again be washed on a regular basis, the CAO Task Force proposes a lower level of washing, four times per year rather than six, saving \$100,000 per year.

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8) Reduce Marketing and Special Events - \$50,000

The combined budget for marketing and special events increased dramatically from FY 2006 Actual to FY 2008. The rationale was that very little marketing was done in FY 2006 because the trains were full. The VRE staff is proposing an increase in the marketing budgets in order to increase ridership; however, in a year where all savings must be considered, the CAO Task Force is proposing a \$50,000 reduction in the overall marketing budget.

9) Reduce Overtime and Temporary Services - \$45,000

The CAO Budget Task Force recommends reducing the budgeted amounts for overtime and temporary services to a level approximating the FY 2006 Actual levels. The number of trains is not increasing, and the amounts of overtime and temporary services required should remain fairly constant.

10) Increase Fares Two Percent - \$432,461

The CAO Budget Task Force recognizes the stress the poor on-time performance of the VRE during the past year has caused on ridership, as well as any substantial fare increase that would severely impact ridership. However, recognizing the current budget deficit must be addressed from all possible sources (local subsidy increase, fare increase, and expenditure reductions); the CAO Task Force recommends a two percent increase in fares to help cover the increased capital and operating spending in the budget. This will increase revenues by \$432,461 in FY 2008.

FISCAL IMPACT:

The preliminary FY 2008 VRE budget includes an estimated total jurisdictional subsidy of \$13,379,154, which includes major increases for insurance costs, diesel fuel, operational expenses, and fare revenue reductions. Based on the most recent ridership survey results (October 2005), and the proportionate share of the recommended subsidy increase, Fairfax County's portion of the total local subsidy is approximately \$5.1 million. This is approximately a 30 percent increase over the County's FY 2007 VRE subsidy of \$3.9 million. County staff expects an adjustment in the local contributions once the new ridership survey results are available in December and before the Northern Virginia Transportation District Commission (NVTC) and Potomac Rappahannock Transportation Commission (PRTC) approve the FY 2008 VRE budget in January 2007.

When the final budget is approved, the Department of Transportation will provide Fairfax County's exact share of the subsidy to the Department of Management and Budget. The Board is not being asked to approve Fairfax County's FY 2008 VRE subsidy at this time.

ENCLOSED DOCUMENTS:

None

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Michael R. Lake, Senior Transportation Planner, Coordination and Funding Division, FCDOT

Carl Winstead, Transportation Planner, Coordination and Funding Division, FCDOT

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ACTION - 6

Authorization for the County Executive to Act as Agent of the Board to Sign Memoranda of Agreement for the Federal Highway Administration Project to Design and Construct the Richmond Highway - Telegraph Road Connector Road near Fort Belvoir (Mount Vernon and Lee Districts)

ISSUE:

Board authorization is needed for the County Executive to act as an agent of the Board of Supervisors to execute and sign on behalf of the Board the project and the Historic Preservation (106 process) Memoranda of Agreement (MOA). These documents, now in preparation, may require the signature of Fairfax County prior to the Federal Highway Administration (FHWA) seeking Commonwealth Transportation Board approval.

RECOMMENDATION:

The County Executive recommends that the Board authorize this action and allow the County Executive to sign on behalf of the Board these Memoranda of Agreement. The agreements will be reviewed in full by the Office of the County Attorney prior to the County Executive signing the documents.

TIMING:

Board action is requested on December 4, 2006. FHWA is scheduled to go to the Commonwealth Transportation Board in December 2006 or January 2007 and FHWA will be required to have all agreements signed by the County prior to the CTB meeting. This action is needed to ensure that the project is not delayed if signature is required by Fairfax County prior to the January 8, 2007, Board meeting.

BACKGROUND:

The events of September 11, 2001, triggered an increase in security measures at Army installations across the United States. Locally, this resulted in the immediate closure of public roads through Fort Belvoir as a force protection measure, including Woodlawn Road and Beulah Street that extend through Fort Belvoir's North Post. These roads provided a critical link between Richmond Highway and Telegraph Road and served the Fort Belvoir community, Fairfax County, and emergency response vehicles. The consequences of the road closures created an overall negative impact on the surrounding road network including circuitous travel routes, increased traffic congestion, and delays in the vicinity of Fort Belvoir.

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In response to public pressure and to ease this traffic situation, Congress included specific language in the FY 2003 National Defense Authorization Act for a preliminary engineering study and environmental analysis of the feasibility of establishing a connector road between Richmond Highway and Telegraph Road. The intent is to provide an alternative to Beulah Street and Woodlawn Road at Fort Belvoir. The project includes 1.5 miles of new construction, widening of Old Mill Road, intersection improvements, and a multi-purpose trail. An Environmental Assessment and Section 4(f) Evaluation for the project were signed on July 18, 2006. At this time, the U.S. Army has committed to funding a two-lane facility; however, the proposed project is for a four-lane facility and additional funding is under discussion. The proposed connector road is projected to carry over 20,000 vehicles per day.

FISCAL IMPACT:

No County funds are currently required. The U.S. Army has committed to funding a two-lane facility; however, the proposed project is for a four-lane facility and additional funding is under discussion. The current total project estimate is approximately \$52 million. Of this, \$17 million is available and an additional \$23 million is included in active federal funding bills. Assuming that the funds in the currently active bills are secured, this will leave a deficit of about \$12 million.

ENCLOSED DOCUMENTS:

Attachment I: Draft Project Memorandum of Agreement (September 1, 2006) for the Replacement of Woodlawn Road and Beulah Street through Fort Belvoir

Attachment II: Draft Historic Preservation Memorandum of Agreement (October 10, 2006) for the Richmond Highway-Telegraph Road Connector in Fairfax County, Virginia

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

Mark G. Canale, Transportation Planner III, FCDOT

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ACTION - 7

Designation of Virginia Department of Transportation FY 2007 Revenue Sharing Program Funds and Matching Fairfax County Funds (Springfield and Sully Districts)

ISSUE:

Board approval of the use of a maximum of \$1,000,000 in FY 2007 Virginia Department of Transportation (VDOT) Revenue Sharing Program funds to partially fund the widening of Stringfellow Road and subsequent contingent funding of the Route 29 (Lee Highway) project west of Fairfax City.

RECOMMENDATION:

The County Executive recommends that the Board:

1. Approve the attached resolution (Attachment I) designating a maximum of \$1,000,000 in FY 2007 VDOT Revenue Sharing Program Funds to partially fund the widening of Stringfellow Road.
2. Approve up to \$500,000 in bond funds approved by the voters for transportation purposes for the Route 29 (Lee Highway) project west of Fairfax City, contingent upon approval of the FY 2007 VDOT Revenue Sharing Program Funds for the widening of Stringfellow Road.

TIMING:

The Board of Supervisors should act on this item on December 4, 2006. VDOT has requested a response prior to December 22, 2006.

BACKGROUND:

Section 33.1-23.05, the *Code of Virginia*, enables the County to designate County funds for improvements to the primary and secondary roadway systems, with these funds to be equally matched, up to \$1,000,000, by VDOT funds, limited to a maximum of \$15,000,000 matching VDOT funds statewide in FY 2007. This program is commonly referred to as the Revenue Sharing Program, and provides that VDOT match the County funds as a priority before allocating monies to its road systems. Therefore, the use of these funds results in a net increase of state funds available for transportation projects in the County.

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On February 28, 2005, the Board approved a total of \$3,000,000 in funds for the Stringfellow Road widening project. The Board also approved a total of \$16,000,000 for this project as part of the Board's Four Year Transportation Plan. These funds will be used to match the maximum of \$1,000,000 in the FY 2007 VDOT Revenue Sharing Program.

The attached October 13, 2006, letter from VDOT (Attachment II) specifies that the County must notify VDOT by December 22, 2006, of its intent to apply for FY 2007 Revenue Sharing Program Funds. Approval of the attached resolution (Attachment I) should satisfy the VDOT request. Based on the revisions to the program approved by the General Assembly, the highest priority projects are those in which the jurisdiction over-matches the Revenue Sharing request. To increase the County's chances of securing the full \$1,000,000, staff is recommending that the County use the entire \$3,000,000 already allocated to VDOT for the Stringfellow Road widening as over-match.

In 2005, the Route 29 project was initiated using revenue sharing funds. To date, the Board has approved \$1,952,471 in local matching funds, and \$1,952,471 in VDOT revenue sharing funds from Fiscal Years 1999-2006 for the Route 29 project. Due to the General Assembly revisions to the Revenue Sharing program, the Route 29 project would not qualify as high priority due to the lack of over-match. In order to continue to support this project, staff is recommending that the Board utilize the bond funds approved for the Stringfellow Road project to supplement the Route 29 project, contingent upon VDOT approval of the Stringfellow Road application for Revenue Sharing funds. Should VDOT approve the Stringfellow Road application, then bond funds would be transferred to the Route 29 project on a dollar for dollar basis, up to \$500,000.

The Route 29 project will tie into the section of Route 29 previously widened for the Fairfax County Parkway interchange at each end. Other portions of the roadway have already been widened. The current project involves limited reconstruction of existing lanes, maintaining existing at-grade intersections and service roads, and will include pedestrian and bicycle facilities. This project will complete the provision of six lanes on Route 29 between Fairfax City and Centreville.

FISCAL IMPACT:

Funds have been previously approved for the widening of Stringfellow Road to match the \$1,000,000 in VDOT Revenue Sharing funds. There is no fiscal impact on the County for this project. If these funds are approved, there will be an additional \$1,000,000 for the project.

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ENCLOSED DOCUMENTS:

Attachment I: Resolution: Designation of FY 2007 Revenue Sharing Program Funds

Attachment II: Letter from VDOT Regarding FY 2007 Revenue Sharing Program

Attachment III: Designation of Funds Form for FY 2007 Revenue Sharing Program

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Jay Guy, FCDOT

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ACTION - 8

Approval to Make a Loan from The Penny for Affordable Housing Fund from Fiscal Year 2007 as Part of the Financing Plan for the Acquisition, Rehabilitation and Preservation of the 90-Unit Sunset Park Apartments by AHC Limited Partnership – 15 (Mason District)

ISSUE:

Approval by the Board to reallocate up to \$5,000,000 from Fund 319, The Penny for Affordable Housing Fund from Fiscal Year 2007 as part of the financing of Sunset Park Apartments in conjunction with the proposed acquisition, rehabilitation and preservation of the 90-unit Sunset Park Apartments by AHC Limited Partnership – 15.

RECOMMENDATION:

The County Executive recommends that the Board award up to \$5,000,000 from Fund 319, The Penny for Affordable Housing Fund, to AHC Limited Partnership – 15 as part of the financing plan for the acquisition, rehabilitation and preservation of Sunset Park Apartments.

TIMING:

Approval by the Board is requested on December 4, 2006, due to a closing date of December 15, 2006.

BACKGROUND:

Sunset Park will contribute 90 units to the Board of Supervisors' preservation goal of 1,000 units. As of November 2006, 899 units have been preserved. There is the potential to preserve 471 units which includes the 90 units at Sunset Park. By December 31, 2006, 459 of the potential units are expected to be preserved. This would raise the number of preserved units to 1,358.

AHC, Inc. (AHC) proposes to purchase the 90-unit Sunset Park Apartments (the Property), located at 5710 - 5738 Seminary Road, Falls Church, Virginia. A portion of the units (18 units or 20%) are proposed to be affordable to households with income not exceeding 50% of the Area Median Income (AMI) and the remaining units (72 units or 80%) are proposed to be affordable to households with income not exceeding 60% AMI. The current acquisition cost is approximately \$194,444 per unit or approximately \$17,500,000.

In conjunction with the purchase of the Sunset Park Apartments, AHC has formed a limited partnership, AHC Limited Partnership – 15 (AHC LP), a Virginia limited partnership, which will be the owner. Sunset Park Housing Corporation, an affiliate of AHC is the general partner. AHC is currently the limited partner and will be replaced at the time of closing by

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the tax credit purchaser.

#### Project Description

AHC LP proposes to purchase the 90-unit Sunset Park Apartments, located at 5710-5738 Seminary Road, Falls Church, Virginia from the Abramson Family Partnership Limited Partnership No.1. The development consists of 3-story walk-up garden apartments and was built in 1962. The project has 18 one-bedroom units, 60 two-bedroom units, and 12 three-bedroom units.

#### Potential Benefits

Preservation of the project will result in the following benefits:

1. A property that is at high risk for market rate development will be preserved in affordable housing. This property was in fact, identified by the Affordable Housing Action Committee as one to pursue and preserve. This property is located in an area that is redeveloping as part of a revitalization plan. Further, the urban nature of the area would support higher density housing. The proposed transaction will result in the preservation of these 90 units of affordable housing and avoid the likely demolition and redevelopment of this site. Even if density were not increased, the site could be scraped and redeveloped by-right as two-over-two luxury townhouses. This development offers large family-friendly apartments in a location close to transportation, services and jobs. Typically, it is difficult to find affordable rental three bedroom units in the market place. The number and the size of three-bedroom units make this project especially attractive for preservation for families.
2. Currently there are no rent restrictions on this property. The acquisition by AHC LP presents the opportunity to keep the project affordable for an extended period of time. Affordability term is 50 years.
3. The site is located in the southeast quadrant of the Bailey's Crossroads revitalization area and would contribute in revitalizing the area.
4. Twenty percent (20%) of the units will be affordable to households at 50% or less of the Area Median Income.
5. The FCRHA will have the Right of First Refusal behind AHC's Right of First Refusal at a price equal to the debt and any exit taxes should the property ever be sold.
6. The FCRHA will receive 33% of the cash flow until the Seller Note is paid and then 50% of the cash flow.
7. Should the site be redeveloped in the future, the FCRHA will have the opportunity to negotiate additional affordable units.

#### Rehabilitation

AHC Inc. has submitted an application for AHPP Tier Three funds for the permanent financing of Sunset Park. AHC Inc. was approved for \$40,000 in Tier One funds at the March 27, 2006 Board of Supervisors meeting. The predevelopment funds are being used to perform studies and due diligence to determine the feasibility of the project.

The Tier Three Funds will be used for the acquisition and rehabilitation of the property.

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AHC Inc. estimates that approximately \$49,000 per unit in rehabilitation will be needed. The construction team has performed a walk-through of a 10-unit sample. Based on this walk-through, the renovations will be the same for all units regardless of condition.

Rehabilitation will include the following:

- New kitchens
- New appliances
- New bathrooms
- New HVAC units
- New flooring throughout the unit
- New plumbing (as needed)
- Upgraded electrical
- Improvements and repairs to existing balconies
- Improvements to the current landscaping

Total Development Cost is estimated to be \$26,303,522.

Accessibility

Five percent of the units (4 units) will be accessible for persons with disabilities. Universal design will be incorporated throughout the rehabilitation to the extent possible and reasonable.

Affordability

The property consists of 90 units with an average rent of \$1,095. Borrower will maintain the Property as affordable housing for a period of 50 years where 20% of the units are affordable to households whose income upon initial occupancy does not exceed 50% of the area median income (AMI) and 80% of the units are affordable to households whose income upon initial occupancy does not exceed 60% of the AMI. The term "affordable" refers to rents and income limits as defined by the tax credit program under IRC Section 42 of the Internal Revenue Code.

**Proposed Unit Rents**

Unit Size	# of Units	Proposed Rent	Utility * Allowance	Gross Rent	% Median
1 BR	14	\$ 939	76	\$1,015	60%
2 BR	48	\$1,127	92	\$1,219	60%
3 BR	10	\$1,300	108	\$1,408	60%
1 BR	4	\$ 770	76	\$ 846	50%
2 BR	12	\$ 924	92	\$1,016	50%
3 BR	2	\$1,065	107	\$1,173	50%
Total Units	90				

\*The Tenant pays other electric (lighting) heating, and air conditioning. Cooking and water heating are gas utilities and paid by the owner.

The proposed 50% rents are below the current market rents. The proposed 60% rents will

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be an increase from the current street rents. The term of affordability of the units in the project is 50 years. AHC LP plans to apply for project-based section 8 vouchers when the competition for project-based vouchers is available. AHC Management will work with existing tenants to minimize any rent increases. AHC LP has agreed that any relocation funds remaining after paying relocation expenses will be used to provide rental assistance to any existing tenants in need of assistance to pay the increased rent as they are currently doing at Hollybrooke II. To alleviate any concerns regarding steep rent increases, AHC LP has the following plan and is committed to take appropriate actions to address those concerns.

- Over-Income Households. AHC LP has committed to work with long-term (5 years or more) over-income tenants at Sunset Park as they will not qualify for a tax credit unit under the tax credit guidelines. AHC LP will provide them with priority access to any market rate vacancy at other AHC properties. In addition, they will work closely with interested residents to see if they qualify for any of AHC's homeownership programs.
- Tax Credit Eligible Households. For existing tenants who are eligible to remain in the units with rents that are affordable at or below 60% AMI, AHC LP has committed that for the first year after the purchase of Sunset Park the rent increase will be limited to 5%. Subsequent increases will be governed by tax credit limits.
- Units affordable at 50%. There will be 18 units (20% of the total number of units) that will be affordable at or below 50% AMI. Of the tenants that qualify for the units, nine will experience a rent reduction that will range from \$20 to \$80 per month. The other nine may experience rent increases but the increases will be below 5% in all cases.

Relocation

The rehabilitation will require that tenants be relocated for a period of 30 days while their unit is being rehabilitated. The project will pay the moving costs. The Relocation Plan has been approved by HCD staff.

Financing

On March 27, 2006, AHC was awarded \$40,000 in Affordable Housing Partnership Program (AHPP) Tier One Predevelopment funds for the proposed Sunset Park project. In addition, AHC Limited Partnership - 15 successfully competed in the VHDA 2006 9% Tax Credit cycle. The tax credits are an integral part of the financing plan as this allows the project to receive a significant amount of equity from private investors which reduces the amount of debt needed to finance the project and ensures that the rents remain affordable. AHC LP has received an annual tax credit allocation of \$900,000. Through syndication, AHC LP is expecting to receive \$9,179,082 in tax credit equity. AHC LP has received a commitment from a national tax credit equity provider to purchase the tax credits. This project will not proceed without the tax credit equity.

<b>Sources</b>		<b>Uses</b>	
VHDA Senior Note	\$5,180,000	Acquisition	\$17,500,000

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VHDA Reach Loan	3,500,000	Rehab Costs	4,497,150
FCRHA Loan	5,000,000	Developers Fee	2,491,804
Seller Note	1,500,000	Soft Costs	1,289,568
Tax Credit Equity	9,179,082	Relocation	300,000
Deferred Developer Fee	1,444,440	Reserves	225,000
AHC	500,000		
<b>Total Sources</b>	<b>\$26,303,522</b>	<b>Total Uses</b>	<b>\$26,303,522</b>

FISCAL IMPACT:

Funding in the amount of \$5,000,000 will be reallocated within Fund 319, The Penny for Affordable Housing from Project 014196, Affordable/Workforce Housing Projects to project 014240, Sunset Park Apartments. Project 014196 had a balance of \$10,031,314 in fiscal year 2007 as of October 31, 2006. In addition, there will be an annual monitoring fee of \$5,000 placed in Fund 940, FCRHA General Operating Fund.

ENCLOSED DOCUMENTS:

Attachment 1: Vicinity Map

Attachment 2: AHPP Term Sheet

STAFF:

Verdia L. Haywood, Deputy County Executive

Paula C. Sampson, Director, Department of Housing & Community Development, HCD

Harry Swanson, Deputy Director, Revitalization and Real Estate, HCD

Aseem K. Nigam, Director, Real Estate Finance & Grants Management Division, HCD

Louise Milder, Associate Director, REFGM Division, HCD

Molly Norris, Senior Real Estate Finance Officer, REFGM Division, HCD

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ACTION - 9

Authorization to (1) Reallocate Funding Among Community Development Block Grant and HOME Investment Partnerships Program (2) Approve a Loan to Jewish Foundation (Hunter Mill District), and (3) Approve a Loan to FCRHA Cedar Ridge, LP (Hunter Mill District)

**ISSUE:**

Board of Supervisors' authorization to reallocate Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds among FY 2007 Consolidated Plan activities. The proposed reallocations of CDBG and HOME funds are as follows:

**CDBG:**

<b>Amount:</b>	<b>From:</b>	<b>To:</b>
\$124,147.32	Contingency	Jefferson Manor Public Improvements (\$124,147.32)
\$380,381	Contingency (\$70,381)	Jewish Foundation for Group Homes (\$380,381)
	Senior/Disabled Housing Development (\$237,000)	
	Accessibility Modification (\$73,000)	
\$126,150	Parc Reston Affordable Housing	Cedar Ridge Affordable Housing Relocation Costs (\$126,150)
\$47,324.80	Parc Reston Affordable Housing	Rehab of FCRHA Properties (\$47,324.80)
\$384,365.23	Homeownership Strategy (\$131,578.16)	Rehab of FCRHA Properties (\$384,365.23)
	Language Initiative (\$24,573.07)	
	ADU Loan Program (\$96,683)	
	Special Needs Strategy (\$66,069)	
	Revitalization Predevelopment Fund (\$1,616)	
	Revitalization Loan Pool (\$1,000)	
	Mott Community Center (\$62,846)	

**HOME:**

<b>Amount:</b>	<b>From:</b>	<b>To:</b>
\$612,302	Herndon Harbor II (\$245,772)	HOME Community Housing Development Organization (CHDO) Set-Aside (\$612,302)
	Magnet Housing (\$41,384)	
	Affordable Housing Partnership Program (AHPP) Tier III (\$237,706) Senior Disabled Housing Development (\$87,440)	

**Loans for Jewish Foundation for Group Homes**

In addition to the reallocations, the Board of Supervisors is requested to approve a loan in the amount of \$380,381 in CDBG funds (\$70,381 from the reallocations above plus \$237,000 from the CDBG-funded Senior/Disabled Housing Development project and \$73,000 from the CDBG-funded Accessibility Modification Project) to the Jewish Foundation for Group Homes (JFGH) for the renovation and financing of two group homes for persons with developmental disabilities.

**Loans for Cedar Ridge Apartments**

The Board is also requested to approve a loan in the amount of \$126,150 in CDBG funds (\$126,150 from reallocation above) to FCRHA Cedar Ridge, LP to implement a Housing Assistance Plan for Cedar Ridge Apartments, as part of the acquisition and rehabilitation of the project (Attachment 1). The Housing Assistance Plan has a total projected cost of \$430,000, and the balance of funding (\$303,850) will need to be identified as part of the budgeting process for fiscal year 2008, which could potentially include additional CDBG funds as part of the development of the FY 2008 Annual Action Plan.

**RECOMMENDATION:**

The County Executive recommends that the Board authorizes and directs the County Executive or his designee to (i) facilitate the reallocation of CDBG and HOME funds as outlined above and execute contracts, notes, and other required documents involved with this reallocation; (ii) approve a loan in the amount of \$380,381 to JFGH utilizing CDBG funds; and (iii) approve a loan in the amount of \$126,150 to FCRHA Cedar Ridge, LP utilizing CDBG funds.

**TIMING:**

Board action is requested on December 4, 2006, in order to ensure timely expenditure of CDBG and HOME funds, which will provide for preservation, accessibility improvements, rehabilitation and acquisition of affordable housing for low income persons and special needs populations.

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BACKGROUND:

For substantive amendments to the Consolidated Plan, in accordance with the County's Citizen Participation Plan, public notice is to be given before the Board of Supervisors takes action on such reallocations described above. The amendments were publicly advertised 30 days prior to consideration of this Item by the Board of Supervisors to allow time for public comment. The notice for the proposed reallocation of Community Development Block Grant and HOME funds was published on November 2, 2006 in the Examiner newspaper.

Regarding CDBG, the funds involved in these transfers are being reallocated to projects that are currently ready for implementation and use of funds. These transfers will allow the County to expeditiously spend CDBG funds on activities that will help to meet the CDBG timeliness threshold (the undisbursed amount of CDBG funds for a jurisdiction may not exceed 1.5 times the entitlement grant amount for its current program year amount as determined at the end of the tenth month of the fiscal year). The reallocations include transferring funds from some activities which have been completed or are not to be undertaken with CDBG funds at this time. The reallocations are consistent with goals, objectives and priorities that have been identified in the Consolidated Plan.

Regarding HOME, the transfer of the \$612,302 would be added to the HOME CHDO Set Aside activity, which is funding to nonprofit organizations that meet special HOME requirements. The funding will be used for affordable housing projects, with priorities for projects that include preservation and acquisition of affordable housing for low income persons, projects that will result in affordable housing that is accessible to disabled persons and projects that provide beneficiaries with direct access to public transportation and/or supportive services. These funds will be awarded through a Request for Proposals and specific project awards brought back to the Board for approval.

In addition to the reallocations, the Board of Supervisors is requested to approve a loan in the amount of \$380,381 to JFGH (Attachment 2). JFGH is a non-sectarian, non-profit that has been operating in the Washington DC metro area since 1983. The foundation operates group homes for adults with developmental disabilities or chronic mental illness and provides support services and case management to individuals living in apartments.

The agency serves 150 residents in 21 group homes in the metro area. Two of those group homes are located in Fairfax County. JFGH also serves an additional 51 individuals who reside in their own apartments.

All of JFGH's residents are low income. Their annual fees are derived from government funding sources (Medicaid) and/or the resident's families. In addition, JFGH raises approximately \$2.1 million annually through private donors, foundations and corporations.

JFGH is requesting a total of \$380,381 in deferred Affordable Housing Partnership Program CDBG funds to pay off existing mortgages and perform needed renovations to two group homes: (1) Levin House, 2511 Freetown Dr., Reston, VA; (2) Stempler/Stone House, 12143

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Stirrup Rd., Reston, VA.

Regarding the Levin House property, by paying off the existing mortgage, JFGH will save \$12,144 in annual debt service and the savings will be used to provide additional services for residents. Rehabilitation includes plumbing repairs; new cabinets, countertops, and flooring in kitchen; install commercial grade carpeting in hallway; repair or replace flooring where needed; repair driveway and improve grade at street-level to accommodate wheelchairs; and repair soffets, fascia and gutters where necessary.

Regarding the Stempler/Stone House property, by paying off the existing mortgage, JFGH will save \$17,604 in annual debt service and the savings will be used to provide services for residents. Rehabilitation will include replacement of kitchen cabinets, countertops, flooring and dishwasher; repair wheelchair accessible shower to stop water leaks; correct improper rainwater drainage of basement window well and outside access stairway overhang; repair water damaged interior walls and floors; and repair damaged driveway.

An Item was approved on October 26, 2006 by the Fairfax County Redevelopment and Housing Authority (FCRHA) authorizing the FCRHA, subject to approval of the Board of Supervisors, to make two loans in the aggregate amount of up to \$380,381 in CDBG funds under the Affordable Housing Partnership Program to JFGH for the purposes described in this Item.

The Board of Supervisors is also requested to approve a loan in the amount of \$126,150 to FCRHA Cedar Ridge, LP (Attachment 1). FCRHA Cedar Ridge, LP will acquire and rehabilitate Cedar Ridge, a 198-unit property located in Reston, Virginia and currently owned by the Fairfax County Redevelopment Housing Authority. This property will continue to serve very low income households and the CDBG funding will be used to implement a Housing Assistance Plan to assist the households that are identified as exceeding the income requirements related to the new financing program.

FISCAL IMPACT:

**Reallocation of CDBG funds as follows:** Transfer of \$124,147.32 from Contingency, Project 003899, to Jefferson Manor Public Improvements, Project 013918.

Transfer of \$70,381 from Contingency, Project 003899; transfer of \$237,000 from Senior/Disabled Housing Development, Project 014129; and \$73,000 from Accessibility Modification, Project 014112; to the Jewish Foundation for Group Homes, Project 014260 for a total of \$380,381.

Transfer of \$126,150 from Parc Reston, Project 014241, to Cedar Ridge Affordable Housing Project, Project 013914

Transfer of \$47,324.80 from Parc Reston, Project 014241 to Rehabilitation of FCRHA Properties, Project 014191.

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Transfer of \$131,578.16 from Homeownership Strategy, Project 014151, \$24,573.07 from Language Initiative, Project 014155, \$96,683 from ADU Loan Program, Project 013903, \$66,069 from Special Needs Strategy, Project 014154, \$1,616 from Revitalization Predevelopment Fund, Project 014128, \$1,000 from Revitalization Loan Pool, Project 014131, and \$62,846 from the Mott Community Center, Project 003829, for a total of \$384,365.23 to Rehabilitation of FCRHA Properties, Project 014191.

**Reallocation of HOME funds as follows:** Transfer of \$245,772 from Herndon Harbor II, Project 014040, \$41,384 from Magnet Housing, Project 014127, \$237,706 from AHPP Tier III, Project 014116, and \$87,440 from Senior Disabled Housing Development, Project 014129, for a total of \$612,302 into CHDO Undesignated, Project 013954.

ENCLOSED DOCUMENTS:

Attachment 1: Term Sheet – Loan to FCRHA Cedar Ridge, LP

Attachment 2: Term Sheet – Loan to Jewish Foundation for Group Homes

STAFF:

Verdia L. Haywood, Deputy County Executive

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

Harry Swanson, Deputy Director, Revitalization and Real Estate, HCD

Aseem K. Nigam, Director, Real Estate Finance & Grants Management Division, HCD

Audrey Spencer-Horsley, Associate Director, Grants Management, HCD

Louise Milder, Associate Director, Real Estate Finance and Grants Management Division, HCD

Stephen E. Knippler, Senior Program Manager, HCD

Douglass B. Lynott, Senior Program Manager, HCD

Richard V. Dunn, Housing Community Developer, HCD

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Board Agenda Item  
December 4, 2006

## CONSIDERATION – 1

### Election Year Policies

#### ISSUE:

Adoption of Election Year Policies from now through December 2007.

#### TIMING:

Once the Board takes action, policies may be put into place.

#### BACKGROUND:

The Board has adopted election year policies since at least 1975. The election year policies remained basically unchanged until election year 1995 when policy provisions were added to address requests for and distribution of information, moratoria regarding land use cases and appointments, and district-wide mailings. In 1998, an additional Board policy was adopted in conjunction with election year policies that disallowed links from County web pages to an incumbent's personal or campaign web site at any time including during an election year. In 2002, the Board adopted Election Year Policies consistent with those previously adopted.

The following is a list of Election Year Policies that could be considered by the Board for Election Year 2007:

- Responses to Board of Supervisors and candidates requests for information are to be provided by centralized responses from the Office of the County Executive
- Material provided to Board incumbents will also be made available to each official, non-incumbent including Board Packages, Non-In-Package (NIP) Items, Clerk's Board Summaries, *Weekly Agenda* publications, news releases, and land use affidavits
- A moratorium on land-use public hearings and the appointment of citizens to Board, Authorities and Commissions from election day until the new Board takes office
- County printing and mailing services are not to be used for the purpose of district-wide newsletters after June 30<sup>th</sup> of the election year through Election Day

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- Links from a magisterial district's web page to a Board incumbent's personal or campaign web site are to be prohibited

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Anthony H. Griffin, County Executive

Board Agenda Item  
December 4, 2006

## INFORMATION – 1

### Presentation of Fiscal Year 2006 Comprehensive Annual Financial Report (CAFR)

Annually, pursuant to the *Code of Virginia* (Code), Section 15.2-2511, as amended, Fairfax County's financial statements are audited by an independent certified public accountant. This audit is conducted in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in the Government Auditing Standards, issued by the Comptroller General of the United States; and the Specifications for Audits of Counties, Cities, and Towns, issued by the Auditor of Public Accounts of the Commonwealth of Virginia. The Code also requires that an independent certified public accountant present a detailed written report to the local governing body at a public session by December 31. The County's financial statements for fiscal year 2006 have been audited by KPMG LLP (KPMG), and KPMG's unqualified opinion with respect thereto is presented on page 1 of the Financial Section of the County's CAFR. A representative from KPMG is with us today.

In addition to meeting the requirements of the Code, the audit was designed to meet the requirements of the U. S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and the related Circular A-133 Compliance Supplement. Known as the Single Audit, this is a special type of compliance audit applicable to specific federal grant programs. The requirements of the Single Audit are established by federal legislation and regulation and are very stringent. KPMG's reports related specifically to this audit activity are included in a separate Single Audit Act Report.

Auditing standards generally accepted in the United States of America require that the auditors communicate all reportable conditions, including material weaknesses, to management. In a letter addressed to the Board of Supervisors, KPMG reports that no material weaknesses were noted. This has been the case for the past 13 consecutive years, which is quite an achievement considering the size and complexity of the County's financial operations.

Matters involving the internal control over financial reporting and other operational matters of the County that do not warrant inclusion in the above described letter are communicated by KPMG in a separate management letter addressed to the Director of Finance. For the fiscal year ended June 30, 2006, KPMG had no comments related to internal control over financial reporting and other operational matters. This is the first time there have been no comments from KPMG and, accordingly, no management letter addressed to the Director of Finance. This is a substantial accomplishment given a significant increase in the scope of the audit this year.

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A comprehensive package was delivered directly to the offices of each member of the Board of Supervisors on or before November 20, 2006. The package included:

- The Fiscal Year 2006 Comprehensive Annual Financial Report.
- KPMG's required communications letter pertaining to the conduct of the audit addressed to the Board.
- KPMG's letter reporting no material weaknesses addressed to the Board.
- The Single Audit Act Report.

In compliance with the Code, a copy of the Fiscal Year 2006 CAFR is being provided to the Clerk to the Board of Supervisors where it shall remain open to public inspection. The CAFR is also being made available for public use in the reference sections of the County's regional and community libraries as well as on Fairfax County's Web site.

ENCLOSED DOCUMENTS:

None. A comprehensive package has been delivered to the office of each member of the Board of Supervisors.

STAFF:

Anthony H. Griffin, County Executive  
Edward L. Long, Jr., Deputy County Executive  
Robert L. Mears, Director, Department of Finance  
Victor L. Garcia, Deputy Director, Department of Finance  
Susan S. Quinn, Chief, Financial Reporting Division, Department of Finance  
Val B. Kehl, Financial Reporting Manager, Department of Finance  
Erin E. Summers, CAFR Project Leader, Department of Finance

Board Agenda Item  
December 4, 2006

INFORMATION – 2

Contract Awards and Approval of Street Acceptance Items During the Period Between the December Board Meeting and the First Board Meeting in January

Current Board policy requires that the County Executive obtain Board authorization to award construction, professional and consultant contracts in excess of \$100,000 unless a severe emergency occurs (flood, sewer main breaks, etc.). Since December 15, 1980, the Board of Supervisors has authorized the County Executive or the appropriate Deputy County Executive to award miscellaneous construction and professional and consultant contracts during the period between the December meeting and the first meeting in January. In addition, since September 24, 1984, the Board also has authorized the County Executive or the appropriate Deputy to approve requests for roads to be accepted into the State Secondary System, and similar matters without Board action during the period between the December meeting and the first meeting in January.

Unless otherwise directed, the County Executive or the appropriate Deputy County Executive or the Chief Financial Officer will continue to approve street acceptance items and award contracts during the period between the December meeting and the first meeting in January. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive a copy of all contracts awarded.

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant to the County Executive

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December 4, 2006

11:00 a.m.

Matters Presented by Board Members

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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. *The Grievance Appeal of Jane L. Jackson*, Fairfax County Civil Service Commission
  - 2. *PFC Eric Ivancic-Police Administrative Trial Board*
  - 3. *Board of Supervisors of Fairfax County, Virginia, and Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Board of Zoning Appeals of Fairfax County, Virginia, Young K. Lee, and Young A. Lee*, At Law No. CL-2004-0221391 (Fx. Co. Cir. Ct.) (Providence District)
  - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Watkins, Jr., and Janie Watkins*, In Chancery No. CH-2005-0005082 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 5. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Ahmad M. Al-Naji*, Case No. CL-2006-0012833 (Fx. Co. Cir. Ct.) (Providence District)
  - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Carlos Cadima*, Case No. CL-2006-0011524 (Fx. Co. Cir. Ct.) (Mason District)

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ali Reza Abdolrashidi and Colleen M. O'Connor*, Case No. CL-2006-0014345 (Fx. Co. Cir. Ct.) (Hunter Mill District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Anthony Eller and Barbara D. Eller*, Case No. 2006-0014177 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene Sorto*, Case No. CL-2006-0014416 (Fx. Co. Cir. Ct.) (Lee District)
10. *Board of Supervisors v. Powhatan Associates, L.L.C., et al.*, Case No. CL-2006-0009019 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *Board of Supervisors v. McDonald's Corporation, et al.*, Case No. CL-2006-0014344 (Fx. Co. Cir. Ct.) (Sully District)

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3:00 p.m.

Public Hearing on PCA 2000-SU-033 (Rita Powell & Mark A. Johnson) to Amend RZ 2000-SU-033 Previously Approved for Industrial Development to Permit the Enlargement of an Existing Outdoor Kennel with an Overall Floor Area Ratio of 0.16, Located on Approximately 5.3 Acres Zoned I-5, AN and WS, Sully District

and

Public Hearing on SE 2006-SU-015 (Rita Powell & Mark A. Johnson) to Permit Outdoor Kennels and Modification of Minimum Yard Requirements for Certain Existing Structures, Located on Approximately 5.3 Acres Zoned I-5, AN and WS, Sully District

The application property is located at the west terminus of Upper Cub Run Drive, west of its intersection with Stonecroft Boulevard at 4500 Upper Cub Run Drive, Tax Map 33-4 ((1)) 9A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 18, 2006, the Planning Commission voted unanimously (Commissioners Alcorn, Byers, Lawrence, Lusk, and Wilson absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2000-SU-033, subject to the execution of proffers consistent with those dated September 28, 2006; and
- Approval of SE 2006-SU-015, subject to the Development Conditions dated October 18, 2006.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item  
December 4, 2006

3:30 p.m.

Public Hearing on RZ 2006-PR-008 (Chalice Crest, L.C.) to Rezone from R-1 to R-5 to Permit Residential Development at a Density of 3.8 Dwelling Units Per Acre and a Waiver of the Minimum District Size, Located on Approximately 3.72 Acres, Providence District

The application property is located on the south side of Arlington Boulevard approximately 850 feet south east of its intersection with Nutley Street, Tax Map 48-4 ((1)) 44.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, November 29, 2006 and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item  
December 4, 2006

3:30 p.m.

Public Hearing on RZ 2005-PR-039 (Dunn Loring Metro LLC) to Rezone from R-1 and I-4 to PRM to Permit Mixed Use Development with an Overall Floor Area Ratio of 1.37, Located on Approximately 14.06 Acres, Providence District

and

Public Hearing on PCA 88-P-030 (Dunn Loring Metro, LLC) to Amend the Proffers for RZ 88-P-030 Previously Approved for Mixed Use Development at a Density of 1.25 Dwelling Units Per Acre to Permit Site Modifications and Associated Proffer Changes, Located on Approximately 1.32 Acres Zoned PDC, Providence District

The application property (RZ 2005-PR-039) is located in the northeast quadrant of the intersection of Prosperity Avenue and Gallows Road, Tax Map 49-1 ((1)) 27A; 49-2 ((1)) 13A and 15A.

The application property (PCA 88-P-030) is located on the north side of Prosperity Avenue approximately 1,200 feet west of its intersection with Gallows Road, Tax Map 49-1 ((13)) 17A and 18A

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 15, 2006, the Planning Commission voted 8-0-1 (Commissioner Hart abstaining; Commissioner Harsel not present for the votes; Commissioners Hall and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 88-P-030, subject to the execution of proffers consistent with those dated November 14, 2006, as amended;
- Approval of RZ 2005-PR-039, subject to the execution of proffers consistent with those dated November 14, 2006, as amended;
- Approval of the waiver to locate underground facilities in a residential area for Land Unit A of the Dunn Loring-Merrifield Metro Station Development Plan, subject to Waiver Number 0378-WPFM-001-2 Conditions dated August 24, 2006;
- Modification of the private street limitations;

Board Agenda Item  
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- Modification of the transitional screening and waiver of the barrier requirements to the north, northeast, and internal to the site in favor of the treatments depicted on the CDP/FDP; and
- Waiver of the 75-foot yard regulations for lots abutting principal arterial highways.

The Planning Commission voted 8-0-1 (Commissioner Hart abstaining; Commissioner Harsel not present for the votes; Commissioners Hall and Murphy absent from the meeting) to approve FDPA 88-P-030.

The Planning Commission voted 8-0-1 (Commissioner Hart abstaining; Commissioner Harsel not present for the votes; Commissioners Hall and Murphy absent from the meeting) to approve FDP 2005-PR-039, subject to the Development Conditions dated November 2, 2006.

The Commission then voted 6-0-3 (Commissioners Byers, de la Fe, and Hart abstaining; Commissioner Harsel not present for the vote; Commissioners Hall and Murphy absent from the meeting) to recommend that the Board approve the modification of the interior parking lot landscaping on top of the WMATA parking deck.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item  
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3:30 p.m.

Public Hearing on PCA 93-Y-044 (FL Promenade Outparcel L.C.) to Amend the Proffers for RZ 93-Y-044 Previously Approved for Mixed Use Development to Permit a Modification to Approved Proffers to Permit an Option for a Drive-In Bank with an Overall Floor Area Ratio of 0.05, Located on Approximately 2.09 Acres Zoned PDC and WS, Springfield District

The application property is located on the west side of Monument Drive approximately 400 feet south of Fair Lakes Parkway, Tax Map 56-1 ((18)) 1pt., 2 pt. and 3.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, November 29, 2006 and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Carrie Lee, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
December 4, 2006

3:30 p.m.

Public Hearing on SE 2006-HM-022 (Marymount University) to Permit a College/University, Located on Approximately 4.06 Acres Zoned I-4, Hunter Mill District

The application property is located at 1861 Wiehle Avenue, Tax Map 17-4 ((18)) 1A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, November 29, 2006 and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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December 4, 2006

4:00 p.m.

Public Hearing on SEA 01-D-022 (Sugarland Hill LLC) to Amend SE 01-D-022  
Previously Approved for Housing for the Elderly to Permit a Change in Development  
Conditions and Site Modifications, Located on Approximately 4.62 Acres Zoned R-1,  
Dranesville District

The application property is located at 1100 Dranesville Road, Tax Map 6-3 ((1)) 11.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, November 29, 2006 and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Carrie Lee, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
December 4, 2006

4:00 p.m.

Public Hearing on AF 2006-SP-002 (George & Susan Schulz) Local A&F District Appl. Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 23.02 Acres Zoned R-C and WS, Springfield District

The application property is located at 8142 and 8146 Rondelay Lane, Tax Map 96-3 ((1)) 7A and 8; 96-3 ((2)) 10 and 11.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, November 29, 2006 and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
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4:00 p.m.

Public Hearing on AF 2006-DR-001 (John H. and Barbara Whitney) Local A&F District Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 21.7 Acres Zoned R-E, Dranesville District

The application property is located at 10607 Beach Mill Road, Tax Map 3-3 ((1)) 32.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, November 29, 2006 and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
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4:30 p.m.

Public Hearing on RZ 2006-SU-007 (LPC Commercial Services, Inc.) to Rezone from I-5, AN and WS to PRM, AN and WS to Permit Mixed Use Development with an Overall Floor Area Ratio of 0.69 (Inclusive of ADUs), Located on Approximately 67.39 Acres, Sully District

and

Public Hearing on PCA 75-2-016-03 (LPC Commercial Services, Inc.) to amend RZ 75-2-016 Previously Approved for Industrial Development to Permit a Deletion of Land Area. Located on Approximately 67.39 Acres Zoned I-5, AN and WS, Sully District

The application property is located in the northwest quadrant of the intersection of Centreville Road and Wall Road, Tax Map 24-4 ((1)) 6B pt. and 6C.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, November 29, 2006 and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item  
December 4, 2006

4:30 p.m.

Public Hearing on SE 2006-SP-010 (Chevy Chase Bank, F.S.B.) to Permit a Drive-In Bank and Waiver of Certain Sign Regulations, Located on Approximately 1.48 Acres Zoned C-8, Springfield District

The application property is located at 11611 and 11617 Lee Highway, Tax Map 56-2 ((1)) 63 and 63A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, October 25, 2006, the Planning Commission voted unanimously (Commissioners Harsel and Lawrence absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2006-SP-010, subject to the Development Conditions dated October 24, 2006, as amended, with condition number 7 revised to read, "The freestanding sign will conform to the sign shown on the Special Exception Plat."
- Modification of the transitional screening requirement to the south in favor of the existing vegetation; and
- Modification of the transitional screening requirement and waiver of the barrier requirement to the north, in favor of that shown on the SE Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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December 4, 2006

4:30 p.m.

Public Hearing on SE 2006-BR-004 (7-Eleven, Inc.) to Permit a Quick Service Food Store and Service Station in a Highway Corridor Overlay District, Located on Approximately 43,289 Square Feet Zoned PRC and HC, Braddock District

The application property is located at 6221 Rolling Road, Tax Map 79-3 ((8)) 5A3.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 26, 2006, the Planning Commission voted 8-1-3 (Commissioner Byers opposed; Commissioners Alcorn, Hopkins, and Murphy abstaining) to recommend that the Board of Supervisors approve SE 2006-BR-004, subject to the Development Conditions dated October 25, 2006.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

John M. Thompson, Staff Coordinator, Zoning Evaluation Division, DPZ

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December 4, 2006



4:30 p.m.

Public Hearing on Proposed Zoning Ordinance, Subdivision Ordinance and Public Facilities Manual Amendments Re: Shape Factor Limitations for Lots in Certain Single Family Detached Residential Districts

ISSUE:

Proposed Zoning Ordinance, Subdivision Ordinance and Public Facilities Manual amendments to establish a shape factor limitation from 20 to 50 for lots located in the R-E, R-1, R-2, R-3, R-4, R-5, or R-8 Districts and the single family portions of the PDH, PDC, or PRC Districts when such lots are not depicted on an approved development plan.

PLANNING COMMISSION RECOMMENDATION:

On November 9, 2006, the Planning Commission held a public hearing on these amendments and deferred decision until November 29, 2006. The Planning Commission recommendation will be forwarded to the Board prior to the Board's public hearing.

RECOMMENDATION:

The County Executive recommendations will be forwarded to the Board prior to the Board's public hearing.

TIMING:

Board action is requested on December 4, 2006, in order to enact this amendment on December 5, 2006.

BACKGROUND:

The proposed amendments are on the 2006 Priority 1 Zoning Ordinance Amendment Work Program and are designed to address a multitude of yard issues on residential lots created by irregular lots such as yard maintenance, septic field maintenance, zoning enforcement and future property development and utilization. In order to prevent the creation of irregularly shaped lots and provide for more orderly development, the proposed amendments establish a shape factor limitation for lots in certain single family detached residential districts. Specifically the amendments would:

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- Add a new shape factor definition to the Zoning Ordinance which states that the shape factor is designed to prevent irregularly shaped lots by providing a measurement by which the compactness and degree of regularity of the shape of a lot can be evaluated. Shape factor (SF) is the non-dimensional ratio of the lot perimeter (P) squared, divided by the lot area (A), where P and A are derived from the same unit measurement.
- Establish a shape factor limitation anywhere from 20 to 50 (for advertisement purposes) for lots located in the R-E, R-1, R-2, R-3, R-4, R-5, or R-8 Districts and in the single family dwelling portions of the PDH, PDC, or PRC Districts when lots are not depicted on an approved development plan. However, the shape factor would not impact lots that are designated as open space, subdivisions approved for single family development in a P district when lots are shown on an approved development plan, or lots subject to an approved special exception for cluster development.
- Exclude the pipestem portion of a pipestem lot in the shape factor computations for lots approved by the Director under the cluster provisions in the R-2, R-3 or R-4 Districts.
- Provide optional language for the Board's consideration that would provide for flexibility in the shape factor for certain lots under specific conditions. Because other mechanisms within the Code currently exist, such as the provision to develop under the cluster provisions, that offer some relief to property owners whose land exhibits pre-existing geometric constraints that may preclude the creation of more regularly shaped lots, this optional language is not expected to impact a significant number of lots.

Several options are included in the proposed amendment. Under Option 1A a bright line shape factor limitation of 35 is set forth. While staff is recommending a maximum shape factor limitation of 35 for purposes of advertising the amendment, a range is provided from 20 to a maximum of 50 shape factor. Option 1 also provides additional flexibility as set forth in Option 1B which provides the Director of DPWES with limited discretion to allow a shape factor greater than 35 and up to 50 where the proposed lot requires a stormwater and/or wastewater facility or stream valley trail as an outlot. Options 2 and 3 sets forth additional flexibility to the shape factor limitations by allowing for a special exception (Option 2) or a special permit (Option 3) process whereby the Board or Board of Zoning Appeals respectively, could consider allowing a shape factor greater than 35 provided specific criteria and standards are met.

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- Provide optional language in all three options for the Board's consideration that would exclude the portion of a lot that is exclusively dedicated to serving septic drain fields from the shape factor computation, provided that the remaining contiguous portion of the lot meets the minimum lot area requirement of the district in which located. The Engineering Standards Review Committee (ESRC) has, in concept, endorsed this exclusion given that the location of septic drain fields is dictated by soil conditions and topography and there may be limited areas on a site where septic drain fields can be located. However, this optional language is not being recommended by staff because this option negates the very purpose of this amendment, which is to promote regularly-shaped lots and address the maintenance issues.
- Revise the PFM subdivision plan submission requirements to require the identification of the shape factor for each lot where the lot configuration is subject to the shape factor limitation.
- Revise the outlot definition in the Subdivision Ordinance to specify that lots that do not meet the shape factor limitations would be considered outlots.

The proposed amendments were coordinated with members of the Engineers and Surveyors Institute, the Northern Virginia Building Industry Association (NVBIA) and Engineering Standards Review Committee (ESRC) and presented to the Board's Development Process Committee on March 1, 2004, and on October 16, 2006. While the general concept and intent of the amendments have been maintained throughout the coordination of this item, some of the amendments originally presented to industry have varied through this process based on recent internal discussions and input from the Board's Development Process Committee. A more detailed discussion of the proposed amendments is set forth in the attached Staff Report.

At the November 9, 2006, Planning Commission public hearing on these amendments various issues and questions were raised. It was suggested that staff should meet with citizen groups in order to brief them on the amendment as well as seek citizen input. As a result, the Planning Commission deferred decision on the amendments until November 29, 2006, with the record remaining open for written and email comment.

FISCAL IMPACT:

Depending on which option is selected by the Board, a new special permit or special exception application fee of \$2,645 could be added for shape factor limitation modifications. Under all options, the new shape factor requirement may result in some additional costs to the applicant for the preparation of subdivision plans and some minimal costs to the County for the review of such plans. However, it is anticipated that

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the County can adequately review this new requirement with existing resources and within existing timeframes.

REGULATORY IMPACT:

The proposed amendment should prevent the majority of irregularly shaped residential lots and provide for more orderly development by incorporating a shape factor limitation for certain single family detached residential lots and by requiring the shape factor to be shown for each lot on subdivision plans. In addition, depending on which option is selected by the Board, either a new special permit or special exception use for modification of the shape factor limitations may be established.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive

Eileen M. McLane, Zoning Administrator

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

Jeff Blackford, Director, Code Services, LDS, DPWES

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4:30p.m.

Public Hearing Regarding the Conveyance of County-Owned Property to the Virginia Department of Transportation for Project 0001-029-F20-R201 (Mount Vernon District)

ISSUE:

Public hearing regarding the conveyance of County-owned property to the Virginia Department of Transportation (VDOT) for Project 0001-029-F20-R201.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached Resolution for the conveyance of the subject property.

TIMING:

On October 23, 2006, the Board of Supervisors authorized the advertisement of a public hearing to be held on December 4, 2006, at 4:30 p.m.

BACKGROUND:

The subject property, identified formerly as portions of Tax Map Parcels 108-3-01-0023, 108-3-01-0011, 108-3-01-0012A, 108-3-01-0013A and 108-3-01-0014, is the county facility known as the Noman M. Cole Pollution Control Plant. VDOT utilized a right-of-entry to a portion of the subject property to widen Route 1 including a deceleration lane in front of the plant. This project was completed in October 2005.

County Staff, in coordination with VDOT, is currently taking the necessary actions to transfer the fee simple title of the area affected by this project to VDOT. VDOT's offer of compensation for this area of right-of-way is \$268,931.00. This offer has been reviewed by staff and, based on the use of the property, the Facilities Management Department, the Land Acquisition Division, and the Department of Transportation concur.

County Staff recommends that VDOT's offer of this monetary consideration be accepted. Pursuant to Section 15.2-1800 of the Code of Virginia, a public hearing is required for the Board to convey real property or real property interests.

FISCAL IMPACT:

The additional revenue of \$268,931.00 from VDOT is anticipated to be received in FY 2007 and will be posted to Fund 400, Sewer Revenue Fund.

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ENCLOSED DOCUMENTS:

Attachment A – Resolution

Attachment B – Tax Map No. 108-3

STAFF:

Jose A. Comayagua, Director, Facilities Management Department

Katharine D. Ichter, Director, Department of Transportation

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5:00 p.m.

Public Hearing on RZ 2004-SU-029 (NVP, Inc.) to Rezone from R-1 and WS to R-3 and WS to Permit Residential Development at a Density of 2.45 dwelling Units Per Acre, Located on Approximately 3.68 Acres, Sully District

The application property is located on the east side of Wharton Lane approximately 50 feet south of its intersection with Pickwick Road. Tax Map 54-4 ((1)) 23 and 54-4 ((4)) 3A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 9, 2006, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote; Commissioners Hopkins and Wilson absent from the meeting) to recommend that the Board approve RZ 2004-SU-029, subject to the execution of proffers consistent with those dated March 7, 2006.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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5:00 p.m.

Public Hearing on Proposed Plan Amendment S06-IV-LP1, Located at the Intersection of Lorton Road and Richmond Highway, North of Lorton Road (Mount Vernon District)

ISSUE:

Plan Amendment S06-IV-LP1 proposes to add an option for drive-thru uses up to .15 Floor Area Ratio (FAR) under certain conditions for tax map parcels 108-3 ((1)) 2 and 3 and 108-3 ((2)) 2, 5 and 6. The area is planned for retail and related uses up to 0.15-.25 FAR with an option for public park. The Plan currently recommends that auto-oriented uses are not appropriate.

PLANNING COMMISSION RECOMMENDATION:

On November 15, 2006, the Planning Commission held a public hearing and deferred its decision on this item to November 29, 2006. The Planning Commission recommendation will be forwarded to the Board under separate cover.

RECOMMENDATION:

The County Executive recommends that the Board approve the staff recommendation as shown on pages 9 and 10 in the Staff Report dated November 1, 2006, in Attachment I. The recommendation would add Plan text to allow drive-thru uses up to .15 FAR conditioned on consolidation, building orientation, landscaping, and buffering and screening.

TIMING:

Planning Commission public hearing – November 15, 2006  
Planning Commission decision – November 29, 2006  
Board of Supervisors' public hearing – December 4, 2006

BACKGROUND:

On May 1, 2006, the Board authorized proposed Plan Amendment S06-IV-LP1 for tax map parcels 108-3 ((1)) 2 and 3 and 108-3 ((2)) 2, 5 and 6, located at the intersection of Richmond Highway and Lorton Road. The Board authorized staff to evaluate the addition of drive-thru uses.

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FISCAL IMPACT:  
None

ENCLOSED DOCUMENT:  
Attachment I – Staff Report for Proposed Plan Amendment S06-IV-LP1

STAFF:  
James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Fred R. Selden, Director, Planning Division (PD), DPZ  
Pamela G. Nee, Chief, Environment and Development Review Branch, PD, DPZ  
Deborah L. Albert, Planner II, Environment and Development Review Branch, PD, DPZ

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5:00 p.m.

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

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