

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 26, 2007**

AGENDA

- | | | |
|-------------|----------------------------|--|
| 8:15 | Held | Community Services Board Reception – Developmental Disabilities Inclusion Month - Reception Area |
| 9:00 | Done | Presentations |
| 9:45 | Adopted w/amendment | Report on General Assembly Activities |
| 10:00 | Done | Presentation of the Proposed FY 2008 Budget by the County Executive |
| 10:45 | Done | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 10:45 | Done | Items Presented by the County Executive |

ADMINISTRATIVE ITEMS

- | | | |
|---|---|--|
| 1 | Approved | Extension of Review Periods for 2232 Review Applications (Hunter Mill, Mason and Providence Districts) |
| 2 | Approved | Authorization to Advertise a Public Hearing Regarding the Continued Leasing of County-Owned Property at 8333 Richmond Highway to The Royal Embassy of Saudi Arabia d/b/a the Islamic Saudi Academy (Mount Vernon District) |
| 3 | Approved | Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One Year Action Plan for FY 2008 |
| 4 | Approved | Additional Time to Commence Construction for Special Exception Amendment SEA 88-L-071, The Trustees for Immanuel Bible Church (Mason District) |
| 5 | Approved w 24 months additional time | Additional Time to Commence Construction for Special Exception Amendment SEA 84-D-086-5, The Langley School (Dranesville District) |
| 6 | Approved | Additional Time to Commence Construction for Special Exception SE 2002-MV-022, Trustees of Engleside Baptist Church (Mount Vernon District) |
| 7 | Approved | Additional Time to Record the Subdivision for Special Exception SE 2003-LE-036, Diane Cox Basheer, Trustee, and Kenneth O. Thompson, Trustee (Lee District) |

**FAIRFAX COUNTY
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**ADMINISTRATIVE ITEMS
(CONTINUED)**

- | | | |
|----|-----------------|--|
| 8 | Approved | Approval of Traffic Calming Measures, Consideration for Cut-Through Restrictions, Installation of "\$200 Additional Fine for Speeding" Signs, and Multi-Way Stops as Part of the Residential Traffic Administration Program (Providence, Braddock, Springfield, Mount Vernon, and Lee Districts) |
| 9 | Approved | Authorization to Advertise a Public Hearing to Expand the Green Trails Community Parking District (Sully District) |
| 10 | Approved | Designation of Plans Examiner Status Under the Expedited Land Development Review Program |
| 11 | Approved | Streets into the Secondary System (Springfield, Mason, and Providence Districts) |
| 12 | Approved | Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees |
| 13 | Approved | Authorization to Advertise a Public Hearing Regarding the Conveyance of County-Owned Property to the Virginia Department of Transportation for Project 0657-029-357-C501(Hunter Mill District) |
| 14 | Approved | Adoption of a Resolution Approving the Issuance of Revenue Bonds by the Economic Development Authority for the Benefit of Goodwin House Incorporated |

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Authorization to File Testimony in Application of Washington Gas Light Company for a General Increase in Rates, Fees, Charges and Revisions to the Terms and Conditions of Service and for Approval of a Performance-Based Rate Regulation Methodology Under Va. Code Section 56.235.6, SCC Case No. PUE-2006-00059 |
|---|-----------------|---|

**FAIRFAX COUNTY
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**ACTION ITEMS
(CONTINUED)**

- | | | |
|----|------------------------------|--|
| 2 | Approved | Authorization to Execute a Project Agreement with the Virginia Department of Transportation to Administer County-Funded Roadway Improvements to Gunston Cove Road Bridge |
| 3 | Approved w/amendments | Authorization for the Department of Transportation to Prepare for a Fall 2007 Transportation Bond Referendum |
| 4 | Approved | Supplemental Appropriation Resolution 07097 and Approval of a Standard Project Administration Agreement for the Department of Transportation to Accept Congestion Mitigation and Air Quality (CMAQ) Funding for the Soapstone Drive Trail and Columbia Pike Phase II Trail (Hunter Mill and Mason Districts) |
| 5 | Approved | Authorization to Execute a Building Code Services Agreement for Administering and Enforcing the Virginia Uniform Statewide Building Code for the Town of Clifton (Springfield District) |
| 6 | Approved | Parking Reduction for Fair Lakes Hyatt Hotel (Springfield District) |
| 7 | Approved | Approval of an Interim Flood Insurance Grant Program and an Ordinance to Establish a Sub-Area of the Existing Huntington Community Within the Route One Rehabilitation District (Mount Vernon District) |
| 8 | Approved | Approval of Letter with Fairfax County's Commitments to the Virginia Air Quality State Implementation Plan (SIP) for the 8-Hour Federal Ozone Standard |
| 9 | Approved | Adoption of the Cub Run and Bull Run Watershed Management Plan (Springfield and Sully Districts) |
| 10 | Approved | Adoption of the Difficult Run Watershed Management Plan (Dranesville, Hunter Mill, Providence, Springfield and Sully Districts) |
| 11 | Approved | Endorsement of the Strategic Directions for the Plan to Prevent and End Homelessness and Establishment of an Implementation Committee |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 26, 2007**

INFORMATION ITEMS

- | | | |
|-------|------------------|--|
| 1 | Noted | Contract Amendment - Architectural and Engineering Services Contracts for the Renovation and Expansion of the Mott Community Center (Springfield District) |
| 2 | Withdrawn | Contract Amendment for Architectural/Engineering Design Services for the Richard Byrd Community Library Renovation and Expansion Project (Lee District) |
| 3 | Noted | Contract Award – Clarke’s Landing Stream Restoration (Sully District) |
| 4 | Noted | Contract Amendment for Architectural/Engineering (A/E) Services for the Martha Washington Library Renovation and Expansion Project (Mount Vernon District) |
| 5 | Noted | Contract Award - Geotechnical Engineering and Testing Services Task Order Contract |
| 11:15 | Done | Matters Presented by Board Members |
| 12:05 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|--|--|
| 4:00 | Public hearing deferred to 3/12/07 at 4:00 p.m. | Public Hearing on SE 2006-MA-027 (Joanne Krause) (Mason District) |
| 4:00 | Approved | Public Hearing on a Proposed Zoning Ordinance Amendment Re: Waiver of Residential Minimum Lot Width Requirement |
| 4:00 | Approved | Public Hearings on Proposed Comprehensive Plan Amendment Items ST04-III-BR1 and S05-III-BR1; Public Hearing on Proposed Rezoning Application RZ 2006-SU-030; and Public Hearing on Proposed Zoning Ordinance Amendment Re: Centreville Historic Overlay District (CHOD) (Sully District) |
| 4:30 | Approved | Public Hearing to Establish the Newgate Community Parking District (Sully District) |

**FAIRFAX COUNTY
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**PUBLIC HEARINGS
(CONTINUED)**

4:30	Approved	Public Hearing to Establish the Franklin Glen Community Parking District (Sully District)
5:00	Public hearing deferred to 3/26/07 at 5:00 p.m.	Public Hearing on RZ 2004-SU-029 (NVP, Inc.) (Sully District)
5:00	Done	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
Feb. 26, 2007

9:00 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize the Police Department’s Safe December program. Requested by Chairman Connolly.
2. CERTIFICATE – To recognize Gloria Crawford for her years of service on the Board of Equalization of Real Estate Assessments. Requested by Supervisor Hudgins.
3. PROCLAMATION – To designate March 2007 as Including People with Developmental Disabilities Month in Fairfax County. Requested by Supervisor Bulova.
4. PROCLAMATION – To designate March 2007 as Purchasing Month in Fairfax County. Requested by Chairman Connolly.
5. PROCLAMATION – To designate the week of March 5-11, 2007, as MS Awareness Week in Fairfax County. Requested by Chairman Connolly.

STAFF:

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

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9:45 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 26, 2007

PRESENTED BY:

Chairman Gerald E. Connolly, Chairman, Board of Supervisor's Legislative Committee
Anthony H. Griffin, County Executive

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Board Agenda Item
February 26, 2007

10:00 a.m.

Presentation of the Proposed FY 2008 Budget by the County Executive

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Anthony H. Griffin, County Executive

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Board Agenda Item
February 26, 2007

10:45 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard February 26, 2007

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:45 a.m.

Items Presented by the County Executive

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Board Agenda Item
February 26, 2007

ADMINISTRATIVE – 1

Extension of Review Periods for 2232 Review Applications (Hunter Mill, Mason 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 FS-M06-116 to May 6, 2007; application FS-P06-117 to May 7, 2007; and application 2232-H07-1 to August 6, 2007.

TIMING:

Board action is required on February 26, 2007, to extend the review periods of the applications noted above before their expiration.

BACKGROUND:

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

The Board should extend the review period for application 2232-H07-1, which was accepted for review by the Department of Planning and Zoning (DPZ) on January 8, 2007. This application is for a public facility improvement, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board also should extend the review periods for applications FS-M06-116 and FS-P06-117, which were accepted for review by DPZ on December 7, 2006, and December 8, 2006, respectively. These applications are for telecommunications

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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-H07-1 | Fairfax Water
Approximately 12,000 feet of new 54-inch water main
Fairfax County Parkway, from Fox Mill Pumping Station to
Old Dominion Parkway
Hunter Mill District |
| FS-M06-116 | Nextel Communications of the Mid-Atlantic, Inc.
Antenna colocation within stealth chimney on rooftop
5596 Malone Ridge Street
Mason District |
| FS-P06-117 | Nextel Communications of the Mid-Atlantic, Inc.
Rooftop antennas
2817 Jermantown Road
Providence District |

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

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

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

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ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing Regarding the Continued Leasing of County-Owned Property at 8333 Richmond Highway to The Royal Embassy of Saudi Arabia d/b/a the Islamic Saudi Academy (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing regarding the continued leasing of County-owned property at 8333 Richmond Highway, Alexandria, Virginia, Tax Map Nos. 101-4 ((1))-005-A, 101-4((1)) 057, 101-4 ((8)) (E) – 001, and 101-4 ((7)) – 001, to The Royal Embassy of Saudi Arabia d/b/a/ the Islamic Saudi Academy for the purpose of operating a private school. The leased premises consists of (1) approximately 148,000 square feet of rentable space described as the entire main structure and out buildings (exclusive of the Home Economics Building), and (2) surrounding land. The location of the leased buildings and surrounding land are noted on Attachment B.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing regarding the proposed continued leasing of County-owned property at 8333 Richmond Highway, Alexandria, Virginia, Tax Map Nos. 101-4 ((1))-005-A, 101-4((1)) 057, 101-4 ((8)) (E) – 001, and 101-4 ((7)) – 001, to The Royal Embassy of Saudi Arabia d/b/a/ the Islamic Saudi Academy for the purpose of operating a private school.

TIMING:

Authorization to advertise on February 26, 2007, for a public hearing on March 26, 2007, at 4:00 p.m.

BACKGROUND:

Since 1989, the Islamic Saudi Academy has leased the former Walt Whitman Intermediate School at 8333 Richmond Highway for the operation of a private school. As part of the prior lease arrangements, the Islamic Saudi Academy has provided substantial renovation to the facility and has maintained the building and grounds.

Considering the current lease period expires June 30, 2007, the Islamic Saudi Academy has requested to extend the existing lease. Therefore, subject to the County's completion of lease negotiations with the Islamic Saudi Academy, it is proposed that the County enter into a lease addendum (i.e. Fourth Addendum to Lease Agreement with the Islamic Academy)

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that will permit the continuation of leasing at this site for the period from July 1, 2007, through June 30, 2008.

FISCAL IMPACT:

The estimated annual rent generated from this lease extension will be approximately \$2.1 million.

ENCLOSED DOCUMENTS:

Attachment A – Advertisement

Attachment B – Tax Map

STAFF:

Edward L. Long, Jr., Deputy County Executive

Jose A. Comayagua, Jr., Director, Facilities Management Department

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One Year Action Plan for FY 2008

ISSUE:

Board authorization to advertise a public hearing on the *Proposed Consolidated Plan One Year Action Plan for FY 2008* as forwarded by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the *Proposed Consolidated Plan One Year Action Plan for FY 2008* to be held at 5:00 p.m. on Monday, March 26, 2007. The public will have an opportunity to comment on the proposed use of funds in accordance with United States Department of Housing and Urban Development (HUD) regulations and guidelines. The public may also comment on housing and community service needs in Fairfax County; a proposed amendment to the Citizen Participation Plan for the Consolidated Plan; and they may provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan in 2006.

TIMING:

Board authorization on February 26, 2007 to advertise the public hearing on March 26, 2007, at 5:00 p.m. is requested in order to proceed in a timely manner with required public notification and to maintain the schedule for the Consolidated Plan process.

BACKGROUND:

A *Proposed Consolidated Plan One Year Action Plan for FY 2008* (Attachment 1) was prepared, which presents the proposed uses of funding for programs implemented through the five year Consolidated Plan for FY 2006-2010. These programs include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The *Proposed Consolidated Plan One Year Action Plan for FY 2008* is for the third year of the five year Consolidated Plan for FY 2006-2010.

Due to inclement weather, the CCFAC, the citizens committee that oversees the Consolidated Plan, was unable to meet on the *Proposed Consolidated Plan One Year*

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Action Plan for FY 2008 on February 13, 2007, but requested that this item proceed in order to keep the *Action Plan* approval process on schedule. They will be taking formal action at a subsequent meeting and, in making their final recommendations to the Board, will take into consideration written public comments as well as testimony from the public hearing.

The *Proposed Consolidated Plan One Year Action Plan for FY 2008* includes the second year of the two-year (FY 2007- 2008) funding cycle for the Consolidated Community Funding Pool (CCFP). Although the FY 2008 funding awards will be made by the Board in April 2007, the awards are subject to annual appropriations, and approval of the Annual Action Plan which is required by HUD.

The *Proposed Consolidated Plan One-Year Action Plan for FY 2008* contains a copy of the Citizen Participation Plan for the Consolidated Plan and includes an amendment which the public is asked to comment on under the section, Amendment of the Consolidated Plan, paragraph two. Within the Citizen Participation Plan, the County provides the criteria for determining what constitutes a substantial change in the planned or actual activities described in the approved Consolidated Plan that would require an amendment to the Consolidated Plan. The proposed Citizen Participation Plan amendment modifies the criteria for determining when the Consolidated Plan is to be amended. The revised criteria for amendment are as follows:

“The County will amend the approved Plan whenever it makes one of the following decisions representing a substantial change or adjustment:

- 1) To carry out a project, using funds from any of the four federal programs covered by the Consolidated Plan (including program income) not previously described in the action plan; or
- 2) To eliminate a project from any of the four federal programs covered by the Consolidated Plan (including program income) for which funds were previously approved by the Board of Supervisors.”

The *Proposed Consolidated Plan One Year Action Plan for FY 2008* will be released by the CCFAC in February 2007 to allow for a 30-day public comment period, and will also be the subject of the public hearing by the Board on March 26, 2007, as authorized by this item. Following the public hearing and the conclusion of the public comment period, the CCFAC will make any revisions and forward its recommendations to the Board for action in April 2007 to approve the One Year Action Plan for FY 2008. The One Year Action Plan for FY 2008 will include the funding allocations to the CCFP. The CCFP awards are based on the recommendations from the Selection Advisory Committee appointed to review the proposals received through the CCFP Request for Proposal process for FY 2007-2008.

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The Fairfax County Citizen Participation Plan and HUD regulations require advertisement of the public hearing (Attachment 2) prior to the date of the Board meeting. The notice will include sufficient information about the purpose of the public hearing to permit informed comment from citizens. Upon approval of the Board, a public hearing on the *Proposed Consolidated Plan One Year Action Plan for FY 2008* will be scheduled for Monday, March 26, 2007 at 5:00 p.m. An advertisement will appear in a newspaper(s) of general circulation and minority non-English speaking publications at least 15 days prior to the date of the public hearing, will be included on the County's cable T.V. Channel 16, and in the Weekly Agenda, as well as in information released by the Fairfax County Office of Public Affairs.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Consolidated Plan Action Plan for FY 2008

Attachment 2: Public Hearing Advertisement

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 and Grants Management Division, HCD

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

Stephen E. Knippler, Senior Program Manager, Grants Management, HCD

Richard V. Dunn, Housing and Community Developer, Grants Management, HCD

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ADMINISTRATIVE - 4

Additional Time to Commence Construction for Special Exception Amendment SEA 88-L-071, The Trustees for Immanuel Bible Church (Mason District)

ISSUE:

Board consideration of additional time to commence construction for SEA 88-L-071, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SEA 88-L-071 to November 24, 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 May 24, 2004, the Board of Supervisors approved Special Exception Amendment SEA 88-L-071, subject to development conditions, concurrent with Rezoning RZ 2003-MA-052, subject to proffers. Both applications were filed in the name of The Trustees for Immanuel Bible Church to rezone 13.04 acres previously approved for a church and private school of general education from the R-2 District to the R-3 District to permit building additions and site modifications, pursuant to Section 3-304 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 71-4 ((1)) 35, 36A and 71-4 ((2)) B, 1, 2, 2A, 3, and 3A (see the Locator Map in Attachment 1). The development conditions for SEA 88-L-071 and the proffers for RZ 2003-MA-052 are included in Attachment 2. The development conditions specified that the Special Exception Amendment shall automatically expire, without notice, thirty months after the date of

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approval unless at least one of the uses has been established or construction has commenced and been diligently prosecuted.

On November 22, 2006, the Department of Planning and Zoning (DPZ) received a letter dated November 21, 2006, from Benjamin F. Tompkins, agent for the applicant, requesting twelve months additional time to commence construction for this project (Attachment 3). The letter was modified January 24, 2007, to clarify that the request was for "additional time" and not for an "extension." The letter indicates that construction has not commenced on the building additions that were approved pursuant to SEA 88-L-071. A Rough Grading Plan (# 3198-RGP-0012) was approved on July 25, 2006 and site work has begun. On May 25, 2006, and September 8, 2006, letters of interpretation were issued by Barbara A. Byron, Director, ZED, concerning, among other things, additional clearing and/or grading which the applicant had proposed on the site. The May 25, 2006, letter determined that the proposed clearing and grading on the playing field were not in substantial conformance with the special exception amendment. On September 8, 2006, a favorable determination regarding additional grading of the playing field was made following the submission of additional information by the applicant. The proposed changes were designed to improve the drainage of the ball field and were determined by Urban Forest Management, DPWES, to not adversely impact designated tree save areas on the site. Copies of the above letters are contained in Attachment 3. The Site Plan (# 3198-SP-004-2) was approved on January 26, 2007. According to the applicant's agent, the site is currently being graded and building construction is expected to commence in the spring.

Staff has reviewed Special Exception SEA 88-L-071 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow building additions, site modifications, and modifications to the development conditions at an existing church and private school of general education in the R-3 District. Further, staff knows of no change in land use circumstances that affect the compliance of SEA 88-L-071 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 SEA 88-L-071 are still appropriate. Staff recommends that twelve months additional time be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

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Attachment 2: Letter dated June 9, 2004, to Benjamin F. Tompkins, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SEA 88-L-071. Letter dated June 11, 2004, to Benjamin F. Tompkins, agent for applicant, which sets forth the approval of RZ 2003-MA-052, subject to proffered conditions dated April 20, 2004.

Attachment 3: Interpretation letters dated September 8, 2006 and May 25, 2006 from Barbara A. Byron, Director, ZED, to representatives of William H. Gordon Associates, Inc.

Attachment 4: Letter dated November 21, 2006, and revised January 24, 2007, from Benjamin F. Tompkins, agent for the applicant, to Eileen M. McLane, Zoning Administrator, requesting twelve months 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

Pamela Nee, Chief, Environment and Development Review Branch, PD, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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Board Agenda Item
February 26, 2007

ADMINISTRATIVE - 5

Additional Time to Commence Construction for Special Exception Amendment SEA 84-D-086-5, The Langley School (Dranesville District)

ISSUE:

Board consideration of additional time to commence construction for SEA 84-D-086-5, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen months additional time for SEA 84-D-086-5 to April 20, 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 October 20, 2003, the Board of Supervisors approved Special Exception SEA 84-D-086-5, subject to development conditions. The special exception application was filed in the name of The Langley School, previously approved for a private school of general education, to permit an increase in enrollment, building additions, a change in development conditions, and site modifications, pursuant to Section 3-304 and 9-301 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 30-1 ((1)) 42A, 43 and 30-1 ((22)) 2A (see the Locator Map in Attachment 1). The development conditions for SEA 84-D-086-5 are included as part of the Clerk to the Board's letter in Attachment 2. The development conditions specified that the Special Exception Amendment would expire, without notice, three years (36 months) after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted, unless the Board granted additional time. The conditions stated that the use shall be deemed

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established with the commencement of the Phase I of construction, which is called the Fine Arts Phase on the SEA Plat.

On October 4, 2006, the Department of Planning and Zoning (DPZ) received a letter dated September 13, 2006, from Lori Greenlief, agent for the applicant, requesting thirty-six months additional time to commence construction for this project (Attachment 3). According to the letter, due to funding limitations not foreseen at the time of the 2003 approval, construction has not commenced on the five buildings approved pursuant to SEA 84-D-086-5, which included an administration building, a library/cafeteria, a middle school, a primary school, and a fine arts center. The SEA Plat labeled all of the buildings as "Proposed," with the exception of the Fine Arts Center which was labeled "Previously submitted FFX County #4068-SP-04," because the site plan for the building had been submitted to the county for review. The site plan (#4068-SP-04) was approved on August 7, 2006. The September 13, 2006, letter states that construction should commence on the Fine Arts Building in late spring, 2007.

Staff has reviewed Special Exception SEA 84-D-086-5 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow an increase in enrollment, building additions, a change in development conditions, and site modifications at a private school of general education in the R-3 District. Further, staff knows of no change in land use circumstances that affect the compliance of SEA 84-D-086-5 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 since the SEA was approved. The conditions associated with the Board's approval of SEA 84-D-086-5 are still appropriate. However, given the fact that a site plan has been approved for the Fine Arts Center and the applicant's agent has stated that construction is expected to commence on the Fine Arts Center in late spring, 2007, staff recommends approval of eighteen months additional time to April 20, 2008.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated November 12, 2003, to Jonathan P. Rak, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SEA 84-D-086-5.

Attachment 3: Letter dated September 13, 2006, from Lori Greenlief, agent for the applicant, to Eileen McLane, Zoning Administrator, Department of Planning and Zoning, requesting 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

Pamela Nee, Chief, Environment and Development Review Branch, PD, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 6

Additional Time to Commence Construction for Special Exception SE 2002-MV-022,
Trustees of Engleside Baptist Church (Mount Vernon District)

ISSUE:

Board consideration of additional time to commence construction for SE 2002-MV-022, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen months additional time for SE 2002-MV-022 to May 18, 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 November 18, 2002, the Board of Supervisors approved Special Exception SE 2002-MV-022, subject to development conditions. The special exception application was filed in the name of the Trustees of Engleside Baptist Church to permit a church with a private school of general education and four units of pastoral housing, pursuant to Section 9-006 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 108-3 ((1)) 16 pt. and 108-1 ((1)) 27A pt. (see the Locator Map in Attachment 1). On November 18, 2002, the Board of Supervisors also approved concurrent RZ 2002-MV-020, subject to proffers, which rezoned the church site from the PDH-4 District to the R-3 District and rezoned the adjacent 12.88 acres from the PDH-4 District to the PDH-3 District to permit a single-family detached residential development. The development conditions for SE 2002-MV-022 and proffers for RZ 2002-MV-020 are included as part of the Clerk to the Board's letters in Attachment 2. The development conditions specified

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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 September 26, 2005, the Board of Supervisors approved eighteen months additional time to commence construction until November 18, 2006. A copy of the Clerk to the Board's letter stating approval of the additional time is contained in Attachment 3.

On August 17, 2006, the Department of Planning and Zoning (DPZ) received a letter dated August 16, 2006, from Harry P. Hart, agent for the applicant, requesting eighteen months additional time to commence construction for the approved church. Mr. Hart states that the additional time is needed to re-submit the final site plan. The letter states that the second submission of the site plan was rejected by Fairfax County. Mr. Hart also stated that additional geotechnical information was requested by the reviewer and would be submitted in September. According to DPWES, the soils report was approved on September 1, 2006, and all of the soils issues have been addressed. Outstanding transportation proffer issues related to Richmond Highway improvements and site access, unpaid fees, and Architectural Review Board (ARB) approvals remain to be addressed prior to site plan (#1748-SP-001-3) approval.

Staff has reviewed Special Exception SE 2002-MV-022 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow a church with a private school of general education and four units of pastoral housing in the R-3 District. Further, staff knows of no change in land use circumstances that affect the compliance of SE 2002-MV-022 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 2002-MV-022 are still appropriate. Staff believes that the approval of the requested additional time would be in the public interest and recommends that eighteen months additional time be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated February 14, 2003, to Gregory A Riegle, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2002-MV-022. Letter dated February 14, 2003, to Gregory A. Riegle, agent for the applicant, from Nancy Vehrs, Clerk to the Board of

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Supervisors, which includes the proffered conditions for RZ 2002-MV-020 and the Final Development Plan (FDP) development conditions.

Attachment 3: Letter dated September 28, 2005, to Michael Bruen, agent for the applicant, from Patti Hicks for Nancy Vehrs, Clerk to the Board of Supervisors stating the Board of Supervisors' approval of eighteen months additional time.

Attachment 4: Letter dated August 16, 2006, from Harry P. Hart, agent for the applicant, to William E. Shoup, Zoning Administrator, requesting additional time to commence construction.

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

Pamela Nee, Chief, Environment and Development Review Branch, PD, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 7

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen months additional time for SE 2003-LE-036 to June 21, 2008.

TIMING:

Routine

BACKGROUND:

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

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

On October 24, 2006, the Department of Planning & Zoning received a letter dated October 24, 2006, from Lynne J. Strobel, on behalf of the applicant, requesting eighteen months additional time to record the subdivision for SE 2003-LE-036 (see Attachment 3). The letter

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states that the additional time is needed to complete the subdivision approval process. Ms. Strobel indicates that delays have been incurred in the implementation of the special exception due to the fact that the contract purchasers, who were the applicants during the SE application process, elected not to acquire the subject property, thereby placing the responsibility on the property owner to record the subdivision plat and to fulfill the requirements of the development conditions. Subdivision Plan #008375-SD-001-2 was accepted by DPWES on August 2, 2006, and was forwarded to Bonds and Agreements on November 20, 2006. The issues which remain to be resolved prior to final approval include soil stabilization, erosion control, geotechnical engineering review and the acquisition of off-site easements.

Staff has reviewed Special Exception SE 2003-LE-036 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a cluster subdivision. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2003-LE-036 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2003-LE-036 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that eighteen months of additional time to June 21, 2008, be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated July 7, 2004, to Martin D. Walsh, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2003-LE-036

Attachment 3: Letter dated October 24, 2006, from Lynne J. Strobel, agent for the applicant, 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

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 - 8

Approval of Traffic Calming Measures, Consideration for Cut-Through Restrictions, Installation of "\$200 Additional Fine for Speeding" Signs, and Multi-Way Stops as Part of the Residential Traffic Administration Program (Providence, Braddock, Springfield, Mount Vernon, and Lee Districts)

ISSUE:

Board endorsement of traffic calming plans, cut-through restrictions, "\$200 Additional Fine for Speeding" signs, and multi-way stops, as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends that the Board:

Endorse the following traffic calming measures (Attachment I):

- Three speed tables and one multi-way stop on Miller Heights Road (Providence District).

Approve a resolution (Attachments II-III) for consideration of a cut-through traffic restriction on:

- Starlit Ponds Drive (Braddock District)
- Pickstone Drive (Braddock District)
- Weirich Road (Braddock District)
- Goss Road (Braddock District).

Approve a resolution (Attachments IV-V) for the installation of "\$200 Additional Fine For Speeding" signs on the following road:

- Hunter Village Drive between Old Keene Mill Road and Rolling Road (Springfield District).

Approve multi-way stops at the following intersections:

- Chase Glen Circle and Woodwren Lane (Springfield District)
- Oak Chase Circle and Cross Oaks Lane (Springfield District)
- Lukens Lane and Old Mill Road (Mount Vernon District)
- Willowood Lane and Apple Tree Drive (Lee District)
- Willowood Lane and Bee Street (Lee District).

Finally, the County Executive recommends that the Virginia Department of Transportation (VDOT) be requested to install the approved measures as soon as possible, and that staff and VDOT develop cut-through plans in conjunction with the applicable community as soon as possible.

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TIMING:

Board action is requested on February 26, 2007.

BACKGROUND:

Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Miller Heights Road, a traffic calming plan was approved by staff and the Virginia Department of Transportation (VDOT), and was subsequently submitted for approval to residents of the petition area. On January 30, 2007, the Department of Transportation received written verification from the local supervisor confirming community support for the traffic calming plan.

Cut-through employs the use of access restrictions (turn prohibitions, etc.) and/or physical devices such as the traffic calming devices referenced above, to reduce the volume of traffic on a residential street. Multi-way stops may be employed for regulatory control of traffic. An alternative route must also be identified. For Starlit Ponds Drive, Pickstone Drive and Weirich Road, a possible alternative route is Olley Lane to Little River Turnpike to Pickett Road. If the cut-through resolution is approved, a task force will be formed to recommend and formally adopt a cut-through plan, which will then be presented at a future public hearing before the Board of Supervisors.

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. Also, these residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Hunter Village Drive between Old Keene Mill Road and Rolling Road meets the R-TAP requirements for posting of the "\$200 Additional Fine For Speeding" signs. On January 23, 2007, the Department of Transportation received written verification from the local supervisor confirming community support.

The R-TAP allows for installation of multi-way stops in local residential neighborhoods at intersections consisting of a through cross street connected to adjacent intersections. In addition, the following criteria must be met, as contained in the Virginia Department of Transportation (VDOT) "Policy on Multi-way Stops in Residential Communities":

- The street has 100% residential frontage on both sides and is classified as a local or collector street.
- The street has a posted legal speed limit of 25 mph.
- No potential safety problems would be created.
- The intersection geometrics and spacing to adjacent intersections have been determined to be acceptable.
- There would be minimal impact on traffic flow for neighboring streets.

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Staff and VDOT have authorized the multi-way stops requested. On January 11, 2007, January 22, 2007, and January 26, 2007, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

The Board should be aware, however, of the potential negative impacts of multi-way stops. These include delay in travel time, reduced motorist compliance with regulatory signs, difficulty of police enforcement, parking restrictions within 30 feet of stop signs, and increased air and noise pollution.

FISCAL IMPACT:

The estimated cost of \$25,000 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan - Miller Heights Road

Attachment II: Cut-Through Traffic Restriction Resolution - Starlit Ponds Drive, Pickstone Drive and Weirich Road

Attachment III: Primary Use Area Map - Starlit Ponds Drive, Pickstone Drive and Weirich Road

Attachment IV: \$200 Fine for Speeding Signs Resolution - Hunter Village Drive

Attachment V: Area Map of Proposed \$200 Fine for Speeding Signs - Hunter Village Drive

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, Senior Transportation Planner, FCDOT

Hamid Majdi, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 9

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 26, 2007, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Green Trails CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on February 26, 2007, to provide sufficient time for advertisement of the public hearing on March 26, 2007, at 4:00 p.m.

BACKGROUND:

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

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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 Green Trails CPD expansion is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$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 Green Trails 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 - 10

Designation of Plans Examiner Status Under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to designate individuals as a Plans Examiner to participate in the Expedited Land Development Review Program pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors designate the following individuals, identified with a registration number, as a Plans Examiner:

Matthew Lawrence	(273)
Somanathan Govender	(274)
Joshua H. Melson	(275)

TIMING:

Routine.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia* establishing a Plans Examiner Program under the auspices of an Advisory Plans Examiner Board (APEB). The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to Land Development Services, Department of Public Works and Environmental Services.

Code requires that the Board of Supervisors designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After review of the applications and credentials, the APEB has found that the above-listed candidates satisfy these requirements.

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In a letter dated January 16, 2007, the Chairman of the APEB, James H. Scanlon, PE, LS recommended to the Chairman of the Board of Supervisors, Gerald E. Connolly, designation of these candidates as Plans Examiners.

Staff concurs in these recommendations as being in accordance with Chapter 117 and the Board-adopted criteria.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter dated January 16, 2007, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

Ray Curd, Director, Code Analysis, DPWES

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ADMINISTRATIVE – 11

Streets into the Secondary System (Springfield, Mason, and Providence Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Robertson Farm	Springfield	Robertson Farm Circle Robertson Farm Service Road
Clifton Manor Sec. 3		Kilby Landing Court Willow Lakes Court
Clifton Manor Sec. 4		Willow Lakes Court Braddock Road (Route 620) (Additional ROW Only)
		Clifton Road (Route 645) (Additional ROW Only)
Sleepy Hollow Mews	Mason	Valley Brook Drive
Five Oaks	Providence	Cheriton Court

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Form 1-2's showing the listed streets

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

ADMINISTRATIVE - 12

Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees

ISSUE:

Board authorization to advertise a public hearing for the purpose of amending the county's sewer ordinance. As shown in the proposed advertisements provided in Attachments 1a & 1b, the sewer ordinance is being amended to revise Sewer Service Charge and Availability Fee rates to be consistent with the Wastewater Management Program's revised five-year financial forecast (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these sewer rate revisions are as follows:

1. To establish the Sewer Service rates for FY 2007 through FY 2011.
2. To revise the previously adopted Sewer Service rates for FY 2009 and FY 2010 due to new Chesapeake Bay requirements.
3. To establish the Availability Fee rates for FY 2007 through FY 2011.
4. To maintain a 5-year (FY 2007 - FY 2011) sewer rate schedule; outdated FY 2006 rates will be deleted, and new FY 2011 rates will be added.

Although the sewer rate schedule in the sewer ordinance is multi-year, all sewer rates are reviewed, adjusted as necessary, and adopted annually to ensure sewer rates are accurately priced.

The revised, 5-year rate schedule for the Sewer Service Charge per 1,000 gallons, with previously adopted rates in parentheses, is as follows:

PROPOSED SEWER SERVICE CHARGE RATE SCHEDULE				
<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
\$3.50	\$3.74 (\$3.74)	\$4.10 (\$3.99)	\$4.50 (\$4.26)	\$4.94

The FY 2009 and FY 2010 sewer service charge rates are being increased to cover debt and capital expenses anticipated for the construction of additional treatment facilities to meet more stringent nitrogen removal requirements imposed by the State as a result of "Chesapeake 2000" Agreement. Signatories to the Agreement besides the State of Virginia include the States of Maryland and Pennsylvania, the District of Columbia, the United States Environmental Protection Agency (USEPA), and the Chesapeake Bay Commission.

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The revised, 5-year rate schedule for the Availability Fees for a single-family residence, with previously adopted rates in parentheses, is as follows:

PROPOSED AVAILABILITY FEE RATE SCHEDULE				
<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
\$6,138	\$6,506 (\$6,506)	\$6,896 (\$6,896)	\$7,310 (\$7,310)	\$7,750

RECOMMENDATION:

The County Executive recommends that the Board authorize two separate sewer rate advertisements, one for Sewer Service Charges and another for Availability Fees, as proposed in Attachments Ia & Ib.

TIMING:

Action must be taken on February 26, 2007, to provide adequate notice of a public hearing for comments on the proposed sewer rate revisions. The public hearing will be held on April 9, 2007, at 3:30 p.m. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2008 Advertised Budget Plan. FY 2008 sewer rates will become effective on July 1, 2007.

BACKGROUND:

In February 2007, the Wastewater Management Program and PRMG completed the Rate Study, which indicated the existing rate increases were not adequate to maintain minimum fund balances (see the proposed notices for rate revisions). Minimum fund balances or "reserves" are maintained to comply with bond requirements and to fund major capital expenditures such as the addition of nitrification (ammonia nitrogen removal) facilities at wastewater treatment plants. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment II).

A forecasted, 4-year rate schedule (FY 2008 - FY 2011) is recommended for the County's Sewer Service Charge (See Staff Report, Attachment III). The Sewer Service Charge is based on the volume of water used by a sewer customer and is billed quarterly to offset the operations, maintenance, debt, and capital costs allocated to "existing customers." Last year, 6.75 percent annual rate increases were adopted for FY 2007 through FY 2010. This year's proposed rate increases will remain the same for FY 2008 (6.75%), however 9.75 percent annual rate increases are being recommended for FY 2009 through FY 2011. The recommended rate increases will provide for inflation and the cost of constructing nitrogen removal facilities at wastewater treatment plants to comply with new discharge requirements imposed by the state and the Chesapeake Bay Program. These rate increases are consistent with this year's Rate Study recommendations.

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The County's Sewer Service Charge remains very competitive on a local basis (See Attachment IV).

Similarly, with regard to Availability Fees and commercial fixture unit rates, a four-year rate schedule is proposed. Availability Fees are one-time "tap fees" paid by sewer customers to connect to the system. The revenue from Availability Fees is used to offset the costs of expanding major treatment facilities. The FY 2007 rate is being indexed 4.5 percent, while the FY 2008 through FY 2011 rates are being indexed 6.0 percent in anticipation of rising borrowing costs. Indexing recognizes the time value of money being used now to construct capacity for future customers.

FISCAL IMPACT:

In FY 2008, assuming a typical water usage per household of 19,000 gallons/quarter (or 76,000 gallons/year), the average homeowner's sewer bill will be approximately \$284 per year, which is an increase of \$18.24 over the FY 2007 sewer bill. Because of the new nitrogen removal requirements, the annual cost impact of the FY 2009 to FY 2011 rate increases for a typical homeowner will be approximately an additional \$27 to \$33 a year as follows:

Fiscal Year	Service Charge (\$/1,000 gallons)	Annual Bill (\$)	Increase, \$ (% Increase)
2007	\$3.50	\$266.00	\$16.72 (6.75%)
2008	\$3.74	\$284.24	\$18.24 (6.75%)
2009	\$4.10 (Revised)	\$311.60	\$27.36 (9.75%)
2010	\$4.50 (Revised)	\$342.00	\$30.40 (9.75%)
2011	\$4.94 (New)	\$375.44	\$33.44 (9.75%)

The cost impact of the new Total Nitrogen (TN) removal requirements began in FY 2007. The cost impact of the additional nitrogen removal costs to a typical homeowner will be approximately \$70 per year by FY 2011.

Fiscal Year	Annual Bill, \$ (% Increase) w/o TN Cost Effects in rates	Annual Bill, \$ (% Increase) w/TN Cost Effects in rates	Increase, \$
2007	\$258 (3.6%)	\$266 (6.75%)	\$8
2008	\$271 (5.0%)	\$284 (6.75%)	\$13
2009	\$282 (4.0%)	\$312 (9.75%)	\$30
2010	\$293 (4.0%)	\$342 (9.75%)	\$49
2011	\$305 (4.0%)	\$375 (9.75%)	\$70

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Approximately \$1.5 million in additional Availability Fee revenue will be generated annually with the 6.0 percent rate increases in availability fees.

Revenues from the collection of Sewer Service Charges and Availability fees are recorded in Fund 400, Sewer Revenue Fund.

ENCLOSED DOCUMENTS:

Attachment I - Proposed Public Hearing Advertisements

Attachment II - The Proposed Amendment to Article 67.1-10 (Charges) of the Code of the County of Fairfax

Attachment III - Staff report prepared by the Department of Public Works and Environmental Services

Attachment IV – Table - Comparison of Area Water and Sewer Charges
(Copies of PRMG's "Five-year Financial Forecast" are available upon request)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

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February 26, 2007

ADMINISTRATIVE - 13

Authorization to Advertise a Public Hearing Regarding the Conveyance of County-Owned Property to the Virginia Department of Transportation for Project 0657-029-357-C501 (Hunter Mill District)

ISSUE:

Authorization to advertise a public hearing regarding the conveyance of County-owned property to the Virginia Department of Transportation (VDOT) for Project 0657-029-357-C501.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing regarding the referenced conveyance.

TIMING:

Board action is requested for February 26 2007, to provide sufficient time to advertise the proposed public hearing on March 26, 2007, at 4:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of two vacant parcels identified as Tax Map No's. 25-1-08-0001 and 25-1-08-0094. The subject properties are located at the northwest and southwest corners of the intersection of Centreville Road and Copper Ridge Drive.

Staff, in coordination with VDOT, is currently taking the necessary actions to transfer the fee simple title of these properties required in order to construct the Centreville Road widening project. In addition VDOT is requesting a permanent traffic signal easement for property identified as Tax Map No. 25-1-01-0018E which is the Fire Station located at Centreville Road. VDOT's offer of compensation to acquire these properties is \$926,400.00. 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.

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.

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FISCAL IMPACT:

The proceeds from the sale (\$926,400.00) will be deposited in Fund 304 – Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment A – Public Notice

Attachment B – Tax Map No. 25-1

STAFF:

Edward L. Long, Deputy County Executive

Jose A. Comayagua, Director, Facilities Management Department

Katharine D. Ichter, Director, Department of Transportation

Board Agenda Item
February 26, 2007

ADMINISTRATIVE - 14

Adoption of a Resolution Approving the Issuance of Revenue Bonds by the Economic Development Authority for the Benefit of Goodwin House Incorporated

ISSUE:

Requesting that the Fairfax County Economic Development Authority issue up to \$230,000,000 revenue bonds for the benefit of Goodwin House Incorporated.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution.

TIMING:

Board action is requested on February 26, 2007.

BACKGROUND:

Goodwin House Incorporated (the "Corporation") is a not-for-profit Virginia nonstock corporation that owns and operates a continuing care retirement facility at 3440 South Jefferson Street, Falls Church (Fairfax County), Virginia, known as Goodwin House Bailey's Crossroads. The Fairfax County Economic Development Authority, at the request of the Corporation requesting that the Authority issue its revenue bonds not to exceed \$230,000,000 to assist the Corporation in its plans to (1) finance the costs of improvements and additions to the Facility including constructing a wellness center, renovating the Facility's existing assisted living and nursing care center, and constructing a new parking structure; (2) refund all or a portion of the outstanding \$53,290,000 Variable Rate Demand Revenue Refunding Bonds (Goodwin House), Series 2005 issue by the Industrial Development Authority of the City of Alexandria; (3) refinance all or part of the outstanding principal amount of the \$22,000,000 of indebtedness incurred by the Corporation to finance costs of the Project and other improvements; (4) pay certain costs of issuance, funded interest and the cost of credit enhancement of the Bonds (5) fund a debt service reserve fund for all or part of the Bonds.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment 1 - Resolution of the Board of Supervisors (Separate from package)

Attachment 2 - Certificate of Public Hearing with supporting documents (Separate from package)

STAFF:

Gerald L. Gordon, Director, Fairfax County Economic Development Authority

Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

Board Agenda Item
February 26, 2007

ACTION - 1

Authorization to File Testimony in Application of Washington Gas Light Company for a General Increase in Rates, Fees, Charges and Revisions to the Terms and Conditions of Service and for Approval of a Performance-Based Rate Regulation Methodology Under Va. Code Section 56.235.6, SCC Case No. PUE-2006-00059

ISSUE:

Board authorization to file testimony in the application of Washington Gas Light Company for a general increase in rates, fees, charges and revisions to the terms and conditions of service, and for approval of a performance-based rate regulation methodology.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Cable Communications and Consumer Protection ("DCCCP") to file testimony in the Washington Gas Light Company request for an increase in rates, SCC Case No. PUE-2006-00059.

TIMING:

The deadline for filing testimony is Wednesday, February 28, 2007. The County Attorney has filed a Notice of Participation so that the County can preserve its right to appear in the case. If the Board does not approve the testimony, the County will withdraw from the case.

BACKGROUND:

On November 20, 2006, the Board approved the filing of a Notice of Participation in the Application of Washington Gas Light Company ("WGL" or "the Company") for a general increase in rates, fees, charges and revisions to the terms and conditions of service, and for approval of a performance-based rate regulation methodology pursuant to Va. Code Section 56.235.6. Shortly thereafter, on December 4, 2006, the Board directed staff to register the Board's concern about the outsourcing of WGL's customer-service unit concurrently with a proposed price increase to ratepayers.

Washington Gas Light Company had earlier filed an application with the State Corporation Commission ("SCC") requesting (a) a \$23.0 million increase in rates, fees and charges (later revised downward to \$17.2 million); (b) revisions to the terms and conditions of its service (the "tariff changes"); and (c) approval of a performance based ratemaking methodology (the "PBR Plan"), including a three-year freeze on base (non-gas) rates and the implementation of an earnings-sharing mechanism.

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Staff's proposed testimony on the appropriate allowed rate of return on common equity for WGL utilizes the discounted cash flow and risk premium methods, and recommends a required rate of return in the range of 9.0% to 10.0% (or at the midpoint 9.5%), versus the Company's proposal of 11.25% (a difference of up to \$6.3 million per year).

Staff's testimony also opposes WGL's request to implement a number of proposals and accounting adjustments including: 1) several that, together, would allow WGL to recoup from Virginia ratepayers about 40 percent of the costs related to WGL's hexane injection program. Staff's recommendation would save ratepayers more than \$2 million per year in hexane costs and would establish precedent that could save as much as \$57.6 million over the course of WGL's related program to repair and replace its leaking Maryland couplings; 2) implementation of either an RNA or WNA – the two “normalization” adjustments – because each unreasonably shifts business risk from WGL's shareholders to its ratepayers without adequate compensation to ratepayers; 3) the expansion of the purchased gas charge (“PGC”) because of the unfavorable precedent it would set; 4) WGL's proposed asset sharing arrangement, which would benefit shareholders at the expense of ratepayers; 5) WGL's PBR Plan, which fails to satisfy all statutory prerequisites for approval; and 6) WGL's proposal to consider outsourcing its customer service operations.

Cumulatively, if staff's recommendations were to be adopted by the Commission, WGL's requested \$17.2 million rate increase would be reduced by \$8.3 million or approximately 48%.

Testimony in the case is due February 28, 2007. The public hearing in this case is scheduled to commence on April 23, 2007, at the State Corporation Commission in Richmond, Virginia.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1- Testimony of Steve Sinclair and Susan Hafeli in SCC Case No. PUE-2006-00059

STAFF:

David J. Molchany, Deputy County Executive

Gail Condrick, Director, Department of Cable Communications and Consumer Protection

Dennis R. Bates, Senior Assistant County Attorney

Steve Sinclair, Chief, Utilities Branch, DCCCP

Susan Hafeli, Utility Analyst, Utilities Branch, DCCCP

Board Agenda Item
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ACTION - 2

Authorization to Execute a Project Agreement with the Virginia Department of Transportation to Administer County-Funded Roadway Improvements to Gunston Cove Road Bridge

ISSUE:

Board authorization for the County Executive to execute a project administration agreement between Fairfax County and the Virginia Department of Transportation (VDOT) to allow VDOT to administer a study to construct a new bridge and approaches for Gunston Cove Road over the CSX Corporation (CSX) railroad using County funds.

RECOMMENDATION:

The County Executive recommends Board authorization to execute a project agreement (Attachment I), in substantial form, between VDOT and the County for a study to construct a new bridge and approaches for Gunston Cove Road over the CSX railroad using County funds. The estimated total project cost for the study is \$200,000. Funding for this study is available in Fund 301, Contributed Roadway Improvement Fund, Project 009900, Miscellaneous Contributions.

TIMING:

The Board should act on this item on February 26, 2007, so that the projects can move forward.

BACKGROUND:

The Gunston Cove Road Bridge, which spans the Richmond, Fredericksburg & Potomac (RF&P) CSX rail line, was closed approximately two years ago due to safety concerns by VDOT.

On February 6, 2006, the Board authorized the Fairfax County Department of Transportation (FCDOT) to release to VDOT those dollars required by VDOT to undertake preliminary engineering for the bridge and approaches from the Lorton Area Transportation Fund. Over the course of the past year, County staff has worked with VDOT to determine how the project would be administered; outline the details for implementing a Type, Size, and Location (TS&L) study; and craft an agreement between the County and VDOT for the funding of the study.

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Staff has coordinated the memorandum of understanding agreement (Attachment 1) with VDOT for the administration of a TS&L study to analyze the replacement of the existing bridge and approaches for Gunston Cove Road over the RF&P railroad.

FISCAL IMPACT:

Funding is available in Fund 301, Contributed Roadway Improvement Fund, Project 009900, Miscellaneous Contributions for this project. The total estimated cost for this phase of the project is \$200,000.

ENCLOSED DOCUMENTS:

Attachment 1 – Memorandum of Understanding for Project Administration and Funding
Attachment 2 – Resolution for Execution of Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen F. M. Posner, Assistant County Attorney
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Doug MacTavish, FCDOT
Jay Guy, FCDOT

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ACTION - 3

Authorization for the Department of Transportation to Prepare for a Fall 2007 Transportation Bond Referendum

ISSUE:

Board authorization for the Department of Transportation to begin preparations for a transportation bond referendum on November 6, 2007. These bond funds, if approved, would be used for new projects to expedite construction and delivery of identified projects throughout the County (Attachment I).

RECOMMENDATION:

The County Executive recommends that the Board:

1. Authorize the Department of Transportation to begin preparations for a transportation bond referendum on November 6, 2007.
2. Approve the identified projects (Attachment I) to be funded with the 2007 transportation bond funds.
3. Approve use of \$1,000,000 in existing transportation bond funds, not needed for other projects prior to the end of calendar year 2007, which can be temporarily reallocated to "jump start" design of the projects in advance of the Fall 2007 transportation referendum.

TIMING:

Board authorization is requested on February 26, 2007, so that staff can begin the process of preparing for a transportation bond referendum on November 6, 2007, as well as initiate advanced work on the project list.

BACKGROUND:

On May 1, 2006, the Board approved a transportation bond referendum for Fall 2007, as part of the FY 2007 – FY 2011 Capital Improvement Program. At this time, the County has the capacity to sell \$110 million in transportation bonds, if approved by the voters. Staff has identified a list of projects (Attachment I) for the Board's consideration, to be funded with the 2007 transportation bond referendum funds. Drafts of this list were reviewed at the Board Transportation Subcommittee meetings on October 16, 2006, and December 11, 2006. The list was subsequently modified, with input from Board members, to its current composition.

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In anticipation of a successful bond referendum, staff is seeking authorization to begin design work on several of the identified projects, in order to expedite the construction and delivery of the projects once bond funding is available. In order to do this, staff will need \$1,000,000 to advance the design work. At this time it is anticipated that design activities for the Spot Improvement Projects, the Poplar Tree Road project, and the Lorton Road project will be advanced first; however, this is still under study. Once the initial planning for the referendum is complete, staff will return to the Board with a detailed schedule and resource requirements for public outreach and project implementation.

The start dates for projects will be staggered to balance the project workload with design staff and consultant resources and to allow those projects which can be completed most easily to get underway immediately, followed by the projects which will be more complex to deliver due to design, land acquisition, utility, or other considerations.

The Department of Public Works and Environmental Services (DPWES) is continuing to evaluate the workload associated with other projects included in the Fall 2006 Public safety bond referendum. If the Fall 2007 bond referendum is successful or if additional capital projects be added to the workload, additional resources may be required.

FISCAL IMPACT:

Unless otherwise directed by the Board, staff will temporarily reallocate \$1,000,000 in transportation bond funds, not needed for other projects prior to the end of calendar year 2007, to initiate design of projects in advance of the Fall 2007 transportation referendum.

ENCLOSED DOCUMENTS:

Attachment I: List of Projects to be funded with 2007 Transportation Bond

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
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Jay Guy, FCDOT
Len Wales, County Debt Manager

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ACTION - 4

Supplemental Appropriation Resolution 07097 and Approval of a Standard Project Administration Agreement for the Department of Transportation to Accept Congestion Mitigation and Air Quality (CMAQ) Funding for the Soapstone Drive Trail and Columbia Pike Phase II Trail (Hunter Mill and Mason Districts)

ISSUE:

Board approval of Supplemental Appropriation Resolution 07097 for the Department of Transportation to accept funding in the amount of \$2,000,000, including \$400,000 in Local Cash Match, and to execute a Standard Project Administration Agreement with the Virginia Department of Transportation (VDOT) to construct trails at various locations in Fairfax County. The total project cost is \$2,000,000, of which \$1,600,000 is available in CMAQ funding and the required 20 percent Local Cash Match of \$400,000 is available in Fund 102, Federal/State Grant Fund.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution 07097 and the Standard Project Administration Agreement with VDOT, in substantial form, for the Department of Transportation to accept \$2,000,000 in funding, including \$1,600,000 in CMAQ funding and \$400,000 in Local Cash Match, to construct trails at various locations in Fairfax County.

TIMING:

Board approval is requested on February 26, 2007, so that the two projects can proceed.

BACKGROUND:

The Board approved the application for these funds on September 10, 2001. The original application for these funds included the Soapstone Drive Trail and Columbia Pike Phase II Trail improvements, as well as pedestrian/trail projects in Tysons Corner and at Plaza America. Subsequent to the application for these funds, County staff was able to find alternative funding strategies for the Tysons Corner and Plaza America projects. This enabled staff to utilize the CMAQ funds for advancement of the remaining two trail projects.

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The Columbia Pike Phase II Trail improvements consist of the installation of approximately 600 linear feet (LF) of 8-foot wide asphalt walkway along the south side of Columbia Pike from the entrance to the Holmes Run Stream Valley Park in a northeasterly direction to Powell Lane. Also included with these improvements is the installation of a bus shelter along Columbia Pike immediately adjacent to Powell Lane. These improvements will connect to the Columbia Pike Phase I trail improvement project and will provide a continuous trail along the south side of Columbia Pike from Fairfax Parkway to Powell Lane.

The Soapstone Drive Trail improvements consist of the installation of approximately 3,300LF of walkway along the west side of Soapstone Drive from South Lakes Drive in a southerly direction to Glade Drive, including a pedestrian bridge crossing of Snakeden Branch. This project will improve pedestrian access to several apartment complexes located along Soapstone Drive between South Lakes Drive and Glade Drive in Reston. Pedestrians in this area use Soapstone Drive to access bus stops, neighborhood commercial establishments, and recreational facilities.

In order to participate in the CMAQ Program, a Standard Project Administration Agreement for the development and administration of the proposed projects must be executed with VDOT before work on the projects can be initiated. This agreement stipulates the guidelines and requirements that the County must adhere to during the design, land acquisition, and construction of the proposed projects (Attachment 1).

Under the CMAQ Program, VDOT will ultimately reimburse the County 80 percent of the incurred costs up to the maximum agreed amount, whichever is less. It is mandatory that the County contribute Local Cash Match funds in the amount of 20 percent of the incurred costs up to the maximum agreed amount, whichever is less.

FISCAL IMPACT:

The Board of Supervisors endorsed submitting the CMAQ grant applications for these projects on September 10, 2001. The total estimated costs associated with this grant is \$2,000,000, of which \$1,600,000 is funded by CMAQ grant funding and the remaining \$400,000 is the required 20 percent Local Cash Match, available in Fund 102, Federal/State Grant Fund. 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 FY 2007. This grant does not allow for the recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created by this grant.

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ENCLOSED DOCUMENTS:

Attachment 1 – Agreement for Design and Construction of Trail Improvements at Various Locations in Fairfax County.

Attachment 2 – Supplemental Appropriation Resolution 07097

Attachment 3 – Resolution to Execute Agreement

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

Ellen F. M. Posner, Assistant County Attorney

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

Howard J. Guba, Deputy Director, DPWES

Jay Guy, FCDOT

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ACTION - 5

Authorization to Execute a Building Code Services Agreement for Administering and Enforcing the Virginia Uniform Statewide Building Code for the Town of Clifton (Springfield District)

ISSUE:

Board authorization to execute an agreement with the Town of Clifton, Virginia, such that Land Development Services within the Department of Public Works and Environmental Services (DPWES) shall provide building code services to the town; and further, to designate the Fairfax County Building Official as the Clifton Building Official for the purpose of administering and enforcing the Virginia Uniform Statewide Building Code as provided for in Va. Code Ann. § 36-105(A) (Supp. 2006).

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chairman of the Board to execute the Building Code Services Agreement set forth as Attachment I.

TIMING:

Routine. Building code services are currently being provided pursuant to the Board's resolution dated February 24, 1997.

BACKGROUND:

Pursuant to Va. Code Ann. § 36-105(A) (Supp. 2006), when a town does not elect to administer and enforce the Virginia Uniform Statewide Building Code (the VUSBC), the county in which the town is located shall administer and enforce the VUSBC for the town. On February 14, 1977, the Board adopted a resolution that provided for enforcement of the VUSBC in Clifton. After certain provisions of the Fairfax County Code were amended, the town requested a new agreement to supersede the provisions of the February 14, 1977, resolution. On February 24, 1997, the Board adopted a resolution authorizing the execution of the current Building Inspection Agreement (current Agreement), which was executed on March 4, 1997, and provided for enforcement of the VUSBC and certain other Fairfax County Code provisions relating to new construction. Under its own terms, the Agreement will expire on March 4, 2007. Consequently, the town has requested that the Board authorize a new Building Code Services Agreement (new Agreement) to ensure continuity of service.

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Like the current Agreement, the new Agreement provides services to the town, which services are limited to the administration and enforcement of the VUSBC and portions of the Fairfax County Code relating to building, plumbing, mechanical, and electrical work. The new Agreement continues to provide that permit application forms will be provided by DPWES and all applications will be processed first by the town, to assure compliance with the town ordinances, and then forwarded to DPWES. All permit and inspection fees will be paid directly to the county and any prosecution of violations of the VUSBC and related provisions will be at the discretion of the Fairfax County Building Official. The new Agreement will supersede the February 24, 1997, resolution, will be in effect for ten years from the date of execution, and may be terminated by either party upon 90 days written notice to the other.

The town agreed to the terms of the Building Code Services Agreement by resolution of the Town Council on February 6, 2007.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Building Code Services Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

Ray Pylant, Fairfax County Building Official, LDS, DPWES

ACTION - 6

Parking Reduction for Fair Lakes Hyatt Hotel (Springfield District)

ISSUE:

Board approval of a 9.79 percent reduction in required parking for Fair Lakes Hyatt Hotel, located at 12777 Fair Lakes Circle, Tax Map #055-2-01-0007-A, Springfield District.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) approve a parking reduction of 9.79 percent for Fair Lakes Hyatt Hotel located at 12777 Fair Lakes Circle 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 405 parking spaces must be provided on site at all times.
2. A maximum of 316 rooms are permitted for the hotel use, 102 seats for the restaurant use, and 105 people for the banquet/assembly room use.
3. The current owners, their successors or assigns, of the parcel identified as Fairfax County Tax Map #055-2-01-0007-A, shall submit a parking space utilization study for review and approval by the Board of Supervisors 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 Board 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 Board of Supervisors' 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 (ADA).

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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 February 26, 2007.

BACKGROUND:

The existing Fair Lakes Hyatt Hotel is proposing a 5,220 square foot addition to their ballroom and conference facilities. A minimum total of 449 parking spaces are required to meet the Zoning Ordinance requirements. The applicant is requesting a parking reduction based on a study prepared by their consultant. This hotel complex includes a 102 seat restaurant, a ballroom, three large meeting rooms and 3 smaller meeting rooms. All of the uses are contained in one building and the uses are primarily for hotel patrons and its visitors. An analysis of the hourly parking accumulations characteristics at this hotel indicates that a minimum of 405 parking spaces can be provided and these spaces should meet the peak parking demand. Therefore, it is recommended that the Board grant a 9.79 percent parking reduction (44 spaces) for on-site shared parking.

There is a proposed FDPA 82-P-069-06-09 which requests the site modifications for the hotel expansion. This parking reduction is being requested in conjunction with the FDPA.

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter of Request dated September 11, 2006, from Inda Stagg with Walsh, Colucci, Lubely, Emrich & Walsh P.C.

Attachment II – Parking Study Dated September 11, 2006, from Walker Parking Consultants (Separate from package)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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ACTION - 7

Approval of an Interim Flood Insurance Grant Program and an Ordinance to Establish a Sub-Area of the Existing Huntington Community Within the Route One Rehabilitation District (Mount Vernon District)

ISSUE:

Approval of an interim flood insurance grant program in the Huntington community located within the Route One Rehabilitation District where as many as 160 homes were damaged by flooding in June 2006. The purpose of the program would be to reimburse residents of the Huntington community, subject to a certain maximum household income level, for the cost of flood insurance through the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program, for a period of one year.

RECOMMENDATION:

The County Executive recommends that the Board approve an interim flood insurance grant program to reimburse residents of the Huntington community, subject to a certain maximum household income level, for the cost of flood insurance through FEMA's National Flood Insurance Program for a period of one year.

TIMING:

Board action is being requested on February 26, 2007.

BACKGROUND:

On June 25 and 26, 2006, torrential rains fell on Fairfax County, particularly devastating the Huntington community, where as many as 160 homes were damaged by the flooding. Floodwaters inundated the homes in a sub-area of approximately 50 acres that is located primarily in a 100-year floodplain along the Cameron Run. Subsequent to the flooding, the Fairfax County Stormwater Planning Division of the Department of Public Works and Environmental Services (DPWES) commissioned the U.S. Army Corps of Engineers, Baltimore District, to study the flood event and to determine specific causes of the higher-than-expected flood levels experienced during the June 2006 flood event in Huntington.

The U.S. Army Corps of Engineers' study was completed and released in January 2007. One of the recommendations of the Army Corps of Engineers' study was for property owners to obtain flood insurance as a temporary measure until more lasting solutions to

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the potential for more flooding could be identified and implemented. The Huntington community is located within the existing Route One Rehabilitation District, which was originally adopted in 1982 and has subsequently been amended from time to time pursuant to Virginia Code Section 36-52.3 to provide for programs administered by the Fairfax County Redevelopment and Housing Authority (FCRHA). Under the authority granted by Section 36-52.3, the Board may designate a portion of that area which would include within its boundaries the homes in the Huntington community that experienced the June flooding or were deemed susceptible to future flooding. That same Code section also empowers the Board to establish a program directed toward prevention and elimination of deteriorating conditions in such an area that would enable the FCRHA to reimburse resident owners, depending on their income levels, for the cost of obtaining flood insurance through FEMA's National Flood Insurance Program.

At the Board meeting on January 22, 2007, Chairman Connolly and Supervisor Hyland presented a joint board matter to the Fairfax County Board of Supervisors proposing the creation of a Huntington Community Flood Insurance Grant Program (Huntington Flood Insurance Program). They recommended that staff explore the creation of such a program and return to the Board with that information. They were particularly concerned about homeowners in the affected area who may be unable to afford the initial cost of flood insurance premiums and recommended the creation of a Flood Insurance Program as a one-year interim program which would reimburse resident owners who are within certain income guidelines for the cost of obtaining flood insurance through FEMA's National Flood Insurance Program. This is in response as well to the recommendation by the Army Corps of Engineers that property owners obtain flood insurance as a temporary measure while other longer-lasting solutions could be identified and implemented.

The Huntington Flood Insurance Program (HFIP) target sub-area has been identified and includes that portion of the Huntington Conservation Area community that lies on the north side of Farrington Avenue, on both sides of Arlington Terrace, on both sides of Victory Drive, on both sides of Fenwick Drive, and on the north side of Huntington Avenue from 2400 through 2412 Huntington Avenue, within the Route One Rehabilitation District. Properties in that sub-area either experienced the June flooding or have been deemed susceptible to future flooding (Attachment 1). A total of 232 residences lie within that sub-area, and consist primarily of two-story, brick duplexes built in the late 1940's. Three quarters of those residential units (174) are owner occupied, and one quarter (58) of those units are rented.

FEMA's National Flood Insurance Program (NFIP) provides people with flood insurance coverage working directly through individual insurance agents and insurance companies, which are backed by the Federal government (Attachment 3). All NFIP policies are written through licensed insurance agents and companies. There is also a FEMA website, www.floodsmart.gov, which provides a listing of agents and companies

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in the property area. This information will be disseminated to the Huntington community in the county program information packets.

The Department of Housing and Community Development (HCD), as staff to the FCRHA, will administer the Huntington Flood Insurance Program (HFIP) in the proposed sub-area of the Huntington community. Policies and procedures for the proposed HFIP have been developed and are as follows:

The Eligibility Criteria for the Huntington Flood Insurance Program (HFIP) would be:

- The HFIP is for residential units only;
- The HFIP is for homes located in the Huntington community and within the identified flood area; (Please see attached location map.)
- The HFIP is for homeowners who occupy their residence;
- The HFIP is for homeowners who have owned their home as of January 1, 2007 or before;
- The HFIP is for renters as well, but they are eligible for content insurance only; and
- The HFIP household income cannot exceed 120% AMI, which is the income limit that was approved by the Board for the Huntington residents applying to the Home Improvement Loan Program (HILP) for home improvement loans. The 2006 income limit at 120% AMI is \$108,360. The income limit would not be adjusted for family size.

The Reimbursement Criteria for the HFIP would be:

- The applicant will be eligible for reimbursement of payments for flood insurance made for one year;
- The flood insurance effective date must be no earlier than January 1, 2007, and no later than December 31, 2007;
- The reimbursement amount is for the cost of flood insurance only, which is estimated to be approximately \$1,500 per year per home;
- The reimbursement will be in the form of a grant; and
- The payment for flood insurance will be paid in advance if the applicant can document hardship. This will be done on a case-by-case basis.

The Procedures for the HFIP would be:

- To be eligible, homeowners and renters must apply and be qualified between April 1, 2007, and December 31, 2007;
- HCD will review the application for completeness and accuracy;
- HCD will verify income to ensure the household is income qualified;

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- HCD will verify that the applicant is an owner who occupies the home or is a bona fide renter;
- HCD will prepare the recommendation and present it to its Loan Underwriting Committee;
- HCD will prepare the Notification of Eligibility and forward it to the qualified applicants;
- Upon receipt of a proof of payment for the flood insurance for a period of up to one year, HCD will process the grant award and reimburse the qualified applicant by check made payable to the applicant and sent by mail. (The effective date of the flood insurance must be no earlier than January 1, 2007, and no later than December 31, 2007.)

FISCAL IMPACT:

Funding in the amount of \$350,000 is necessary to support the reimbursement of flood insurance premiums for the qualified residential properties in the proposed sub-area. General Fund appropriations for this program will be requested as part of the FY 2007 Third Quarter Review process.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map of the Huntington Community Sub-Area, within the Route One Rehabilitation District

Attachment 2 – Huntington Community Flood Insurance Grant Program Map

Attachment 3 – FEMA National Flood Insurance Program Summary of Coverage

STAFF:

Verdia L. Haywood, Deputy County Executive

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

Robert L. Mears, Director, Department of Finance

Teri Flynn, Risk Manager, Risk Management Division

Randy Bartlett, Director, Stormwater Management, Department of Public Works and Environmental Services

Mary A. Stevens, Deputy Director, HCD

Louise Milder, Associate Director, Real Estate Finance, HCD

Susanne A. Sotirchos, Senior Program/Project Manager, HCD

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ACTION – 8

Approval of Letter with Fairfax County's Commitments to the Virginia Air Quality State Implementation Plan (SIP) for the 8-Hour Federal Ozone Standard

ISSUE:

Board approval of a letter to Virginia Department of Environmental Quality (see Attachment I) indicating Fairfax County's commitment to the implementation of various voluntary control measures for inclusion into the Virginia portion of the Washington metropolitan region's SIP.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached letter indicating Fairfax County's commitment to implement the following voluntary control measures for inclusion in the Virginia portion of the Washington metropolitan region's SIP:

- Purchase of 5.8 million kWh of wind energy, April 2005 – April 2007
- Purchase of at least 5.8 million kWh of wind energy, April 2007 – April 2010
- Diesel Vehicle Retrofit, 412 school buses, Completed 2005
- Diesel Vehicle Retrofit, 113 Class 8 trucks, Completed 2006
- Diesel Vehicle Retrofit, 50 fire trucks, January 2007 – 2008
- Purchase clean diesel transit buses, 68 buses, 2007
- Horsepower Reduction, 25 transit buses, 2005 – 2007
- Engine Idle Shutdown, 170 transit buses, 2005 – 2007
- Install bike racks on buses, 198 transit buses, 2007
- Change fuel for transit buses to ultra low sulfur diesel (ULSD), 2006
- Alternative Fueled Vehicle Purchase, 60 hybrids including 1 plug-in conversion, Completed 2006
- Lighting upgrades in county buildings, 9,501,223 kWh energy savings, Completed 2005-2006
- Tree Canopy Requirements and Tree Planting Initiatives, numerous projects, 2006 – 2012
- Green Building Initiatives, numerous projects, 2005 – 2007
- Participate as a Clean Air Partner, 2005 – 2010

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TIMING:

Board action is requested on February 26, 2007. The Metropolitan Washington Air Quality Committee (MWAQC) will be considering the revised SIP over the next few months and has asked that local governments provide commitments by the end of March 2007.

BACKGROUND:

Washington Region Air Quality Planning Process: The Clean Air Act was passed in 1970 to protect public health and welfare. Congress amended the Act in 1990 to establish requirements for areas not meeting the National Ambient Air Quality Standards (NAAQS). The Clean Air Act Amendments of 1990 (CAAA) established a process for evaluating air quality in each region and identifying and classifying nonattainment areas according to the severity of its air pollution problem. The CAAA defines ground-level ozone as a criteria pollutant. In 1979 EPA promulgated the 0.12 parts per million (ppm) one-hour ozone standard.

In 1997 EPA issued a revised ozone health standard based on an 8-hour measurement to protect against longer exposure periods. Since the late 1980's more than 3,000 published health studies indicated that health effects from ozone occur at levels lower than the previous one-hour standard and that longer exposure times are of concern. Health effects include respiratory ailments such as asthma, inflammation of the lung, chronic bronchitis, etc. Ozone poses a threat not only to human health, but also to the health of natural ecosystems. Scientific evidence suggests that air pollution weakens the immune systems of many types of vegetation and can cause significant crop damage. In addition, rain and snow wash air pollution deposited on vegetation and architectural surfaces into the streams and rivers of the region and finally into the Chesapeake Bay. EPA established an eight-hour standard at 0.08 ppm and defined the new standard as a "concentration-based" form, specifically the 3-year average of the 4th highest daily maximum one-hour ozone concentrations. The Clean Air Act also sets National Ambient Air Quality Standards for five other criteria pollutants, carbon monoxide, particulate matter, lead, sulfur dioxide and nitrogen dioxide.

In 2003 EPA reclassified the metropolitan Washington region as severe non-attainment for ozone when the region did not meet the attainment deadline for serious non-attainment areas by November 1999. In March 2004, MWAQC approved a State Implementation Plan to meet the requirements for a severe nonattainment area. The "Severe Area SIP" demonstrated rate of progress of 15 percent from 1999-2002, and 15 percent from 2002-2005. The states submitted the plan to EPA and EPA approved the states' SIPs and Rate of Progress plans in 2005. This SIP included a voluntary measures commitment from the Fairfax County Board of Supervisors.

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In April 2004, EPA designated the Washington area as a “moderate” nonattainment area for the new eight-hour ozone standard. EPA then revoked the one-hour ozone standard in June 2005, after a phase-in time period for the new eight-hour standard.

To meet the federal eight-hour standard for ozone, nonattainment areas are required to develop a regional state implementation plan or “SIP,” to reduce ozone-causing emissions of volatile organic compounds (VOCs) by at least 15 percent between 2002-2008 and to reduce all ozone precursor emissions to a level sufficient to attain the federal eight-hour standard by June 15, 2010. However, the region is required to demonstrate attainment of the standard by the end of the last ozone season before that date, which is September 2009. The plan must include contingency measures ready for implementation in case the region fails to meet the required rate of progress milestones or attain the standard within the timeframes specified. EPA issued guidance says that contingency measures must provide a 3 percent reduction in adjusted 2002 base year inventory for both Reasonable Further Progress and attainment.

Under Section 174 of the Clean Air Act Amendments, the governors of Maryland and Virginia and the mayor of the District of Columbia certified the Metropolitan Washington Air Quality Committee (MWAQC) to develop specific recommendations for a regional air quality plan in the Washington, DC-MD-VA nonattainment area. The agreement was renewed in 2004.

Members of MWAQC include elected officials from the Cities of Bowie, College Park, Frederick, Gaithersburg, Greenbelt, Rockville, and Takoma Park in Maryland, and Alexandria, Fairfax and Falls Church, Manassas and Manassas Park in Virginia; the Montgomery and Prince George's county councils; the Montgomery and Prince George's county executives; the mayor of the District of Columbia and representatives of the Council of the District of Columbia; and representatives of Calvert, Charles, and Frederick counties in Maryland, and Arlington, Fairfax, Loudoun, and Prince William counties in Virginia. Representatives of the general assemblies of Maryland and Virginia, the state air management directors, and the state transportation directors, and the chairman of the National Capital Region Transportation Planning Board also are members of MWAQC.

The Metropolitan Washington Council of Governments, in close cooperation with state air quality and transportation agencies provides technical support to the Metropolitan Washington Air Quality Committee. Staff from the local counties and cities provides additional technical support.

MWAQC also has established a public advisory committee, Air Quality Public Advisory Committee (AQPAC), to provide recommendations regarding public participation in the

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development of the air quality plans. AQPAC members represent academic, business, civic, and environmental groups.

In addition, MWAQC works with the Interstate Air Quality Council (IAQC), a cabinet-level collaboration between the District of Columbia, the state of Maryland and the commonwealth of Virginia that includes the secretaries of the environment and transportation. The purpose of the IAQC is to address issues of interstate transport of air pollutants and to provide a sound process for improving regional air quality.

Once MWAQC approves the air quality attainment plan, it will be forwarded to the Interstate Air Quality Council for approval. The governors and the mayor (or their designees) are then required to submit the air quality State Implementation Plans to EPA to meet the requirements of the CAAA. In Maryland, the plan will be sent from the governor or a designee; in the District of Columbia, by the mayor or a designee; and in Virginia by the Director of the Department of Environmental Quality on behalf of the governor.

EPA must impose various sanctions if the states or the District of Columbia do not submit a plan; or submit a plan that the EPA does not approve; or fail to implement the plan. These include: withholding federal highway funding; withholding air quality planning grants; and imposing a federal plan ("federal implementation plan."). Failure to submit or implement a plan could have significant consequences.

At this point in time, regional modeling being performed by the Virginia Department of Environmental Quality shows the region as being close but not meeting the federal standard for ozone. MWAQC has asked each of the regional members to submit voluntary commitments to be included in a "voluntary bundle" to help the region get closer to meeting the standard and to demonstrate reasonable further progress. In 2003 Fairfax County committed to voluntary commitments for the one-hour State Implementation Plan for ozone. The commitments proposed in this submittal are for the eight-hour ozone standard and are in addition to the previous commitments made by the Board.

PROPOSED VOLUNTARY CONTROL MEASURES:

MWAQC has asked each local jurisdiction to consider committing to voluntary measures that can be included in the SIP as control measures. County staff has reviewed a variety of measures and the County Executive recommends that the Board of Supervisors approve a letter indicating Fairfax County's commitment to implementing the voluntary control measures listed below for inclusion in the Washington metropolitan area SIP (see attachment I for the letter). It should be noted that the Board of Supervisors has previously supported the implementation of many of these measures.

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- Purchase of at least 5.8 million kWh of wind energy: In 2005 the county entered into a two-year contract to purchase approximately 5 percent of its electricity as wind energy. This includes 5.8 million kWh of wind energy each year at a cost of \$92,800 per year. In the next few months the county will be starting a new contract for a three-year period to again purchase at least 5 percent of its county building energy through wind energy. Funding will be appropriated annually by the Board of Supervisors. This wind energy purchase will not only help reduce precursors to the formation of ozone, but it will also help reduce particulate matter. In addition, this is an action to reduce the production of greenhouse gas emissions which contribute to global warming.
- Diesel retrofits: The Board of Supervisors has already approved funding for the diesel retrofit of school buses and county trucks. For this SIP process, the county commits to the retrofit of 412 school buses, 113 Class 8 trucks, and 50 fire trucks. The school buses and Class 8 trucks are complete and the fire trucks should be completed in 2007. The total school bus retrofit program cost for 1,012 buses was \$1,774,216 which includes grant funds of \$1,020,000. The remaining 600 buses were part of the 2003 one-hour SIP agreement. The truck retrofit cost was \$149,715 including \$75,000 in grant funds. Funding for the fire trucks is estimated to cost \$300,000 and money was appropriated through the carryover process.
- Fairfax Connector Emissions Reduction Program: Fairfax County Department of Transportation was allocated \$1,630,000 in Northern Virginia Transportation Commission funds to retrofit the Connector fleet with green diesel technology. Other programs either in the process of being undertaken or planned for the near future include:
 - ◆ Purchase 68 clean diesel transit buses
 - ◆ Horsepower reduction on 25 Connector buses through reprogramming
 - ◆ Reprogramming of 170 Connector buses for engine idle shut-down
 - ◆ Install bike racks on 198 transit buses
 - ◆ Change fuel to Ultra Low Sulfur Diesel (ULSD) for transit buses.
- Alternative Fueled Vehicle Purchase: The county has added an additional 60 hybrid vehicles to its county fleet bringing the total hybrid vehicle count to 90, which represents 6.2 percent of the total "hybrid-eligible" fleet of the county. This includes the conversion of one Prius to a plug-in hybrid that includes an extra battery pack that can be charged from a wall outlet and allows the car to travel about 30 miles without using the gas engine. If the car has to go further, it will revert back to its original hybrid mode. Fairfax County is one of the first governments in the country to possess a plug-in hybrid electric vehicle. Most of the funding for these vehicles came from the county's Vehicle Replacement Fund and some agencies have funded hybrid vehicles through their annual budget process. Approximately \$2,082,234 has been used toward purchasing hybrid vehicles.
- Lighting upgrades in county buildings: The county has undertaken an energy efficiency project in its buildings by upgrading the lighting. In 2005 the annual

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consumption savings was 3,584,277 kWh and in 2006 the annual savings was 5,916,946 kWh. These projects are complete and were funded by the Board.

- Tree Canopy Requirements and Tree Planting Initiatives: In 2006, the county started tree canopy requirements for all new land development plans. Also in 2006 the county Parking Lot Landscaping Ordinance, the Zoning Ordinance, and the Public Facilities Manual require that all site plans proposing 20 or more parking spaces must provide shade trees. The county has numerous tree planting projects planned which will add over 5,000 trees per year and staff is also working with the Council of Governments on a regional plan. An example of one tree planting initiative is increasing the tree canopy at government parking facilities. The Board already approved \$170,000 for this effort.
- Telework: The Board already supports this measure and at the close of 2005, the county surpassed the regional goal of having 20 percent of its eligible workforce teleworking and, since reaching that milestone, the county continues to increase its number of teleworkers.
- Green Building Initiatives: The Department of Public Works and Environmental Services requires that all new building projects and all major building renovation projects be evaluated for development under the Green Building program. One green building is complete, the Fairfax Center Fire Station, and several green building projects are under construction including Crosspointe Fire Station, Burke Centre Library, Oakton Library, West Ox Bus Operations Center and the Hanley Family Shelter. Additional green building projects are currently under design and a list of all projects is included on Attachment 2, Summary of Sustainable/Green Building Design Branch. Funding has already been appropriated for these projects.
- Participate as a Clean Air Partner: Fairfax County government has been a member of Clean Air Partners (ENDZONE) since 1998, and has been proactive in efforts to inform county employees and residents about air quality programs and ways to reduce air pollution. The county has included information about air quality issues on its Web site. The county has a notification program that involves the posting of Ozone Action Day forecasts on Fairfax County Government Cable Television Channel 16, and the county Web site, as well as sending e-mail notifications to all county employees. These messages include appropriate actions to take to reduce contributions to ozone formation. The county also supports Clean Air Partners by participating as a media sponsor and helping to fund their outreach programs to encourage people to take personal voluntary actions to reduce ozone formation. Funding for this is completed in the annual budget process.

FISCAL IMPACT:

Funding has been appropriated for most of these projects. Future projects such as tree initiatives will be funded through the annual budget process. Further information is available in the Background section under Proposed Voluntary Control Measures.

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ENCLOSED DOCUMENTS:

Attachment I: Draft letter to David Paylor, Director, Department of Environmental Quality
Attachment II: Summary of Sustainable/Green Building Design Branch

STAFF:

Verdia L. Haywood, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
Gloria Addo-Ayensu, Director, Health Department
Jose Comayagua, Director, Facilities Management
Gail J. Condrick, Director, Dept. of Cable Communications and Consumer Protection
James D. Gorby, Director, Department of Vehicle Services
Katharine D. Ichter, Director, Fairfax County Department of Transportation
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services
Michael Kane, Director, Park Authority
Kambiz Agazi, Environmental Coordinator
Thomas Crow, Director, Division of Environmental Health
Barbara Hardy, Program Manager, Division of Environmental Health

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ACTION – 9

Adoption of the Cub Run and Bull Run Watershed Management Plan (Springfield and Sully Districts)

ISSUE:

The adoption of the Cub Run and Bull Run Watershed Management Plan.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Cub Run and Bull Run Watershed Management Plan.

TIMING:

Routine. Board Action is requested on February 26, 2007.

BACKGROUND:

The Board's environmental agenda, Environmental Excellence for Fairfax County - A 20-Year Vision, adopted in 2004 identifies the preparation of watershed management plans as a statement of commitment to the stormwater management program. The environmental plan specifically identifies the implementation of the new watershed management plans and stream protection strategies as they are created. It also provides insight and a vision for the implementation of the watershed management plans. The Cub Run and Bull Run Watershed Management Plan helps fulfill that vision identified by the Board.

Since the late 1970s, the County has utilized watershed management plans to manage the planning, design, and implementation of stormwater control projects. The initial planning effort, performed by Parsons Brinckerhoff Quade and Douglas, projected stormwater program needs until year 2000. A subsequent update to the watershed program was the Regional Stormwater Management Plan approved by the Board in 1989.

Based on results from the 2001 Fairfax County Stream Protection Strategy Baseline Study, more than 70 percent of the County's streams are in fair to very poor condition. One of the primary objectives of the watershed planning initiative is to improve these conditions as well as addressing Fairfax County's commitment to the Chesapeake Bay Program. Starting with the Little Hunting Creek Watershed Management Plan, the County embarked on a watershed planning initiative that will assess program needs for

the next 25 years. Cub Run and Bull Run Watershed Management Plan was selected as the fourth of 15 Watershed Management Planning projects as a result of a stakeholder engagement process conducted in 2002. For the FY 2007 adopted budget, the Board continued a dedication of one cent of real estate tax revenue for Stormwater Program initiatives including watershed management planning and implementation. The County's watershed management planning initiative is a giant step forward in the process of restoring and preserving the County's watersheds.

The primary reasons that the County is developing Watershed Management Plans include:

1. Regulatory Compliance
The County's Municipal Separate Storm Sewer System (MS4) Permit, which is administered by the State of Virginia, requires the County to develop Watershed Management Plans to address water quality problems. The Watershed Management Plans will also position the County for compliance with future requirements, which may result from Virginia's Potomac River Tributary Strategy and are expected to be enforced via the MS4 Permit.
2. Good Stewardship of the County's Streams
According to the 2001 Stream Protection Strategy Baseline Study, nearly 80 percent of the County's streams were in fair to very poor condition. Fairfax County is developing watershed plans to restore and protect the County's streams by identifying and addressing the specific cause of the degradation. Using a top-down approach (starting at the headwaters and working downstream) will not only restore the stream quality by reducing the negative effects of excess stormwater at its source, but ensure a sustainable stream environment. Watershed planning will also provide the framework to encourage and sustain community involvement in watershed issues.
3. Update Watershed Management Plan
The original environmental baseline and subsequent master plan for flood control and drainage for Cub Run and Bull Run was completed in 1979. This plan recommended immediate and future projects that would address many watershed issues through the year 2000. By updating the plan using advanced modeling and modern stormwater management techniques, the County will have a better understanding of the issues and an improved resource for projects for the next 25 years.
4. Chesapeake 2000 Agreement
Virginia has signed agreements with other states and federal agencies to work toward restoring the Chesapeake Bay. The latest agreement, *Chesapeake 2000*, includes the goal of developing Watershed Management Plans for two-thirds of

the Bay's watersheds by 2010. In order to help meet this goal, the County is developing its share of watershed plans.

5. Regional Pond Alternatives

The planned regional ponds identified in the 1989 Regional Stormwater Management Plan are being evaluated as part of the watershed planning process. Recommendations from the Regional Pond Subcommittee 2003 report entitled "The Role of Regional Ponds in Fairfax County's Watershed Management" are being used to determine the need and evaluate alternatives for the remaining planned regional ponds. Forty-eight out of 150 planned regional ponds have been constructed in the County. Thirty-one regional ponds were planned in the Cub Run watershed. Seventeen of these regional ponds were constructed leaving fourteen planned but not constructed regional ponds as of the date of this plan. As development occurred in the Cub Run watershed many smaller stormwater management facilities were constructed upstream of the proposed regional ponds. In some cases, these smaller ponds reduce the need for the larger regional ponds. Regional ponds were not planned for the Bull Run watersheds because the majority of this watershed lies within the Residential-Conservation District (R-C District).

The Cub Run and Bull Run Watershed Management Plan was prepared by Camp, Dresser & McKee (CDM) in association with the Institute for Environmental Negotiation at the University of Virginia. The Watershed Management Plan process began in February 2004, with the first steering committee meeting. This committee, representing diverse interests in the watershed, assisted the project team in developing a plan that incorporated community input throughout the entire process. Two public meetings were conducted to involve the public in the formulation of the issues and problems to be addressed in the plan and two workshops were conducted to present draft versions of the plan to the community.

The Cub Run and Bull Run watershed plan was coordinated with Fairfax County Park Authority's Sully Woodlands Regional Master Plan for the 4,400 acres of parkland within these watersheds. Both plans were presented together at additional community meetings including key home owner and citizen associations prior to developing the final plans.

The Cub Run and Bull Run Watershed Management Plan offers a range of project options to reduce nutrient loadings and sediment in the streams, improve stream habitat and reduce the stormwater runoff peak flows in the primary tributaries. Hydrologic, hydraulic, and water quality models were created for the Cub Run and Bull Run Watershed in order to quantify the benefits of the plan's proposed alternatives. The benefits of implementing the Cub Run and Bull Run Watershed include:

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1. Reductions in pollutant loads, resulting in improved stream water quality: The plan targets retrofitting existing stormwater management facilities as well as constructing several new facilities to further reduce pollutant loadings and storm flow that cause downstream degradation and erosion. Cub Run and Bull Run are unique to many other County watersheds in that the majority of development occurred after 1980 when both quantity and quality stormwater management controls were required. More than 420 stormwater ponds, serving 26 percent of the total watershed area and most of the developed area, reduce peak flows and/or pollutant runoff for nearly all of the existing development. These existing facilities were evaluated to identify retrofit opportunities that provide the greatest benefit and cost effectiveness.
2. Stream and Stream Valley restoration: One of the primary goals of the watershed plan is to improve and maintain the physical, chemical, and ecological health of stream valleys. Eroded stream banks, degraded stream habitat and deficient vegetated stream buffers occur throughout the watershed. The plan identifies and prioritizes 22 stream restoration projects covering 19.5 stream miles and 43 stream buffer restoration projects covering 10.3 miles. Implementation of these projects will improve the quality of our local streams as well as downstream receiving water including the Occoquan Reservoir.

Plan recommendations are divided into two categories: structural and non-structural projects and policy/land use related recommendations. Structural projects include measures such as modifications to existing stormwater management facilities to improve water quality controls, new stormwater management facilities, low impact development (LID) practices, and stream restoration. Non-structural recommendations include practices such as developing educational and outreach materials for lawn care companies, supporting volunteer monitoring groups, and updating the County's database of stormwater management facilities. It is anticipated that the structural and non-structural projects will be implemented through the following means:

1. County-initiated projects via the capital improvement program
2. Developer-initiated projects as waiver conditions or via the zoning approval process through proffers or development conditions
3. Volunteer group implementation and other organizations such as the Northern Virginia Soil and Water Conservation District

The policy recommendations include proposals that would typically involve amendments to the *Code of the County of Fairfax, Virginia* and other supporting documents such as the *Public Facilities Manual*. These recommendations will need to be further evaluated by the County in light of their countywide implications. The planned approach for

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processing the policy recommendations is to integrate these recommendations with similar recommendations developed with the completed Little Hunting Creek, Popes Head Creek, and Difficult Run Watershed Management Plans and the forthcoming Cameron Run Watershed Management Plan and Middle Potomac Watershed Management Plan over the next two years.

The following provisions address the funding and implementation of projects, programs, and policy recommendations in the County's Watershed Plans. These provisions were developed for the Popes Head Creek Watershed Management Plan in February 2006 and have been applied to the Cub Run and Bull Run Watershed Plan:

1. Projects and Programs (both structural and non-structural) as well as Policy items in this plan will first undergo appropriate review by county staff and the Board (please see iii below) prior to implementation. Board adoption of the Watershed Management Plan will not set into motion automatic implementation of projects, programs, initiatives or policy recommendations that have not first been subject to sufficient scrutiny to ensure that the projects that are funded give the county the greatest environmental benefit for the cost;
2. Road projects not related to protection of streambeds or banks or water quality will not be funded out of the stormwater and watershed budget;
3. The Watershed Management Plan provides a conceptual master-list of structural capital projects and a list of potential non-structural projects for the watershed. Staff will, on a fiscal year basis, prepare and submit to the Board a detailed spending plan to include a description of proposed projects and an explanation of their ranking, based on yet to be established, specific criteria. Criteria used to assemble this list will include, but are not limited to, cost-effectiveness as compared to alternative projects, a clear public benefit, a need to protect public or private lands from erosion or flooding, a need to meet a specific watershed or water quality goal and implemental within same fiscal year that funding is provided. Staff also intends to track the progress of implementation and report back to the Board periodically;
4. Each project on the annual list of structural projects will be evaluated using basic value-engineering cost effectiveness principles before implementation and the consideration of alternative structural and non-structural means for accomplishing the purposes of the project will be considered before implementation. This process will ensure the county's commitment to being a fiscally responsible public entity.
5. Obstruction removal projects on private lands will be evaluated on a case-by-case basis for referral to the Zoning Administrator and/or County Attorney for action as public nuisances; and otherwise to determine appropriate cost-sharing by any parties responsible for the obstructions; and

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6. Stream restoration projects on private lands will be evaluated to determine means for cost-sharing by land owners directly responsible for degradation due to their land uses.

These provisions have been incorporated into the Cub Run and Bull Run Watershed Management Plan and can be found in the executive summary and Section 1 of the Plan.

FISCAL IMPACT:

There is no direct fiscal impact as a result of approving the Cub Run and Bull Run Watershed Management Plan. Projects and other recommendations of the plan will be initiated and funded through the annual budget process. The total cost of complete implementation of the plan over 25 years is estimated at \$60.8 million. It is anticipated that projects will be funded with both General and Pro Rata Share funds.

ENCLOSED DOCUMENTS:

Attachment 1: Copy of the Cub Run and Bull Run Watershed Management Plan Executive Summary (the complete plan is available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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ACTION - 10

Adoption of the Difficult Run Watershed Management Plan (Dranesville, Hunter Mill, Providence, Springfield and Sully Districts)

ISSUE:

The adoption of the Difficult Run Watershed Management Plan.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Difficult Run Watershed Management Plan.

TIMING:

Routine. Board Action is requested on February 26, 2007.

BACKGROUND:

The Board of Supervisors' environmental agenda, Environmental Excellence for Fairfax County - A 20-Year Vision, adopted in 2004 identifies the preparation of watershed management plans as a statement of commitment to the stormwater management program. The environmental plan specifically identifies the implementation of the new watershed management plans and stream protection strategies as they are created. It also provides insight and a vision for the implementation of the watershed management plans. The Difficult Run Watershed Management Plan helps fulfill that vision identified by the Board.

Since the late 1970s, the County has utilized watershed management plans to manage the planning, design, and implementation of stormwater control projects. The initial planning effort, performed by Parsons Brinckerhoff Quade and Douglas, projected stormwater program needs until year 2000. A subsequent update to the watershed program was the Regional Stormwater Management Plan approved by the Board in 1989.

Only 20 percent of the County's streams are in good to excellent biological health condition based on stream monitoring conducted between 1999 and 2004. One of the primary objectives of the watershed planning initiative is to improve these conditions as well as addressing Fairfax County's commitment to the Chesapeake Bay Program. Starting with the Little Hunting Creek Watershed Management Plan, the County

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embarked on a watershed planning initiative that will assess program needs for the next 25 years. Difficult Run was selected as the fifth of 15 watershed management planning projects as a result of a stakeholder engagement process conducted in 2002. The County's watershed planning initiative is a giant step forward in the process of restoring and preserving the County's watersheds. The Board continued a dedication of one cent of real estate tax revenue in the FY 2007 adopted budget for Stormwater Program initiatives including watershed planning and implementation.

The primary reasons that the County is developing watershed plans include:

1. Regulatory Compliance
The County's Municipal Separate Storm Sewer System (MS4) Permit, which is administered by the State of Virginia, requires the County to develop watershed plans to address water quality problems. These watershed plans will also position the County for compliance with future regulatory requirements.
2. Good Stewardship of the County's Streams
According to the 2001 Stream Protection Strategy Baseline Study, nearly 80 percent of the County's streams were in fair to very poor condition. Fairfax County is developing watershed plans to restore and protect the County's streams by identifying and addressing the specific cause of the degradation. Using a top-down approach (starting at the headwaters and working downstream) will not only restore the stream quality by reducing the negative effects of excess stormwater at its source, but ensure a sustainable stream environment. Watershed planning will also provide the framework to encourage and sustain community involvement in watershed issues.
3. Update to Watershed Management Plan
The original environmental baseline and subsequent master plan for flood control and drainage for Difficult Run was completed in 1978. This plan recommended immediate and future projects that would address many watershed issues through the year 2000. By updating the plan using advanced modeling techniques and promoting innovative projects, the County will have a better understanding of the issues and an improved resource for projects for the next 25 years.
4. Chesapeake 2000 Agreement
Virginia has signed agreements with other states and federal agencies to work toward restoring the Chesapeake Bay. The latest agreement, *Chesapeake 2000*, includes the goal of developing watershed plans for two-thirds of the Bay's watershed by 2010. The County is developing 15 watershed plans, which encompass the entire jurisdiction, in order to help meet this goal.

5. Regional Pond Alternatives

In 1989 thru 2003, the county's stormwater management efforts were focused on larger, regional facilities to manage stormwater quantity and quality. The county's policy during this period was to accept pro-rata contributions and not require on-site Best Management Practices (BMP's) if a regional pond facility was planned to serve the area. Many projects were developed during this period based upon un-built regional ponds in this watershed. Subsequent to amendments to the Chesapeake Bay Preservation Ordinance in 2003, the county changed this policy to require on-site measures unless the regional pond facility serving that area was already approved and bonded. Of the original 62 regional ponds planned for construction in the Difficult Run watershed, only 10 have been constructed to date as the result of community opposition and changes in stormwater management practices. The Difficult Run Watershed Management Plan provides alternative plans for these un-built regional ponds by providing a suite of projects to control and treat stormwater in smaller, more manageable facilities. By implementing these regional pond alternative projects, the county is able to greatly improve both water quality and quantity.

The Difficult Run Watershed Management Plan was prepared by the engineering firm KCI Technologies, Inc. in association with SAIC. The watershed management plan process began in June 2004, with the first steering committee meeting. This committee, representing diverse interests in the watershed, assisted the project team in developing a plan that incorporated community input throughout the entire process. Two public meetings were conducted to involve the public in the formulation of the issues and problems to be addressed in the plan and two workshops were conducted to present draft versions of the plan to the community.

The Difficult Run Watershed Management Plan offers a range of project options to reduce nutrient loadings and sediment in the streams, improve stream habitat and reduce the stormwater runoff peak flows in the primary tributaries. Hydrologic, hydraulic, and water quality models were created for the Difficult Run Watershed in order to quantify the benefits of the plan's proposed alternatives. The models identified the following benefits to the Difficult Run Watershed with complete implementation of the proposed actions:

1. Reductions in pollutant loads, resulting in improved stream water quality

Pollutant reductions for the entire watershed are as follows:

1. Total Phosphorus – 17 percent
2. Total Nitrogen – 11 percent
3. Total Suspended Solids – 8 percent

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2. Reductions in peak stormwater discharges, resulting in:
 1. Reductions in house, road, and yard flooding
 2. Reductions in stream velocities and bank erosion

Plan recommendations are divided into two categories: structural and non-structural projects and policy/land use related recommendations. Structural projects include measures such as modifications to existing SWM facilities to improve water quality controls, new SWM facilities, low impact development (LID) practices, and stream restoration. Non-structural recommendations include practices such as developing educational and outreach materials for lawn care companies, supporting volunteer monitoring groups, and updating the County's database of SWM facilities. It is anticipated that the structural and non-structural projects will be implemented through the following means:

1. County-initiated projects via the capital improvement program
2. Developer-initiated projects as waiver conditions or via the zoning approval process through proffers or development conditions
3. Volunteer group implementation and other organizations such as the Northern Virginia Soil and Water Conservation District

The policy recommendations include proposals that would typically involve amendments to the *Code of the County of Fairfax, Virginia* (the Code) and other supporting documents such as the *Public Facilities Manual*. These recommendations will need to be further evaluated by the County in light of their countywide implications. The planned approach for processing the policy recommendations is to integrate these recommendations with similar recommendations developed with the completed Little Hunting Creek Watershed Management Plan, Popes Head Creek Watershed Management Plan, Cub Run Watershed Management Plan, Difficult Run Watershed Management Plan, the forthcoming Cameron Run Watershed Management Plan, and Middle Potomac Watershed Management Plan over the next two years.

The following provisions address the funding and implementation of projects, programs, and policy recommendations in the County's Watershed Plans. These provisions were developed for the Popes Head Creek Watershed Management Plan in February 2006 and have been applied to the Difficult Run Watershed Plan:

1. Projects and Programs (both structural and non-structural) as well as policy items in this plan will first undergo appropriate review by County staff and the Board (please see 3. below) prior to implementation. Board adoption of the watershed

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management plan will not set into motion automatic implementation of projects, programs, initiatives or policy recommendations that have not first been subject to sufficient scrutiny to ensure that the projects that are funded give the county the greatest environmental benefit for the cost;

2. Road projects not related to protection of streambeds or banks or water quality will not be funded out of the stormwater and watershed budget;
3. The watershed management plan provides a conceptual master-list of structural capital projects and a list of potential non-structural projects for the watershed. Staff will, on a fiscal year basis, prepare and submit to the Board a detailed spending plan to include a description of proposed projects and an explanation of their ranking, based on yet to be established, specific criteria. Criteria used to assemble this list will include, but are not limited to, cost-effectiveness as compared to alternative projects, a clear public benefit, a need to protect public or private lands from erosion or flooding, a need to meet a specific watershed or water quality goal and implemental within same fiscal year that funding is provided. Staff also intends to track the progress of implementation and report back to the Board periodically;
4. Each project on the annual list of structural projects will be evaluated using basic value-engineering cost effectiveness principles before implementation and the consideration of alternative structural and non-structural means for accomplishing the purposes of the project will be considered before implementation. This process will ensure the County's commitment to being a fiscally responsible public entity.
5. Obstruction removal projects on private lands will be evaluated on a case-by-case basis for referral to the Zoning Administrator and/or County Attorney for action as public nuisances; and otherwise to determine appropriate cost-sharing by any parties responsible for the obstructions; and
6. Stream restoration projects on private lands will be evaluated to determine means for cost-sharing by land owners directly responsible for degradation due to their land uses.

These provisions have been incorporated into the Difficult Run Watershed Management Plan and can be found in Volume 1 of the Plan.

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FISCAL IMPACT:

There is no direct fiscal impact as a result of approving the Difficult Run Watershed Management Plan. Projects and other recommendations of the plan will be initiated and funded through the annual budget process. The total cost of complete implementation of the plan over 25 years is estimated at \$71.2 million. It is anticipated that projects will be funded with both General and Pro Rata Share funds.

ENCLOSED DOCUMENTS:

Attachment 1: Copy of the Difficult Run Watershed Management Plan Executive Summary (the complete plan is available in the Clerk's office)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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ACTION – 11

Endorsement of the Strategic Directions for the Plan to Prevent and End Homelessness and Establishment of an Implementation Committee

ISSUE:

Board endorsement of the strategic directions in the *Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community*; adoption of the draft Charter and General Work Plan to establish an Implementation Committee.

RECOMMENDATION:

The County Executive recommends that the Board: (1) endorse the strategic directions in the *Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community* (Attachment 1); (2) approve the Charter and General Work Plan (Attachment 2) to establish the Implementation Committee.

TIMING:

Routine. Board action to endorse the strategic directions and formally establish the Implementation Committee by approving the associated Charter and General Work Plan begins work to develop the Implementation Plan to Prevent and End Homelessness.

BACKGROUND:

On October 17, 2005, the Board took action to endorse the creation of a strategic plan to end homelessness in the county in ten years. In so doing, the Board also called for a Community Summit on Homelessness, which was held on April 7, 2006. Throughout that period and over the summer and fall of 2006, the Planning Committee to End Homelessness worked to incorporate findings from extensive research, input from national experts at the summit, and extensive community input through multiple community dialogues and meetings held in late spring and fall into a set of Strategic Directions to Prevent and End Homelessness in the Fairfax-Falls Church Community.

The work of the Planning Committee was completed in December 2006 with the production of the *Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community*. The *Strategic Directions* document was presented at a joint meeting of the Housing and Human Services Committees of the Board on January 19, 2007. The next step is the development of an

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implementation plan and a first year performance plan. Board endorsement of the *Strategic Directions* will initiate the implementation phase of this process.

The *Strategic Directions* include four major strategies: Prevention, Housing Options, Support Services, and a Management and Accountability System. Each of these major strategies includes several key strategic objectives, which were reviewed with the Board in the meeting on January 19, 2007. To achieve these objectives, key stakeholders must identify action steps, establish roles and responsibilities, and define the management and accountability components necessary for success. The focus of each of these four strategies is summarized below.

Strategy #1: Prevent homelessness due to economic crisis and/or disability.

Fairfax County data suggests that single adults become homeless due to disabilities; families become homeless due to poverty. Best practice analysis demonstrates that preventing homelessness is more cost effective than providing emergency shelter and re-housing someone who is already homeless. The objectives in this strategy represent a change in philosophy from crisis intervention to early, focused, and sufficient intervention to prevent homelessness.

Strategy #2: Preserve and increase the supply of affordable housing to prevent or remedy homelessness. A sufficient supply of affordable (including residential studio/sro units) and permanent supportive housing that provides homes for persons in need is essential. The objectives in this strategy target expansion of housing opportunities through preservation of existing housing, development of new affordable housing, including solutions such as residential studio units, working with landlords to overcome barriers to renting to homeless persons and families, and working with organizations that are local/national on permanent supportive housing.

Strategy #3: Deliver appropriate support services to obtain and maintain stable housing. For some who are homeless, accessing housing is a matter of availability and money; others face additional challenges. A community wide, coordinated service system must be designed to support persons requiring services to maintain their housing. Such a system will offer comprehensive, integrated services at the community level for those who need such supports.

Strategy #4: Create a management system for plan implementation that ensures adequate financial resources and accountability. Developing the vision and strategic directions is only the beginning. The strategies must be implemented to achieve the goal of ending homelessness. The objectives in this strategy will create an organizational and leadership structure to oversee plan implementation through collaborative public-private partnerships; develop and focus resources; coordinate responsibility for specific actions; and ensure accountability through continuing input,

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measurement of outcomes, and reporting progress to the community and elected leaders.

These *Strategic Directions* articulate what needs to happen to achieve the goal, but do not address how it will happen. With assistance from the National Alliance to End Homelessness, a modified charrette process has been designed to develop the Implementation Plan that will define the action steps to be taken and resources that will be needed in order to achieve each of the objectives listed in the *Strategic Directions* document. This process is described in the attached Draft Charter and General Work Plan for the Implementation Committee (Attachment 2). Board approval of the Charter will establish the structure and responsibilities for the planned Implementation Committee.

The Implementation Committee is designed to include three work groups: Prevention, Housing Options, and Support Services strategies. These work groups will develop action steps, identify roles and responsibilities, including resources, and develop a monitoring and evaluation process for each set of strategic objectives. An Executive Committee will oversee this work, integrate the recommendations from the work groups into an implementation plan, and be responsible for development of the implementation plan for the fourth strategy, the Management and Accountability System. Membership for each of these work groups will represent key stakeholders including housing developers, business and financial institutions, health, mental health, and other treatment professionals, faith communities, employment services, public agencies and nonprofit service providers. Staff anticipates returning to the Board in March to confirm appointments to the Implementation Committee.

It is anticipated that this design work will take place in the April – June 2007 timeframe, with the overall implementation plan completed for presentation to the Board in July 2007. To meet this ambitious timetable, professional facilitation is being sought from a firm experienced in a charrette design process and knowledgeable about homelessness and the strategies that are being used successfully to end it. The product of this process will be an implementation plan that includes actions or task for each of the objectives in the four major strategies of the *Strategic Directions* document, as described above. To accomplish this work, the County Executive will identify resources to support the Implementation Committee process, including an interagency staff team to oversee and work with the consulting firm, and appropriate meeting space.

FISCAL IMPACT:

Some professional services costs associated with the charrette design process are estimated in the range of \$65,000 to \$85,000 and will be absorbed from within the human services delivery system.

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ENCLOSED DOCUMENTS:

Attachment 1: Draft Charter and General Work Plan for the Implementation Committee for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community
Attachment 2: *Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community* (for Board Members only)

STAFF:

Anthony H. Griffin, County Executive
Verdia L. Haywood, Deputy County Executive
Kenneth P. Disselkoen, Acting Director, Department of Systems Management for Human Services

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INFORMATION - 1

Contract Amendment - Architectural and Engineering Services Contracts for the Renovation and Expansion of the Mott Community Center (Springfield District)

The Mott Community Center is an existing community center located at 12111 Braddock Road in Fairfax, Virginia. The center, which was built in 1996 by the Department of Housing and Community Development (HCD) on behalf of the Fairfax County Redevelopment and Housing Authority (FCRHA), is operated by the Fairfax County Department of Community and Recreation Services (DCRS). The center serves the community with a focus on sports/fitness, arts and crafts, after school activities, educational enrichment, life-long leisure development, computer tutoring, educational and recreational field trips and elderly programs.

Because of the increase in patrons, the Mott Community Center needs to be renovated and expanded. The firms of Stanmyre and Noel Architects, P.C. and Rinker Design Associates, P.C. were selected in accordance with the Fairfax County Professional and Consultant Services Procurement Policy to provide architectural and engineering services for the Mott Community Center Renovation and Expansion project. Based on a program developed by DCRS, the proposed project will refurbish the existing 7,600 square foot Community Center and construct approximately 6,000 square feet of additional programmable floor space. The addition will provide for the expansion of the existing social and recreational programs operated by DCRS. The space will include a new computer clubhouse, expansion of the existing gymnasium and additional storage space. The renovation of the existing building will include the expansion of the administrative space, new wall, ceiling and floor finishes, and replacement of the existing heating and air conditioning systems and the roof. Site improvements will be provided, including additional parking and exterior lighting.

The Schematic Design Phase has been completed and the Mott Community Association has reviewed the design and is in agreement with the proposed renovation and expansion plan. In order to proceed with this project, it is proposed that the scope of services of the contracts with Stanmyre and Noel Architects, P.C. and Rinker Design Associates, P.C. be amended to include the Design Development Phase through the Construction Phase of the project.

At its meeting on December 7, 2006, the FCRHA approved a contract amendment for additional architectural and engineering services in the amount of \$275,828 with the firm of Stanmyre and Noel Architects, P.C. plus a standard ten percent (10%) contingency for unanticipated design expenses. The revised total contract amount will be \$303,048

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which includes the current contract amount of \$27,220 plus \$275,828 of additional services. The Department of Tax Administration has verified that the firm of Stanmyre and Noel Architects, P.C., a small business, has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

Additionally, at its meeting on December 7, 2006, the FCRHA approved a contract amendment for additional civil engineering services in the amount of \$71,100 with Rinker Design Associates, P.C. plus a standard ten percent (10%) contingency for unanticipated design expenses. The revised contract amount for engineering services will be \$93,840, which includes the current contract amount of \$22,740 plus \$71,100 of additional services. The Department of Tax Administration has verified that the firm of Rinker Design Associates, P.C., a small business, has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the FCRHA will proceed to award the contract amendments in the amounts indicated above to Stanmyre and Noel Architects, P.C. and Rinker Design Associates, P.C.

FISCAL IMPACT:

Total funding in the amount of \$381,621 is necessary to amend the contracts with Stanmyre and Noel Architects, P.C. and Rinker Design Associates, P.C. and to fund the associated contingencies. Funds are currently available in Fund 303, County Construction, Project 009467, Mott Community Center Project, to fund the contract amendments and the associated contingencies.

ENCLOSED DOCUMENTS:

None.

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 Division (DD&C), HCD
Roberta Butler, Development Officer, DD&C, HCD

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INFORMATION - 2

Contract Amendment for Architectural/Engineering Design Services for the Richard Byrd Community Library Renovation and Expansion Project (Lee District)

Consultant services are needed to provide architectural/engineering design and construction administrative services for the renovation and expansion for Project 004843, Richard Byrd Community Library, in Fund 302, Library Construction. The services are required to provide full design services and professional services during construction for the project. The project will consist of approximately 10,000 square feet of renovation and 8,000 square feet of expansion, and temporary trailer facilities to keep the library services available during construction. This project is included in the FY 2007 thru FY 2011 Adopted Capital Improvement Program.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of Beery Rio Architecture was selected in July 2000, and a contract for Phase I in the amount of \$50,000 was authorized on October 20, 2000, to provide a feasibility study for this project. This Contract Amendment will provide the full design and construction administration services for the project. This amendment in the amount of \$767,857 increases the total contract amount from \$50,000 to \$817,857.

The Department of Tax Administration has verified that Beery Rio Architecture does possess a Fairfax County Business, Professional and Occupational License.

The total contract amendment value including the design contingency is \$767,857.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract amendment to Beery Rio Architecture in the amount of \$767,857.

FISCAL IMPACT:

Funding is available for Project 004843, Richard Byrd Community Library, in Fund 302, Library Construction to award this contract amendment in the amount of \$767,857.

ENCLOSED DOCUMENTS:

(Copy of Contract Amendment is available in the Office of the Clerk to the Board)

STAFF:

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

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INFORMATION - 3

Contract Award – Clarke’s Landing Stream Restoration (Sully District)

Five sealed bids were received and opened on Wednesday, January 17, 2007, for the construction of Clarke’s Landing Stream Restoration Project, Project No. DF0361 in Fund 316, Pro Rata Share Drainage Construction. This project will eliminate potential structural damage to two residential properties due to an eroded slope as a result of severe stream erosion. Also, this project includes restoring the stream corridor in an environmentally sensitive manner. This project is included in the FY 2007 – FY 2011 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Avon Corporation. Their bid of \$522,922.96 is \$242,493.23 or 31.7% lower than the Engineer’s Estimate of \$765,416.19. The second lowest bid of \$743,859 is \$220,936.04 or 42.2% above the low bid, and the highest bid of \$1,190,000 is \$667,077.04 or 127.6% above the low bid.

The Department of Public Works and Environmental Services (DPWES) analyzed the lowest responsive and responsible bid received on the referenced project. In addition, DPWES contacted the contractor to verify the accuracy of their bid and provided the bid tabulations. The items that varied substantially from the Engineer’s Estimate included: 1) Retaining wall items which include soil nails, concrete, shotcrete concrete, and drainage layer (\$194,248.78 lower than the Engineer’s Estimate), 2) Rock items including step pools and revetments (\$26,601.54 lower than the Engineer’s Estimate), and, 3) Salvaging and furnishing top soil (\$24,206 lower than the Engineer’s Estimate). The contractor has confirmed the accuracy of their bid including the low prices in retaining wall work. In their judgment, the low prices in retaining wall work are due to the fact that soil nails will be installed by their own forces. The contractor has verified that the project can be completed for the submitted bid.

Avon Corporation has not completed any projects with DPWES but has completed several projects with the Fairfax County Park Authority (FCPA) and is considered a responsible contractor based on the references provided by FCPA. The Department of Tax Administration has verified that Avon Corporation has the appropriate Fairfax County Business, Professional & Occupational License (BPOL).

This bid may be withdrawn after March 2, 2007.

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Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Avon Corporation in the amount of \$522,922.96.

FISCAL IMPACT:

Funding in the amount of \$732,252 is necessary to award this contract and to fund the associated contingency and other project costs including contract administration and inspection. Funding is available in Project DF0361 within Fund 316 in the amount of \$590,526. Funding in the amount of \$141,726 will be utilized from Project DF8000, Difficult Run Watershed Projects, in Fund 318.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders
Attachment 2 – Vicinity Map

STAFF:

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

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INFORMATION - 4

Contract Amendment for Architectural/Engineering (A/E) Services for the Martha Washington Library Renovation and Expansion Project (Mount Vernon District)

Consultant services are required to provide A/E design and construction administration services for the renovation and expansion of Martha Washington Community Library, Project 004845, in Fund 302, Library Construction. The project will consist of approximately 10,600 square feet of renovation and 7,400 square feet of expansion, and temporary facilities to keep the library services available during construction. This project is included in the FY 2007 thru FY 2011 Adopted Capital Improvement Program.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of Ritter Architects was selected in July 2000 and a contract for Phase I in the amount of \$49,999 was authorized on November 1, 2000, to provide a feasibility study for this project. This Contract Amendment is required to provide the full design and construction administration services for the project. This amendment in the amount of \$784,758 increases the total contract amount from \$49,999 to \$834,757.

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

The total contract value including the design contingency is \$784,758.

Unless otherwise directed by the Board, the Department of Public Works and Environmental Services will proceed to award this contract amendment to Ritter Architects in the amount of \$784,758.

FISCAL IMPACT:

Funding is available for Project 004845, Martha Washington Community Library, in Fund 302, Library Construction to award this contract amendment in the amount of \$784,758.

ENCLOSED DOCUMENTS:

(Copy of Contract Amendment available in the Office of the Clerk to the Board)

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STAFF:

Robert A. Stalzer, Deputy County Executive

Edwin S. Clay III, Director, Fairfax County Public Library

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

Howard J. Guba, Deputy Director, DPWES

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INFORMATION - 5

Contract Award - Geotechnical Engineering and Testing Services Task Order Contract

Consulting engineering services are needed to provide geotechnical engineering and testing services on various Fairfax County projects which are being designed by county staff and/or when these services are not part of a design contract with an outside firm. The contract will be for calendar year 2007 with the option to renew for one additional year. The ceiling for the contract is \$350,000 for each calendar year.

Mactec Engineering and Consulting (Mactec), Incorporated was selected in accordance with the guidelines contained in the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that Mactec is located in Loudoun County; and therefore, is not required to have a Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services (DPWES) will proceed to award this contract to Mactec Engineering and Consulting, Incorporated, in the amount of \$350,000. The contract will be renewable for one additional year.

FISCAL IMPACT:

Funding for this contract will be available from the applicable projects for which the engineering service is required. The amount of funding and the funding source will be identified prior to authorizing each task. The DPWES will authorize individual task orders as they are identified.

ENCLOSED DOCUMENTS:

Attachment 1- List of Awardee and other firms considered
(Copy of Contract available in the Office of the Clerk to the Board)

STAFF:

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

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11:15 a.m.

Matters Presented by Board Members

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12:05 p.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. *Board of Supervisors of Fairfax County, Virginia v. Demetrios Nicholakos and George Nicholakos, et al.*, CL-2006-0011426 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 2. *Phillip Luther Moore, II v. Fairfax County, Virginia, Officer Ivancic, Officer Smuck, Officer Shugart, Officer Ankers, and David M. Rohrer, Chief of Police*, Case No. L06CV3220 (U.S.D.C. Dist. Md.)
 - 3. *Concerned Citizens of Hollin Hall Village, et al. v. County of Fairfax Board of Zoning Appeals, et al.*, Record No. 07-0058 (Sup. Ct. Va.) (Mount Vernon District)
 - 4. *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*, Case No. CL-2004-0221391 (Fx. Co. Cir. Ct.) (Providence District)
 - 5. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, Virginia*, Case No. 2006-0011777 (Fx. Co. Cir. Ct.)

6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Omar Zamora and Leodan Alvarado*, Case No. CL-2006-0001253 (Fx. Co. Cir. Ct.) (Mason District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Vincent A. Tramonte, II, Robert C. Tramonte, Louise Ann Caruthers, and Silvio Diana*, In Chancery No. CH-2005-0003362 (Fx. Co. Cir. Ct.) (Lee District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Silvio Diana*, Case No. CL-2006-0014774 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Turcios and Absolute Tree, Inc.*, Case No. CL-2006-0012317 (Fx. Co. Cir. Ct.) (Lee District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara J. Hood*, Case No. CH-2005-0005043 (Fx. Co. Cir. Ct.) (Dranesville District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. John N. Nassikas, III, and Georgia C. Nassikas*, Case No. CL-2006-0001302 (Fx. Co. Cir. Ct.) (Dranesville District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bruce B. Moore and Debra B. Moore*, Case No. CL-2006-0011775 (Fx. Co. Cir. Ct.) (Braddock District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gagik Vartanian and Elvira Tahmassian*, Case No. CL-2007-0001128 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2007-0001746 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. William J. Edgar*, Case No. CL-2007-0001427 (Fx. Co. Cir. Ct.) (Springfield District)
16. *Board of Supervisors of Fairfax County, Virginia v. Damon Harwood Company, Inc., et al.*, Case No. 2006-0001516 (Fx. Co. Cir. Ct.) (Hunter Mill District)

17. *Board of Supervisors of Fairfax County, Virginia v. Oracle Corporation and Safeco Insurance Company of America*, Case No. CL-2007-0001189 (Fx. Co. Cir. Ct.) (Hunter Mill District)
18. *Board of Supervisors of Fairfax County, Virginia v. ConocoPhillips Company, formerly Tosco Refining, L.P., and Safeco Insurance Company of America*, Case No. CL-2007-0001188 (Fx. Co. Cir. Ct.) (Sully District)
19. *Board of Supervisors v. W.L. Homes, L.L.C., et al.*, Case No. CL-2007-0001127 (Fx. Co. Cir. Ct.) (Lee District)
20. *Board of Supervisors v. AJB Associates, Inc., et al.*, Case No. CL-2007-0001648 (Fx. Co. Cir. Ct.) (Sully District)

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4:00 p.m.

Public Hearing on SE 2006-MA-027 (Joanne Krause) to Permit Uses in a Floodplain,
Located on Approximately 23,825 Square Feet Zoned R-2, Mason District

The application property is located at 8106 Accotink Drive, Tax Map 59-4 ((2)) 45.

The application includes a Water Quality Encroachment Request #6843-WRPA-001-1 and Water Quality Impact Assessment (WQIA) 6843-WQ-001-1, application for an exception to re-construct a single family dwelling within a Resource Protection Area (RPA), under the provisions of CBPO Section 118-6-7.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SE 2006-MA-027 will be held on Thursday, February 22, 2007. 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)

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

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4:00 p.m.

Public Hearing 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.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 1, 2007, the Planning Commission voted 8-0-2 (Commissioners Hall and Alcorn abstaining; Commissioners Hopkins and Lusk absent from the meeting) to recommend that the Board of Supervisor adopt the proposed Zoning Ordinance amendment as advertised and set forth in the staff report dated December 4, 2006, with Par. 2 of Sect. 9-610 revised to read as follows:

“The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources, and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.”

The Commission voted 9-0-1 (Commissioner Hall abstaining; Commissioners Hopkins and Lusk absent from the meeting) to recommend that the Board direct staff to:

1. Include the following statement in the staff report and on the application package for zoning applications:

The approval of this (RZ/SE/SP/VC) does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

2. Monitor applications for a waiver of residential minimum lot width requirements for a period of two years and report back to both the Planning Commission and Board of Supervisors with any recommendations for changes at that time.

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RECOMMENDATION:

The County Executive recommends adoption of the proposed Zoning Ordinance Amendment as recommended by the Planning Commission.

TIMING:

Board of Supervisors' authorization to advertise – December 5, 2006; Planning Commission public hearing – January, 11, 2007 at 8:15 p.m., decision deferred to February 1, 2007; Board of Supervisors' public hearing – 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:

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.
2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources, and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.

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3. 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 or on area roadways.
4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

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 – February 1, 2007 Memorandum to the Planning Commission
Attachment 2 – Staff Report
Attachment 3 – Planning Commission Recommendation

STAFF:

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

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Board Agenda Item
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4:00 p.m.

Public Hearing on Proposed Comprehensive Plan Amendment Items ST04-III-BR1 and S05-III-BR1 (Sully District)

and

Public Hearing on Proposed Rezoning Application RZ 2006-SU-030 to Add an Historic Overlay District on Property Zoned R-1, R-3, R-12, C-2, C-8, PDC, PDH-8, HC, SC and WS, Located on Approximately 84.80 Acres, Sully District

and

Public Hearing on Proposed Zoning Ordinance Amendment Re: Centreville Historic Overlay District (CHOD) (Sully District)

ISSUE:

Proposed Comprehensive Plan amendments to reflect the expansion of the CHOD and associated changes within the Plan text; proposed rezoning application to expand the boundaries of the CHOD; and a proposed Zoning Ordinance amendment to revise the existing Centreville Historic Overlay District (CHOD) provisions.

PLANNING COMMISSION RECOMMENDATION:

On February 1, 2007, the Planning Commission voted 9-0-1 (Commissioner Hall abstaining; Commissioners Hopkins and Lusk absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Adoption of the proposed Plan text for ST04-III-BR1 and S05-III-BR1, as shown in the handout dated February 1, 2007;
- Adoption of the proposed amendment to the Zoning Ordinance relating to the Centreville Historic Overlay District as set forth in the Staff Report dated December 4, 2006, with a revision to Sect. A1-1302 to allow auto-oriented and drive-through uses along Route 29, with an effective date of 12:01 a.m. on the date following adoption, and that the following be grandfathered from the amendment:
 1. Special exception, proffered rezonings or development plans approved prior to the effective date of this amendment;

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2. Building and site plans submitted on or before the effective date of the amendment, provided such plans are (a) approved within twelve months of the return of the initial submission to the applicant or agent, (b) the plan remains valid, (c) building permits for the structures shown on the approved plan are issued, and (d) the structures and uses are constructed in accordance with such building permits; and
 3. Uses for which building permits have been approved, provided that the structure containing the use is constructed under the approved building permit.
- Approval in part of RZ 2006-SU-030, to include staff's recommendation for expansion as set forth in the staff report dated December 4, 2006, plus the following three commercial parcels along Lee Highway: 54-4 ((2)) B1; 54-4 ((1)) 26A; and 54-4 ((1)) 28B.

In a related action, the Planning Commission voted 9-0-1 (Commissioner Hall abstaining; Commissioners Hopkins and Lusk absent from the meeting) to deny the following three deferred 2004 Area Plans Review nominations: APR-04-III-6BR, APR-04-III-11BR and APR-04-III-12BR.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors:

- Amend the Comprehensive Plan as shown in Attachment C of the December 4, 2006 staff report.
- Approve RZ 2006-SU-030 in part to include the properties outlined in Appendix 1, as set forth in the staff report dated December 4, 2006.
- Adopt the proposed Zoning Ordinance amendment as set forth in the Staff Report dated December 4, 2006 with an effective date of 12:01 a.m. on the date following adoption, and that the following be grandfathered from the amendment:
 1. Special exception, proffered rezonings or development plans approved prior to the effective date of this amendment.
 2. Building and site plans submitted on or before the effective date of the amendment, provided such plans are (a) approved within twelve months of the return of the initial submission to the applicant or agent, (b) the plan remains valid, (c) Building Permits for the structures shown on the approved

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plan are issued and (d) the structures and uses are constructed in accordance with such Building Permits.

3. Uses for which Building Permits have been approved, provided that the structure containing the use is constructed under the approved Building Permit.

TIMING:

Board of Supervisors authorization to advertise Zoning Ordinance Amendment - December 4, 2006; Planning Commission public hearings - January 18, 2007 at 8:15 p.m.; Planning Commission deferred decisions February 1, 2007 at 8:15 p.m.; Board of Supervisors' public hearings - February 26, 2007 at 4:00 p.m.

BACKGROUND:

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 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 1 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

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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 process to expand the CHOD involves a rezoning action. The proposed Rezoning Application would rezone property to a Historic Overlay District while still maintaining the underlying zoning. The property within the expanded Historic Overlay District would be subject to the Historic Overlay District provisions contained in Part 13 of Appendix 1 of the Zoning Ordinance and would be subject to Architectural Review Board review as described in more detail in Attachment 2.

The process to expand the CHOD also involves an amendment to the Comprehensive Plan to reflect the new boundaries and associated changes within the text. The review of the Plan during the process examined the Plan recommendations for the study area, found in the Centreville Area and Suburban Center, Land Units B-2, B-3, B-4, and B-5 and Centreville Farms Area, Land Units F and K guidelines.

Plan Amendments ST04-III-BR1 and S05-III-BR1 consider issues related to the Centreville Historic Overlay District. Plan Amendment ST04-III-BR1 concerns the general expansion of the District and associated changes to the Plan text. Plan Amendment S05-III-BR1 considers the Plan recommendations for the 40 acres along Summit Street, Land Unit F of the Centreville Farms Area and an adjacent parcel, tax map parcel 54-4 ((4)) 4, which is located in B-4 of the Centreville Suburban Area.

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 Zoning Ordinance 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 Zoning Ordinance 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 contained in Attachment 2.

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:

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- Approval of the proposed expansion of the CHOD to include the entire Special Study Area as shown on Figure 1 and listed in Appendix 1 of the *Staff Report on the Proposal to Expand the Centreville Historic Overlay District* and staff recommendations 2-5 of the same report. (A map showing the area recommended for expansion by the History Commission and ARB is set forth as Attachment 6.)
- Approval of the proposed Zoning Ordinance amendment as recommended by Staff; and
- Upon adoption of the expanded CHOD and as expeditiously as possible, that the Department of Planning and Zoning (DPZ) work with citizens to undertake an analysis of whether the period of significance for the CHOD should be expanded; and that upon adoption of the expanded CHOD that DPZ engage qualified consultants to prepare new CHOD standards and guidelines as soon as possible.

The Planning Commission recommendations differ from the staff recommendations as follows:

- The Planning Commission recommendation supports the staff recommended boundary for the expanded CHOD with the inclusion of three additional parcels. These parcels are north of Lee Highway and west of Pickwick Road, tax map parcels 54-4 ((1)) 26A, 28A, and 54-4 ((2)) B1. A map showing the area recommended for expansion by the Planning Commission is set forth in Attachment 3, and a map showing the staff recommended expansion area is set forth in Attachment 7. Staff does not support the inclusion of parcels 54-4 ((1)) 26A, 28A, and 54-4 ((2)) B1 since these parcels did not meet the criteria stipulated in the Zoning Ordinance for inclusion in the historic overlay district.
- The Planning Commission recommended that the Board of Supervisors adopt the staff recommendation for Comprehensive Plan amendment ST04-III-BR1 shown in Attachment C of the December 4, 2006 Staff Report with the additional three parcels along Route 29 included within the district and additional language in Land Unit B5 of the Centreville Suburban Center to discourage auto-oriented uses only on properties not contiguous to Route 29. The addition of the three parcels would change the staff recommended Plan map and text for Land Unit B5 of the Centreville Suburban Center accordingly. The proposed Comprehensive Plan text recommended by the Planning Commission is set forth in Attachment 4. As noted above, Staff does not support the inclusion of the three additional parcels. Further, staff does not support discouraging auto-oriented

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uses only on properties not contiguous to Route 29 in light of the limited access through the CHOD and historic character of the area.

- The Planning Commission recommended that the Board of Supervisors adopt the staff recommendation for Plan Amendment S05-III-BR1 to provide for an optional redevelopment at a density of 3 dwelling units per acre (du/ac) and a limited redevelopment at intermediate density of 1-2 du/ac based on partial consolidation (Attachment 4). Staff continues to support full consolidation to provide for compatible development.
- The Planning Commission recommendation supports the proposed Zoning Ordinance Amendment with a revision to Sect. A1-1302 to allow auto-oriented and drive-through uses along Route 29. The proposed Zoning Ordinance Amendment recommended by the Planning Commission is set forth in Attachment 5. Staff does not support the revision to allow auto-oriented and drive through uses along Route 29 in light of the limited access through the CHOD and historic character of the area.

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 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 – Planning Commission Verbatim

Attachment 2 – December 4, 2006 Staff Report on the Proposed Expansion and Modification of the Centreville Historic Overlay District

Attachment 3 – February 1, 2007 Planning Commission Recommendation – Comprehensive Plan Amendment Items ST04-III-BR1 and S05-III-BR1

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Attachment 4 – February 1, 2007 Planning Commission Recommendation - Rezoning Application RZ 2006-SU-030 (map showing area recommended for expansion by the Planning Commission)

Attachment 5 – February 1, 2007 Planning Commission Recommendation – Proposed Zoning Ordinance Amendment

Attachment 6 – Map showing area recommended for expansion by the Architectural Review Board and History Commission

Attachment 7 – Map showing area recommended for expansion by Staff

STAFF:

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 Selden, Director, Planning Division, DPZ

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

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

Marianne Gardner, Branch Chief, Planning Division, DPZ

Meghan Van Dam, Planner II, Planning Division, DPZ

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Board Agenda Item
February 26, 2007

4:30 p.m.

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

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on February 5, 2007, for February 26, 2007, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$600 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 Newgate CPD Establishment

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Bruce W. Taylor, Acting Chief, Traffic Operations Section, FCDOT
Maria Turner, Transportation Planner, FCDOT

Board Agenda Item
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4:30 p.m.

Public Hearing to Establish the Franklin Glen Community Parking District (Sully District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on February 5, 2007, for February 26, 2007, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1500 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 Franklin Glen CPD Establishment

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Bruce W. Taylor, Acting Chief, Traffic Operations Section, FCDOT
Maria Turner, Transportation Planner, FCDOT

Board Agenda Item
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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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Board Agenda Item
February 26, 2007

5:00 p.m.

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

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