FAIRFAX COUNTY
BOARD OF SUPERVISORS
NOVEMBER 20, 2006

AGENDA

TEST

8:30	**Held**	Joint Meeting of the Board of Supervisors and the Economic Development Authority
9:30	**Done**	Presentations
10:00	**Done**	Presentation of Human Rights Commission Annual Report
10:15	**Done**	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:15	**Done**	Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1	**Approved**	Supplemental Appropriation Resolution AS 07058 for the Fairfax County Police Department to Accept a Department of Homeland Security Urban Areas Security Initiative Sub-Grant Award from the District of Columbia Office of Deputy Mayor for Public Safety and Justice
2	**Approved**	Designation of Plans Examiner Status Under the Expedited Land Development Review Program
3	**Approved**	Approval of a Multi-Way Stop as Part of the Residential Traffic Administration Program (Providence District)
4	**Approved**	Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, and Providence Districts)
5	**Approved**	Supplemental Appropriation Resolution AS 07066 for the Juvenile and Domestic Relations District Court Services Unit to Accept Grant Funding from the Supreme Court of Virginia for the Juvenile Drug Court
6	**Approved**	Proposed Street Name Change for the North Portion of Old Mill Road from Richmond Highway North to Continue Through Planned Connector to Telegraph Road

ADMINISTRATIVE ITEMS (CONTINUED)

7	**Approved**	Streets into the Secondary System (Braddock, Dranesville, Hunter Mill, Mount Vernon, Providence, Springfield, and Sully Districts)
8	**Approved**	Authorization to Advertise Proposed Amendments to the Public Facilities Manual Re: Low Impact Development Practices

ACTION ITEMS

1	**Approved**	Authorization to File a Notice of Participation as a Respondent 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
2	**Approved**	Authorization for the Chairman of the Board of Supervisors to Execute Two Memoranda of Agreements for the District of Columbia Blue Plains Wastewater Treatment Plant Cost Allocations

INFORMATION ITEMS

1	**Noted**	Contract Award – Trail and Stream Crossings at Holmes Run Stream Valley Trail – Columbia Pike to Alexandria (Mason District)
2	**Noted**	Approval of a Project Administrative Agreement Amendment with the Virginia Department of Transportation for Project Development and Administration of the Mason Neck Trail Project (Mount Vernon District)
3	**Noted**	Contract Award – Architectural/Engineering Contract for the Feasibility Study of the Government Center Amphitheater (Springfield District)
4	**Noted**	Contract Award - Contract for Architectural/Engineering Design Services for the DVS Alban Maintenance Facility Renovation Project (Lee District)

	INFORMATION ITEMS (CONTINUED)	
5	**Noted**	Contract Award – Burke Centre Library (Braddock District)
6	**Noted**	Contract Award – Grouped Athletic Field Lighting
7	**Noted**	Contract Award - River Oaks Sanitary Sewer Extension and Improvement (Dranesville District)
8	**Noted**	Contract Award – Asphalt Trail and Pedestrian Bridge at Danbury Forest (Braddock District)
10:45	**Done**	Matters Presented by Board Members
11:35	**Done**	Closed Session
	PUBLIC HEARINGS	
3:00	**Approved**	Public Hearing on PCA 2006-MV-005 (Pace-Boswell Associates, LLC) (Mount Vernon District)
3:00	**Approved**	Public Hearing on SE 2006-MV-001 (Pace-Boswell Associates, LLC) (Mount Vernon District)
3:00	**Approved**	Public Hearing on SE 2006-MV-013 (Pace-Boswell Associates, LLC) (Mount Vernon District)
3:00	**Approved**	Public Hearing on PCA 82-L-087-02 (Willow Creek Community Association) (Lee District)
3:00	**Approved**	Public Hearing on SE 2006-SP-011 (Virginia Electric and Power Company; Jimmy H. Ghadban) (Springfield District)
3:00	**Approved**	Public Hearing on SEA 01-M-036 (Pinecrest School, Inc.) (Mason District)
3:30	**Approved**	Public Hearing on PCA 1999-MV-025-02 (Bank of America, N.A.) (Mount Vernon District)
3:30	**Approved**	Public Hearing on SEA 99-V-020-02 (Bank of America, N.A.) (Mount Vernon District)

PUBLIC HEARINGS (CONTINUED)

3:30	**Approved**	Public Hearing on SE 2006-MA-016 (PNC Bank, N.A.) (Mason District)
3:30	**Approved**	Public Hearing on SE 2006-LE-012 (PNC Bank, N.A.) (Lee District)
3:30	**Approved**	Public Hearing on SE 2006-MA-014 (BB&T of Virginia, Inc.) (Mason District)
4:00	**Public hearing deferred to 12/4/06 at 3:00 p.m.**	Public Hearing on PCA 2000-SU-033 (Rita Powell & Mark A. Johnson) (Sully District)
4:00	**Public hearing deferred to 12/4/06 at 3:00 p.m.**	Public Hearing on SE 2006-SU-015 (Rita Powell & Mark A. Johnson) (Sully District)
4:00	**Approved**	Public Hearing to Establish the Island Creek Community Parking District (Lee District)
4:00	**Approved**	Public Hearing to Establish the Greentree Village Community Parking District (Springfield District)
4:00	**Approved**	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Braddock Road at Little River Turnpike Road Improvement Project (Mason District)
4:00	**Approved**	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Little River Turnpike (Route 236)/Beauregard Street Improvement Project (Mason District)
4:30	**Approved**	Public Hearing on a Proposal to Vacate and Abandon Part of the Right-of-Way of Potomac Avenue (Mount Vernon District)
4:30	**Approved**	Public Hearing to Establish the Keene Mill Village IV Community Parking District (Springfield District)
5:00	**Public hearing held; Record remain open**	Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2007 Virginia General Assembly

PUBLIC HEARINGS
(CONTINUED)

5:00	**Approved**	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Certain Additions to an Existing Single Family Detached Dwelling That Currently Extends into a Minimum Required Yard by More Than Fifty Percent and/or is Closer Than Five Feet to a Lot Line (AKA “Pop-ups and Carport Enclosures”)
5:30	**Approved**	Public Hearing on the Adoption of the Proposed Revised and Updated Falls Church/James Lee/Southgate Neighborhood Improvement Program and Conservation Plan (Providence District)
5:30	**Approved**	Public Hearing on the Adoption of a Resolution to Revise the Boundary of Small District No. 5, the Special Tax District, that Supports the Reston Community Center (Hunter Mill District)

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Monday
Nov. 20, 2006

9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize representatives of the Fire and Rescue Department, Local 2068 of the International Association of Firefighters, the Muscular Dystrophy Association and Sun Trust Bank for their efforts in the Fill the Boot Campaign. Requested by Chairman Connolly.

2. CERTIFICATE – To recognize MaryAnne Capets and Margie Henry of Terraset Elementary School for obtaining a grant that will support a new reading project at the school. Requested by Supervisor Hudgins.

3. RESOLUTION – To recognize Margo Kiely for 11 years of service to Fairfax County. Requested by Chairman Connolly.

4. CERTIFICATE – To recognize Nancy Taxson for her service as the executive director of Homestretch. Requested by Supervisor Smyth.

5. RESOLUTION – To recognize Pat Taves for 26 years of service to Fairfax County. Requested by Chairman Connolly.

6. PROCLAMATION – To designate Dec. 1, 2006, as World AIDS Day in Fairfax County. Requested by Chairman Connolly.

7. CERTIFICATE – To recognize Fairfax County Government Cable Channel 16 for being named the best government access cable television station in the nation by the Alliance for Community Media. Requested by Chairman Connolly.

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

Board Agenda Item
November 20, 2006

10:00 a.m.

Presentation of Human Rights Commission Annual Report

ENCLOSED DOCUMENTS:
None. Report delivered under separate cover.

PRESENTED BY:
Victor Dunbar, Chairman, Human Rights Commission

Board Agenda Item
November 20, 2006

10:15 a.m.

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

ENCLOSED DOCUMENTS:
Appointments to be Heard November 20, 2006

STAFF:
Nancy Vehrs, Clerk to the Board of Supervisors

Board Agenda Item
November 20, 2006

10:15 a.m.

Items Presented by the County Executive

Board Agenda Item
November 20, 2006

ADMINISTRATIVE - 1

Supplemental Appropriation Resolution AS 07058 for the Fairfax County Police Department to Accept a Department of Homeland Security Urban Areas Security Initiative Sub-Grant Award from the District of Columbia Office of Deputy Mayor for Public Safety and Justice

ISSUE:
Board approval of Supplemental Appropriation Resolution AS 07058 in the amount of $1,000,000 for the Fairfax County Police Department to accept a Department of Homeland Security (DHS) FY 2006 Urban Areas Security Initiative (UASI) Sub-Grant Award from the District of Columbia Office of Deputy Mayor for Public Safety and Justice. These funds are made available by DHS through the District of Columbia to upgrade and enhance the National Capital Regional Automated Fingerprint Identification System (AFIS) through the construction of the Mobile AFIS project. No Local Cash Match or in-kind match will be required. The grant period begins upon receipt of the award through June 30, 2008.

RECOMMENDATION:
The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 07058 in the amount of $1,000,000. These funds are made available by DHS through the District of Columbia to upgrade and enhance the National Capital Regional Automated Fingerprint Identification System. No Local Cash Match or in-kind match will be required.

TIMING:
Board approval is requested on November 20, 2006, as funding is available immediately.

BACKGROUND:
The purpose of the DHS Urban Areas Security Initiative Grant Program, which is administered through the District of Columbia, Office of Deputy Mayor for Public Safety and Justice, is to allow local governments to enhance capabilities in the areas of law enforcement, emergency medical services, emergency management, fire service, public works, public safety communications, and public health through the purchase of equipment that will be necessary to prepare for and respond to emergencies arising out of terrorist or other mass casualty events affecting public safety. In April 2003, the

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President signed into law the Supplemental Appropriations Act of 2003 which provided states and localities with additional funding to that previously available for combating terrorism.

This award will be used to continue the maintenance, enhancement, and upgrade of the existing National Capital Regional Automated Fingerprint Identification System (AFIS) that was initiated with the FY 2005 UASI grant award in the amount of $8.65 million. Specifically, the award will assist with the construction of the Mobile AFIS project. Mobile AFIS with facial recognition will allow law enforcement officers in the field to identify persons using recently proven technology. Officers can use the mobile devices to capture fingerprints or facial images, transmitting them to search among two participating databases consisting of approximately one million records.

FISCAL IMPACT:
Grant funding in the amount of $1,000,000 is available in DHS UASI grant funds through the District of Columbia. These funds are made available by DHS through the District of Columbia to upgrade and enhance the National Capital Regional Automated Fingerprint Identification System. 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. Indirect costs are not recoverable on this grant and there is no Local Cash Match required to accept this award.

CREATION OF NEW POSITIONS:
No positions will be created through this grant award.

ENCLOSED DOCUMENTS:
Attachment 1 –Grant Award Document (Excerpt)
Attachment 2 – Supplemental Appropriation Resolution AS 07058

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

Board Agenda Item
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ADMINISTRATIVE - 2

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

ISSUE:
Board of Supervisors' action to designate an individual 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 designate the following individuals, identified with a registration number, as a Plans Examiner:

Brice R. Kutch	(271)
Christopher D. Glassmoyer	(272)

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 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 October 4, 2006, 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 October 4, 2006, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:
Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
James W. Patteson, Director, Land Development Services (LDS), DPWES
Michelle Brickner, Assistant Director, LDS, DPWES
Ray Curd, Director, Code Analysis, LDS, DPWES

Board Agenda Item
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ADMINISTRATIVE - 3

Approval of a Multi-Way Stop as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:
Board endorsement of a multi-way stop as part of the Residential Traffic Administration Program (R-TAP) at the following location:

- Elm Place and Arden Street/Jawed Place (Providence District)

RECOMMENDATION:
The County Executive recommends that the Board endorse the installation of a multi-way stop at the above-referenced intersection.

TIMING:
Board action is requested on November 20, 2006.

BACKGROUND:
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.

The proposed multi-way stop is approximately 380 feet from the Gallows Road/Elm Place intersection. In addition, the cross street (Arden Street/Jawed Place) is a dead end street. Whereas a multi-way stop is not normally placed under such conditions, the signs were proffered by a developer and have already been installed. It is felt that the multi-way stop will help regulate cut-through traffic that passes through this

neighborhood wherein motorists are avoiding the congested intersection of Gallows Road and Idylwood Road. The signs have been working satisfactorily and are well received by the community. Therefore, staff and VDOT have authorized the installation of the multi-way stop requested. On October 24, 2006, the Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced multi-way stop.

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:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Bruce W. Taylor, Acting Chief, Traffic Operations Section, FCDOT
Douglas W. Hansen, Senior Transportation Planner, FCDOT
Michael Jollon, Transportation Planner, FCDOT

Board Agenda Item
November 20, 2006

ADMINISTRATIVE – 4

Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, 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 of extend the review periods for the following applications: application 2232-D06-15 to January 20, 2007; application FSA-P01-33-1 to January 21, 2007; application FS-B06-63 to January 22, 2007; and application 2232-MD06-10 to May 21, 2007.

TIMING:
Board action is required on November 20, 2006, to extend the review periods of the applications noted above before their expiration.

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

The Board of Supervisors should extend the review period for application 2232-MD06-10, which was accepted for review by the Department of Planning and Zoning (DPZ) on March 15, 2006. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board also should extend the review periods for applications 2232-D06-15, FS-B06-63, and FSA-P01-33-1, which were accepted for review by DPZ between August 23, 2006, and August 25, 2006. These applications are for telecommunications facilities. Therefore, in

accordance with State Code requirements, the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The review periods for the following applications should be extended:

2232-MD06-10	Virginia Department of Rail and Public Transportation, on behalf of the Washington Metropolitan Area Transit Authority Extension of Metrorail from West Falls Church to Loudoun County Dulles Corridor Dranesville, Hunter Mill, and Providence Districts
2232-D06-15	T-Mobile Northeast LLC Antenna colocation on replacement transmission pole 6621 Byrnes Drive Dranesville District
FS-B06-63	Clearwire US LLC Antenna colocation on existing monopole 7920 Woodruff Court Braddock District
FSA-P01-33-1	Sprint-Nextel Additional and relocated antennas on rooftop 8130 Porter 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

Board Agenda Item
November 20, 2006

ADMINISTRATIVE - 5

Supplemental Appropriation Resolution AS 07066 for the Juvenile and Domestic Relations District Court Services Unit to Accept Grant Funding from the Supreme Court of Virginia for the Juvenile Drug Court

ISSUE:
Board approval of Supplemental Appropriation Resolution AS 07066 for the Juvenile and Domestic Relations District Court Services Unit to accept funding from the Supreme Court of Virginia for the Juvenile Drug Court in the amount of $133,000. The funding period for this grant runs from October 1, 2006 through September 30, 2007. No Local Cash Match is required to accept this award.

RECOMMENDATION:
The County Executive recommends that the Board authorize Supplemental Appropriation Resolution AS 07066 for the Juvenile and Domestic Relations District Court Services Unit to accept funding from the Supreme Court of Virginia in the amount of $133,000. No Local Cash Match is required and no positions have been requested. Funds are requested to support the activities of the Juvenile Drug Court. Grant funds will provide ancillary services such as tutoring, anger management, counseling, social and job skills training; transportation for youth and families; supplies and other operating expenses; and continuing professional education for the Drug Court Team.

TIMING:
Board approval is requested on November 20, 2006, as funds are available immediately. Because of an October 27, 2006, submission deadline, the application was submitted pending Board approval. The letter of award was received on November 1, 2006.

BACKGROUND:
The Fairfax County Juvenile Drug Treatment Court was developed as a unique partnership between the juvenile justice system, alcohol and drug treatment, mental health, and education communities, one which structures strength-based treatment intervention around the authority and personal involvement of the Drug Court Judge. The mission of the program is to provide opportunities for repeat non-violent juvenile offenders and their families to reduce substance abuse and criminal behavior, strengthen family and community ties, and improve educational opportunities by offering a structure of intensive, strength-based services that result in responsible citizenship and public safety. The four-phase program is designed to reduce criminal behavior, alcohol and drug use and abuse,

to improve family functioning and school performance, and to reduce the impact of repeat drug offenders on the community and the justice system.

A juvenile is eligible for the Drug Court Treatment Program if he or she is 15 through 17 years of age at entry in the program; is eligible for or currently on probation or parole for a detainable delinquent offense; has a substance abuse or dependency diagnosis based on screening/assessment; has had previous substance abuse education and/or treatment services; is a County resident at the time he/she enters the program; is a non-violent offender as defined by Federal Statute; has no prior or current sex, drug distribution, or possession with intent to distribute (except as an accommodation) convictions; does not have severe mental illness or mental retardation that would interfere with treatment; and is willing to accept responsibility for his or her actions.

The program was developed and has been operating since FY 2004 with no outside funding aside from that provided by the federal Drug Court Planning Initiative for the initial training of the planning team members. The Juvenile and Domestic Relations District Court Services Unit was notified during the second week of October 2006 of the availability of funds from the Supreme Court of Virginia to support the activities of the Juvenile Drug Treatment Court. Access to these funds will greatly enhance the ability of this program to work with the youth and their families. While the Supreme Court of Virginia is seeking federal funds to continue this funding stream, it is unknown at this time whether funds will be available to localities in future years.

FISCAL IMPACT:
Grant funding in the amount of $133,000 is available from the Supreme Court of Virginia. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2007. There is no Local Cash Match requirement. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSTIONS:
No positions will be created by this grant.

ENCLOSED DOCUMENTS:
Attachment 1 – Grant Award Letter
Attachment 2 – Supplemental Appropriation Resolution AS 07066

STAFF:
Verdia L. Haywood, Deputy County Executive
James S. Dedes, Director of Probation Services

Board Agenda Item
November 20, 2006

ADMINISTRATIVE - 6

Proposed Street Name Change for the North Portion of Old Mill Road from Richmond Highway North to Continue Through Planned Connector to Telegraph Road

ISSUE:
Board approval of a street name change in the Official Street Names and Property Numbering Atlas and the Master Addressing Repository for the North portion of Old Mill Road and the planned connector through to Telegraph Road Tax Map #'s109-2, 100-4 and 100-2.

RECOMMENDATION:
The County Executive recommends that the Board approve the name change to Mulligan Road effective 30 days following Board approval, in accordance with Section 102-1-9 of *The Code of the County of Fairfax* (Code).

TIMING:
Routine.

BACKGROUND:
Supervisor Hyland noted that one of the needed transportation improvements to the Richmond Highway area, due to the Base Realignment and Closure (BRAC), is the Woodlawn Road replacement connector road between Richmond Highway and Telegraph Road. The proposed location of this connector road will be built on an existing segment of Old Mill Road where it intersects Richmond Highway. In order to avoid motorist confusion with other noncontiguous segments of Old Mill Road, the connector should be named Mulligan Road for its entire stretch between Richmond Highway North to Telegraph Road. The continuation of the connector road is to be a transportation improvement to the Richmond Highway area. At the September 11, 2006 Board Meeting, the Board endorsed the process to apply the name Mulligan Road to the total stretch of the proposed new connector road between Telegraph Road and Richmond Highway. The portion of Old Mill Road to be renamed has no affected addresses.

FISCAL IMPACT:
The costs associated with this change are estimated to be $540 and are to be paid by Fairfax County.

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ENCLOSED DOCUMENTS:
Attachment I - 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
James W. Patteson, Deputy Director, Land Development Services (LDS), DPWES
Ray Pylant, Director, Commercial Inspections Division, LDS, DPWES

Board Agenda Item
November 20, 2006

ADMINISTRATIVE – 7

Streets into the Secondary System (Braddock, Dranesville, Hunter Mill, Mount Vernon, Providence, Springfield, and Sully Districts)

ISSUE:
Board approval of streets to be accepted into State System.

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

Subdivision	**District**	**Street**
Newcome Property	Braddock	Maple Avenue (Route 1558) (Additional ROW only)
Bryan Pond (Addition to)	Dranesville	Olson Court Towlston Road (Route 676) (Additional ROW only)
Riverbend Section 1	Dranesville	Strawfield Lane Georgetown Pike (Route 193) (Additional ROW only)
The Meadows of Great Falls	Dranesville	Meadow Ridge Lane
Woodlea Mill Section 1D	Dranesville	Woodlea Mill Road Woodlea Mill Court Clarkewood Court Spring Hill Road (Route 684) (Additional ROW only)
Woodlea Mill Section 1E	Dranesville	Woodlea Mill Road Woodlea Mill Court
Shaker Woods, Section 9	Hunter Mill	Champion Lake Court (Cheviot Drive per Recorded Plat)
Vintage Crest	Hunter Mill	Vintage Crest Lane Stuart Mill Road (Route 669) (Additional ROW only)

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Subdivision	District	Street
Laurel Crest	Mount Vernon	Silverbrook Road (Route 600) (Additional ROW only)
Pohick Retreat	Mount Vernon	Chars Lane Chars Landing Court
Wyngate	Mount Vernon	Richmond Highway Route 1 (Additional ROW only)
Hunter Crossings	Providence	Laura Sue Court Hibbard Street Route 784 (Additional ROW only)
Glen Alden Lots 7 and 61	Springfield	Spruce Avenue Route 897 (Additional ROW only)
Alexandra Estates	Sully	West Ox Road (Route 608) (Additional ROW only) Frostleaf Court
Cooper Creek Section 2	Sully	Bennett Road (Route 669) (Additional ROW only) West Ox Road (Route 608) (Additional ROW only)
Deerfield Ridge Section 2	Sully	Braddock Creek Road (Route 7058)

TIMING:
Routine.

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

FISCAL IMPACT:
None.

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

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

Board Agenda Item
November 20, 2006

Regulatory Review

BOARD PRIORITY: Environmental Protection

ADMINISTRATIVE – 8

Authorization to Advertise Proposed Amendments to the Public Facilities Manual Re: Low Impact Development Practices

ISSUE:
Board authorization to advertise public hearings on proposed amendments to the Public Facilities Manual (PFM). The proposed amendments incorporate design and construction standards, plan submission requirements, and requirements for the release of bonds and conservation escrows for six Low Impact Development (LID) practices.

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of the proposed amendments to the PFM as set forth in the Staff Report dated November 20, 2006.

TIMING:
Board action is requested on November 20, 2006, to provide sufficient time to advertise public hearings on February 1, 2007, before the Planning Commission and on March 12, 2007, at 4:30 p.m. before the Board.

BACKGROUND:
LID is an environmentally sensitive approach to land development and stormwater management design. The primary goal of LID design is to maintain or restore a development site's natural hydrologic function. LID design attempts to replicate predevelopment peak rates of runoff, runoff volumes, and the frequency of runoff events to the maximum extent possible. This is accomplished by creating a site design that minimizes site grading and the amount of impervious area created, maximizes the retention and creation of naturally vegetated areas, and utilizes small distributed stormwater management practices to control and treat stormwater runoff. LID designs rely heavily on infiltration of stormwater to control and treat stormwater runoff. Where native soils have poor infiltration potential, the use of more traditional end-of-pipe stormwater management controls such as ponds may be appropriate as a supplement to or in-lieu-of LID practices. Conversely, LID practices may be used as end-of-pipe stormwater management controls with some conventional site designs.

The proposed PFM amendments consist of six LID practices that can be successfully utilized with conventional site designs as well as with LID based designs. A stakeholders group was created to assist the County in reviewing 25 LID practices to identify those which would be most suitable for use in Fairfax County and provide the greatest benefit. The stakeholders group included representatives from industry, environmental organizations, citizen groups, and County agencies. Meetings were held on March 9, 2005, and March 16, 2005, to gather information on the candidate practices. The final selection of practices was made by Department of Public Works and Environmental Services (DPWES) staff based on information gathered at the stakeholders meetings, the potential to meet water quality control or stormwater management objectives, current use under the PFM's innovative BMP provisions, and the ability to be successfully utilized with conventional site designs.

The six selected LID practices were discussed at a meeting of the Board's Development Process Committee held on May 16, 2005. At that meeting, staff made a presentation on implementation of LID design in Fairfax County that included details of the six initial practices to be incorporated into the PFM and staff's recommendations for applying the Board's current policies pertaining to appropriate locations for stormwater management facilities (e.g., the PFM currently contains provisions that do not allow stormwater management facilities on individual single family lots within subdivisions) and maintenance responsibilities to the six initial practices. The use and location of the six selected LID practices were discussed further with the Board at a Development Process Committee meeting held on October 16, 2006. The recommendations for restrictions on the location of and maintenance responsibilities for the six practices included in this amendment follow the guidance provided by the Development Process Committee at the May 16, 2005, and October 16, 2006, meetings. Restrictions on the location of LID facilities are based on considerations for the long term sustainability of these facilities including issues such as maintenance, inspection and enforcement, encumbrance of residential property, and practical application dependent on the type of use. The restrictions only apply to facilities constructed for the purpose of satisfying the detention or water quality control requirements of the Subdivision, Zoning, or Chesapeake Bay Preservation Ordinances. All facilities must be privately maintained except where they are used by the County on County-owned property. The restrictions are summarized in Table 1.

The development of design and construction standards for additional LID practices and an overall design procedure for demonstrating that LID designs will meet County and State requirements for water quality control, stormwater detention, and adequate outfall will be necessary to implement comprehensive LID based designs on a broader scale. The County has partnered with other local jurisdictions, the Northern Virginia Regional Commission (NVRC), and the Engineers and Surveyors Institute (ESI) to develop a supplement to the *Northern Virginia BMP Handbook* (NVRC & ESI 1992) that will incorporate LID design and address some of these needs. As additional experience

and understanding of these practices is obtained, staff will review the issues surrounding the location and maintenance of stormwater management facilities and will bring recommendations to the Board for amendments to the current policies.

PROPOSED AMENDMENTS:
The proposed amendments incorporate design and construction standards, plan submission requirements, and requirements for the release of bonds and conservation escrows for the following six LID stormwater management practices:

1. Pervious Pavement. Pervious pavement systems use a special asphaltic paving material (porous pavement) or open jointed concrete blocks (permeable pavement blocks) that allow stormwater to flow through the pavement or the open joints at a high rate. Water is temporarily retained below the pavement within an aggregate base and discharged to the storm sewer system or infiltrated into the underlying *in situ* soils. The principal components of pervious pavement systems are porous pavement or permeable pavement blocks, a bedding (choker) course, an optional filter fabric between the bedding course and the aggregate base in permeable pavement block systems, an open-graded aggregate base with a high void ratio, filter fabric to separate the aggregate base from the underlying soils, and an underdrain that is connected to the storm drain system. Water quality control is provided by adsorption, filtering, sedimentation, biological action, and infiltration into the underlying soils. Pervious pavement systems reduce the peak rate and volume of stormwater runoff through detention storage and infiltration into underlying soils. Additional infiltration capacity or storage for detention can be obtained by increasing the depth of the aggregate base alone or in combination with storage chambers. The use of infiltration in the design of pervious pavement to provide volume reduction is dependent on the infiltration capacity of the *in situ* soils as determined by field tests.

2. Bioretention Facilities. Bioretention filters and basins (a.k.a. rain gardens) are landscaped areas in shallow depressions that are subject to temporary ponding of stormwater runoff. The principal components of bioretention facilities are plants that tolerate fluctuations in soil moisture and temporary ponding of water, a mulch layer, an engineered soil media, a gravel layer, and an underdrain that is connected to the storm drain system or daylighted. The soil media is highly permeable and well drained. Water quality control is provided by filtering storm water runoff through the soil media and mulch; biological and chemical reactions in the soil, mulch, and root zone; plant uptake; and infiltration into the underlying soil. The void spaces in the soil can be used to store runoff for detention or infiltration to provide reductions in the peak rate and volume of stormwater runoff. Additional infiltration capacity or storage for detention can be obtained by using a gravel layer alone or in combination with storage chambers below the soil media. Bioretention filters include underdrains

that allow water that has passed through the soil media to be freely discharged. Bioretention basins rely on infiltration into the underlying *in situ* soils to drain down between storms. Bioretention basins, as utilized in Fairfax County, generally include underdrains that are capped or have restricted outflow. This allows a bioretention basin to be converted to a bioretention filter if the infiltration capacity of the *in situ* soils is reduced over time due to clogging of the soil pores. The use of infiltration in the design of bioretention facilities to provide volume reduction is dependent on the infiltration capacity of the *in situ* soils as determined by field tests.

3. Vegetated Swales. Vegetated swales are open, shallow channels with vegetation covering the side slopes and bottom that collect and slowly convey stormwater runoff to downstream discharge points. The principal components of vegetated swales are a dense covering of plants with deep root systems to resist scouring and that tolerate fluctuations in soil moisture and temporary ponding of water; check dams to pond water along the length of the swale; an engineered soil media; and an underdrain in a gravel layer that is connected to the storm drain system or daylighted. The soil media is highly permeable and well drained. Water quality control is provided by sedimentation; filtering of stormwater runoff through the vegetation and soil media; biological and chemical reactions in the soil and root zone; plant uptake; and infiltration into the underlying soils. Reductions in the peak rate of runoff are achieved due to increases in the time of concentration compared to conventional conveyance systems and the temporary storage provided by the check dams and the void spaces in the soil and underdrain gravel. Although not specifically designed for infiltration, infiltration into the underlying soils may provide some volume reduction where the infiltration capacity of the soils is high. Vegetated swales are best suited for small drainage areas that have low sediment loads.

4. Tree Box Filters. A tree box filter is a type of bioretention filter contained in a precast or cast-in-place concrete structure. The principal components of a tree box filter are an inlet structure, a concrete box, a tree grate, plants that tolerate fluctuations in soil moisture and temporary ponding of water, a mulch layer, an engineered soil media, and an underdrain in a gravel layer that is connected to the storm drain system. The soil media is highly permeable and well drained. Water quality control is provided by filtering storm water runoff through the soil media and mulch, biological and chemical reactions in the soil, mulch, and root zone, and plant uptake.

5. Vegetated Roofs. A vegetated roof (a.k.a. green roof) is a roof system consisting of the structural components of the roof, a waterproof membrane, a drainage layer, a layer of growth media, and plants. Depending on the type of plants and the waterproof membrane specified, an irrigation system and a root barrier also may be provided. Vegetated roofs reduce the peak rate and volume of stormwater runoff through interception of rainfall and evapotranspiration. Vegetated roofs improve

water quality by capturing and filtering airborne depositional pollutants and by plant uptake of dissolved pollutants. Additionally, a vegetated roof provides reductions in energy use for heating and cooling, improvements in air quality, and aesthetic benefits. Vegetated roofs are classified as extensive or intensive systems based on the depth of the growth media and function of the roof. Extensive systems are shallow systems, having a growth media depth of three-six inches, a low unit weight, low construction cost, low plant diversity, and minimal maintenance requirements. Extensive systems are constructed when the primary purpose is to achieve environmental benefits and typically are only accessible for maintenance and inspection. Extensive systems may be constructed on slopes of up to 33%. Intensive systems have a growth media depth of six inches or greater, a greater unit weight, increased design sophistication and construction costs, increased plant diversity, greater water holding capacity, and increased maintenance requirements compared to extensive systems. Intensive systems often are accessible and provide an amenity for occupants of the building. Intensive systems may not be constructed on slopes greater than 10%.

6. Reforestation. Reforestation is the establishment of a forest ecosystem on open ungraded areas. Forest ecosystems reduce the peak rate and volume of stormwater runoff through interception of rainfall by leaves and the forest duff layer, plant uptake and evapotranspiration, and infiltration into the soil. Forest ecosystems improve water quality by capturing and filtering airborne depositional pollutants, plant uptake of dissolved pollutants, and infiltration into the soil. Tree canopies provide energy conservation for buildings, screening, and other benefits in addition to stormwater management. Reforested areas may be used to meet the tree cover requirements of §12-0000 *et seq*. and Article 13 of the Zoning Ordinance. Tree cover credit equivalent to the square footage of the area will be given for reforested areas that have been planted, and are established in accordance with the provisions of this section.

The proposed amendments to the PFM include updates of Table 6.3 Phosphorus Removal Efficiencies and Table 6.6 Runoff Coefficients and Inlet Times to incorporate values for the six LID practices where appropriate.

With the exception of the changes to the proposed amendments resulting from the direction provided by the Board to staff at the October 16, 2006, Development Process Committee meeting, the proposed amendments to the PFM have been recommended for approval by the Engineering Standards Review Committee.

Table 1. Location Restrictions for LID Practices

Pervious Pavement	• May be used in all non-residential and multi-family residential developments. • May not be used on individual residential infill lots (non-bonded lots). • May not be used in single family detached or attached residential developments unless: <u>Option 1</u> The Board, in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment, may approve use on HOA "common" property in single family attached residential developments. <u>Option 2</u> The Board, in conjunction with the approval of a rezoning, proffered condition amendment, special exception, or special exception amendment, may approve use on HOA "common" property in single family detached residential developments as well as single family attached residential developments.
Bioretention (Rain Gardens) Vegetated Swales	• May be used in all non-residential and multi-family residential developments. • May be used in single family detached and attached residential developments. Must be located on outlots. • The Director may approve the location of facilities on individual buildable single-family detached lots for residential subdivisions creating no more than 3 lots on a case-by-case basis. • May be used on individual residential infill lots (non-bonded lots).
Tree Box Filter	• May be used in all non-residential and multi-family residential developments. • May be used in single family detached and attached residential developments. Must be located on outlots. • May not be used on individual residential infill lots (non-bonded lots). • May be located in the right-of-way subject to approval by VDOT.

Vegetated Roof	• May be used on all non-residential buildings, parking structures, multi-family residential buildings including condominiums and apartments, and mixed-use buildings with a residential component. • May not be used on single family detached or attached units in residential subdivisions. • May not be used on individual residential infill lots (non-bonded lots).
Reforestation	• May be used in all non-residential and multi-family residential developments. Must be placed in restrictive easements. • May be used in single family detached and attached residential developments. Must be located on outlots and placed in restrictive easements. • May not be used on individual residential infill lots (non-bonded lots).

REGULATORY IMPACT:
The proposed amendments will provide additional options for meeting water quality control and stormwater detention requirements and facilitate the use of LID design.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment - Staff Report Dated November 20, 2006

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

Board Agenda Item
November 20, 2006

ACTION - 1

Authorization to File a Notice of Participation as a Respondent 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 a Notice of Participation as a respondent in the application of Washington Gas Light Company for a general increase in rates, fees, charges and revisions to terms of service and for approval of a performance-based rate regulation plan.

RECOMMENDATION:
The County Executive recommends that the Board authorize the Department of Cable Communications and Consumer Protection (DCCCP) and the County Attorney's Office to file a Notice of Participation as a respondent in the Washington Gas Light Company, SCC Case No. PUE-2006-00059.

TIMING:
The deadline for filing the Notice of Participation is January 30, 2007.

BACKGROUND:
On October 25, 2006, the State Corporation Commission (SCC) issued an Order for Notice and Hearing (SCC Order) concerning the Application of Washington Gas Light Company ("WGL" or the "company") for approval of a general increase in rates, fees, charges and revisions to terms and conditions of service, and permission to implement a performance-based rate regulation methodology plan.

WGL's general rate increase application with the SCC requests authority to 1) increase its rates, fees, and charges for natural gas services; 2) revise its terms and conditions for natural gas service; and 3) implement a performance-based rate plan ("PBR plan") under Section 56-235.6 of the Code of Virginia. The company's application proposes rates and charges designed to increase WGL's annual operating revenues by $23.0 million, an increase of approximately 3.6% in revenues. Staff has begun the process of analyzing these and other issues as appropriate. Staff is requesting authorization to maintain legal standing in this proceeding by filing a Notice of Participation as a

Respondent. A Notice of Participation is the initial response to an application in a formal SCC proceeding.

Testimony in the case is due February 28, 2007. If the filing of testimony appears warranted, staff will present the testimony to the Board for approval. 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. SCC Order for Notice and Hearing 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, Department of Cable Communications and Consumer Protection
Susan Hafeli, Research Analyst, Department of Cable Communications and Consumer Protection

Board Agenda Item
November 20, 2006

ACTION - 2

Authorization for the Chairman of the Board of Supervisors to Execute Two Memoranda of Agreements for the District of Columbia Blue Plains Wastewater Treatment Plant Cost Allocations

ISSUE:
Wastewater from the Counties of Fairfax, Loudoun, Montgomery, and Prince George's and the District of Columbia is treated at the Blue Plains Treatment Plant. Each jurisdiction is responsible for its prorated share of the operating costs at Blue Plains. Settlement of disagreement on sharing these costs has resulted in the issuance of two Memoranda of Agreements outlining the details of the settlement. These agreements need to be executed by Fairfax County.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors authorize the Chairman of the Board to execute the two Memoranda of Agreements.

TIMING:
Board action is requested on November 20, 2006, in order to finalize these agreements.

BACKGROUND:
The counties of Fairfax, Loudoun, Montgomery and Prince George's and the District of Columbia convey wastewater to the Blue Plains Wastewater Treatment Plant located in the District of Columbia for treatment. Each jurisdiction is required to pay its prorated share of the capital and operational costs for the plant.

Washington Suburban Sanitary Commission (WSSC), the entity that provides water and wastewater services in the counties of Montgomery and Prince George's, has had disagreement with the District of Columbia Water and Sewer Authority (DCWASA), the entity operating the Blue Plains Treatment Plant, on dividing the operational costs of the Blue Plains treatment plant among the jurisdictions. The disagreement was settled by the DCWASA Board in an agreement entitled "Memorandum of Agreement (MOA) – Blue Plains Cost Allocation" dated May 5, 2006. The items of disagreement that impacted other users, i.e. Fairfax and Loudoun Counties, include costs related to engineering for Blue Plains' capital program and associated labor and equipment costs,

and costs related to maintaining and operating the administration building at the Blue Plains Wastewater Treatment Plant (Central Operations Facility).

The MOA outlines how the above costs will be divided among the users of the Blue Plains Plant. This MOA needs to be approved by the Board of Supervisors and executed by the Chairman. Other parties to this agreement, DCWASA, WSSC and Loudoun County Sanitation Authority, have already executed the agreement.

As a result of the agreement settling the disputed costs between WSSC and DCWASA, it was determined that under the terms of the settlement agreement, Fairfax County, which had paid its share of the costs per previous bills by DCWASA, would be entitled to a credit from DCWASA for overpayment. Therefore a second agreement was drafted between DCWASA and Fairfax County entitled "Memorandum of Agreement (MOA) – Blue Plains Cost Allocation Settlement" that indicates Fairfax County is due a credit of $234,000. This agreement needs to be approved by the Board of Supervisors and executed by the Chairman.

FISCAL IMPACT:
A credit of $234,000 is to be given to the Fairfax County Integrated Sewer Fund by DCWASA for operational costs at Blue Plains Wastewater Treatment Plant.

ENCLOSED DOCUMENTS:
Attachment 1: Memorandum of Agreement (MOA) – Blue Plains Cost Allocation
Attachment 2: Memorandum of Agreement (MOA) – Blue Plains Cost Allocation Settlement

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

Board Agenda Item
November 20, 2006

INFORMATION – 1

Contract Award – Trail and Stream Crossings at Holmes Run Stream Valley Trail – Columbia Pike to Alexandria (Mason District)

Nine sealed bids were received and opened on October 3, 2006, for the construction of Project 474604, Trails and Stream Crossings, in Fund 370, Park Authority Bond Construction. The 2004 Park Bond Program, Project Development Schedule, and the FY 2006 Work Plan include a Capital Improvement Project to construct the Holmes Run Stream Valley Trail between Columbia Pike and the City of Alexandria. This segment will connect the countywide trail system with the existing trail system of the City of Alexandria. The trail is primarily in the Mason District but enters the City of Alexandria while in Glen Hills Park. Glen Hills Park, a Park Authority facility, is located at 6090 Larstan Drive, Alexandria, Virginia.

The scope for this project was approved by the Park Authority Board on October 11, 2000. The approved trail scope incorporated the design and construction of more than a mile of asphalt and concrete trail with five fair weather crossings. Since scope approval, Board action in the form of an easement acquisition with the Parklawn Recreation Association, Inc. (PRA) was required and has recently been completed.

The lowest responsive and responsible bidder is Avon Corporation of Springfield, Virginia. Their bid of $993,750 is $406,250 or 41% below the Park Authority's pre-bid estimate. The second lowest bid of $1,235,000 is $241,250 or 24% above the low bidder and the highest bid of $1,899,732 is $905,982 or 92% above the low bidder. The work is to be completed within 240 calendar days of Notice-to-Proceed. Based on the financial capability and the construction experience, Avon Corporation of Springfield, Virginia is considered to be a responsible contractor. Avon Corporation holds an active Virginia Class A Contractors License. The Department of Tax Administration has verified that Avon Corporation has the appropriate Fairfax County Business, Professional and Occupational License (BPOL). In addition, Avon Corporation has identified itself as a Small (Non-Minority Owned) Business Firm.

On October 25, 2006, the Fairfax County Park Authority Board approved the contract award to Avon Corporation.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Avon Corporation of Springfield, Virginia, in the amount of $993,750.

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FISCAL IMPACT:
Based on the post-bid cost estimate update, funding in the amount of $1,172,625 is necessary to award this contract and to fund the associated contingency, administrative costs and other project related costs as identified on the post-bid update sheet. Funds are currently appropriated in Fund 370, Park Authority Bond Construction, Project 474604, Trails and Stream Crossings, in the amount of $1,172,625 to award this contract and to fund the associated contingency and other project costs as identified on the post-bid update sheet. This project is included in the FY 2007 – FY 2011 Adopted Capital Improvement Program.

ENCLOSED DOCUMENTS:
Attachment 1: Bid Results – Holmes Run Stream Valley Park Trail
Attachment 2: Scope of Work – Trail and Stream Crossings at Holmes Run Stream Valley Park, Columbia Pike to Alexandria, Project No. 474604/ 134
Attachment 3: Cost Estimate – Trail and Stream Crossings at Holmes Run Stream Valley Park, Columbia Pike to Alexandria, Project No. 474604/ 134
Attachment 4: Site Plan – Map of Trail and Bridge Locations, Holmes Run Stream Valley Park, Columbia Pike to Alexandria

STAFF:
Robert A. Stalzer, Deputy County Executive
Michael A. Kane, Director, Fairfax County Park Authority, (FCPA)
Timothy K. White, Chief Operating Officer, FCPA
Charles Bittenbring, Acting Director, Planning and Development Division, FCPA
Todd Johnson, Director, Park Operations Division, FCPA
Kirk Holley, Manager, Special Projects Branch, FCPA
Elizabeth Cronauer, Supervisor, Special Projects Branch, FCPA
Thomas McFarland, Project Manager, Special Projects Branch, FCPA

Board Agenda Item
November 20, 2006

INFORMATION - 2

Approval of a Project Administrative Agreement Amendment with the Virginia Department of Transportation for Project Development and Administration of the Mason Neck Trail Project - (Mount Vernon District)

The Mason Neck Trail consists of an 8-foot asphalt trail from Route 1 along Gunston Road to the entrance of the Mason Neck State Park (Attachment I). The Fairfax County Trails and Sidewalk Committee has divided this trail into three segments. The first segment is from Route 1 to the northwest entrance to the Pohick Regional Park (Pohick Bay Regional Golf Course). A small portion of this trail segment adjacent to Route 1 has been constructed by a private developer. The second segment is from the first entrance to the Pohick Regional Park to a point approximately 300 linear feet west of the entrance to the Gunston Hall Plantation. The third segment extends from just west of the entrance to the Gunston Hall Plantation to the entrance to the Mason Neck State Park.

The Segment 3 portion of the Mason Neck Trail is complete. The design of the Segment 2 portion of the Mason Neck Trail is complete, and the process to obtain the necessary land rights is in progress. It is projected that all the land rights for Segment 2 will be obtained during spring 2007, and construction initiated during summer 2007. However, contingent upon available funding, it may be necessary to complete the construction of the Phase 2 portion of the Mason Neck Trail in phases.

Partial funding to implement the Segment 2 and portion of the Mason Neck Trail is being provided from $600,000 in Enhancement Funds allocated in the Virginia Department of Transportation (VDOT) Six Year Improvement Program by the Commonwealth Transportation Board. Additional VDOT Enhancement Funds in the amount of $200,000 have been approved for the Mason Neck Trail project which will result in a total allocation of $800,000. The following summarizes the VDOT Enhancement Program Funds approved for this project and the corresponding required County matching funds:

VDOT Enhancement Funding Allocation	**VDOT Contribution (80 Percent)**	**Fairfax County Contribution (20 Percent)**	**Total Project Funding**
Prior Approved	$600,000	$150,000	$ 750,000
Administrative Agreement Amendment	200,000	50,000	250,000
Total	$800,000	$200,000	$1,000,000

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A Project Administrative Agreement Amendment (formally referred to as a Supplemental Agreement) to the Project Development and Administration Agreement must be executed in order to expend the additional $200,000 in Enhancement Funds (Attachment II). By executing the Project Administrative Agreement Amendment, the terms and conditions of the original executed Project Development and Administration Agreement will continue to be in effect except for modifications of the funding allocations.

The additional $200,000 in VDOT Enhancement Funds will be used to complete the land acquisition and provide partial funding for the construction of the Segment 2 portion of the Mason Neck Trail. Funding in the amount of $50,000 is available in Project W00600, Mount Vernon District Trails, Fund 303, County Construction to provide the required County Matching funds for the supplemental VDOT Enhancement Funds.

Unless otherwise directed by the Board of Supervisors, the County Executive will proceed to execute the Project Administrative Agreement Amendment with VDOT for Project Development and Administration of the Mason Neck Trail project.

FISCAL IMPACT:
Funding in the amount of $50,000 is available in Project W00600, Mount Vernon District Trails, to provide the required County matching funds for the supplemental VDOT Enhancement funds.

ENCLOSED DOCUMENTS:
Attachment 1 – Project Sketch
Attachment 2 – Proposed Project Administrative Agreement Amendment

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

Board Agenda Item
November 20, 2006

INFORMATION - 3

Contract Award – Architectural/Engineering Contract for the Feasibility Study of the Government Center Amphitheater (Springfield District)

The Government Center Amphitheater, Project 009483, within Fund 303, County Construction, consists of the feasibility study for the Fairfax County amphitheater proposed to be located at the Government Center. This project was approved as part of the Capital Improvement Program for Fiscal Years 2007 through 2011.

During the planning of the Government Center Complex there were discussions about incorporating a performing arts facility on the grounds. Preliminary discussions with the performing arts community have indicated that there may be an opportunity to construct an amphitheater on the Government Center grounds. The full design and construction of this project is not funded. This feasibility study will incorporate a market feasibility study and will look at size, location, and venue type for the proposed amphitheater. As the specifics of the project are determined, it is hoped that there will be private sector involvement in the construction of the facility.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of Quinn Evans Architects was selected for the design of the Government Center Amphitheater. The selection was based on a number of factors including a team with considerable performing arts experience, including team members experienced with performing arts market analysis and acoustic design.

The contract award amount for this feasibility study is $170,811. The Department of Tax Administration has verified that Quinn Evans Architects does not have, and is not required to obtain, a Fairfax County Business Professional and Occupational License, because the business is located in the District of Columbia.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Quinn Evans Architects, in the sum of $170,811.

FISCAL IMPACT:
Funding is available in Project 009483, Government Center Amphitheater, in Fund 303, County Construction, to award this contract in the amount of $170,811.

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ENCLOSED DOCUMENTS:
Attachment I – 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 J. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
November 20, 2006

INFORMATION - 4

Contract Award - Contract for Architectural/Engineering Design Services for the DVS Alban Maintenance Facility Renovation Project (Lee District)

Consultant services are needed to provide architectural and engineering design services for the DVS Alban Maintenance Facility Renovation Project, in Fund 503, Department of Vehicle Services. The services are required to provide full design services, and professional services during construction for the project. The project will consist of approximately 3,000 square feet of office demolition in order to provide access to three existing bus bays of approximately 3,700 square feet. The existing bus bays will require three overhead doors and three above ground lifts and other miscellaneous improvements to gain full service production. The project will also include approximately 2,300 square feet of office renovation and 450 square feet of permanent parts storage space. The project shall be phased to keep the existing facility operational. This project was approved during the FY 2005 Carryover Review and is included in the FY 2007 Revised Budget Plan for DVS. This project is included in the Approved Capital Improvement Program for Fiscal Years 2007 thru 2011.

It is proposed that the County enter into a contractual agreement with the firm of The Lukmire Partnership. Inc. The Lukmire Partnership, Inc. was selected in accordance with the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that The Lukmire Partnership, Inc. is not required to possess a Fairfax County Business, Professional and Occupational License. The Lukmire Partnership, Inc. is registered as a Small Business Enterprise with the Commonwealth of Virginia.

The total contract value is $275,000.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to The Lukmire Partnership Inc., in the sum of $275,000.

FISCAL IMPACT:
Funding is available in Fund 503, Department of Vehicle Services in the Infrastructure and Renewal budget to award this contract in the amount of $275,000.

ENCLOSED DOCUMENTS:
Attachment 1 – List of Awardee and other firms interviewed
(Copy of Contract available in the Office of the Clerk to the Board)

Board Agenda Item
November 20, 2006

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

Board Agenda Item
November 20, 2006

INFORMATION - 5

Contract Award – Burke Centre Library (Braddock District)

Five sealed bids were received and opened on Tuesday, October 17, 2006, for the construction of Project 004838, Burke Centre Library in Fund 302, Library Construction. This project includes the construction of a new 17,000 square-foot library building at 5935 Fred's Oak Road in Burke, Virginia 22105. This project is included in the FY 2007 – FY 2011 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is E. E. Reed Construction L.P. Their lump sum bid of $4,988,988 is $1,004,619 or 16.8% below the Engineer's Estimate of $5,993,607. This is due to competitive bidding among pre-qualified general contractors and reduced risk of site work due to completion of the parking lot. The second lowest bid of $5,186,000 is $197,012 or 3.9% above the low bid and the highest bid of $5,389,000 is $ 400,012 or 8% above the low bid.

E.E. Reed Construction L.P. was one of 11 original general contractors pre-qualified to bid on the Burke Centre Library, of which five firms ultimately participated. E.E. Reed Construction L.P. has satisfactorily completed previous private construction projects in Fairfax County and is presently building the Oakton Library at this time.

The Department of Tax Administration has verified that E. E. Reed Construction L.P. has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after December 2, 2006.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to E.E. Reed Construction, L.P. in amount of $4,988,988.

FISCAL IMPACT:
Funds are currently available in Project 004838, Burke Centre Library, in the amount of $8,271,989 to fund the Phase II construction and associated contingencies. Phase II contract includes the construction of the library building and remaining site work from the recently completed Phase 1 parking lot. Funds are currently available to award the Phase II construction contract and to fund the associated contingencies and other project costs including construction, contract administration, inspections, utility connections, and fixed equipment.

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November 20, 2006

ENCLOSED DOCUMENTS:
Attachment 1 – Order of Bidders
Attachment 2 – Vicinity Map

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

Board Agenda Item
November 20, 2006

INFORMATION – 6

Contract Award – Grouped Athletic Field Lighting

Four sealed bids for the Grouped Athletic Field Lighting project were received and opened on October 17, 2006, as summarized in Attachment 1. The work includes the replacement of six athletic field lighting systems (Baron Cameron Park – 65' diamond, Martin Luther King Jr. Park – 65' diamond and a rectangular overlay, and Nottoway Park – 60' diamond and two 65' diamonds) and three new installations (Lewinsville Park – 90' diamond and Lincoln Lewis Vannoy – two 60' diamonds), as shown on Attachment 4.

The lowest responsible bidder is Dalton Electric Service, Inc. Their total bid of $848,330 is $798,670 or 48.5% below the Park Authority's pre-bid estimate of $1,647,000 and $203,642 below the next lowest bidder.

The work is to be completed within 150 calendar days of Notice-to-Proceed. Dalton Electric Service, Inc. holds an active Virginia Class A Contractors License. The Department of Tax Administration has verified that Dalton Electric Service, Inc. has the appropriate Fairfax County Business, Professional and Occupational License (BPOL). Dalton Electric Service, Inc. is a Small, Woman-Owned business.

On November 8, 2006, the Fairfax County Park Authority Board approved the contract award.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Dalton Electric Service Inc., in the amount of $848,330.

FISCAL IMPACT:
Based on the post-bid cost estimate update, funding in the amount of $1,049,513 is necessary to award this contract and to fund the associated contingency, administrative costs and other project related costs. Based on encumbrances and expenditures to date, funding is currently available in the amount of $723,486 in Project 474104, Athletic Field Development, $164,027 in Project 475804, Building Renovation and Expansion, $10,000 in Project 475504 Community Parks/Courts as part of a Mastenbrook Grant, in Fund 370, Park Authority Bond Construction; $30,000 in Project 005004, Fund 303 Matched Funds – FCPS Athletic Field Maintenance and Improvements, $40,000 in matching funds from McLean-Great Falls Baseball and contributions in the amount of $82,000 from Southwest Youth Association for a total of $1,049,513 to award this

contract and to fund the associated contingency, administrative costs and other project related costs

ENCLOSED DOCUMENTS:
Attachment 1: Bid Results – Group Athletic Field Lighting
Attachment 2: Scope of Work – Group Athletic Field Lighting, Project No. 474104
Attachment 3: Cost Estimate – Group Athletic Field Lighting, Project No. 474104
Attachment 4: Site Plans – Baron Cameron Park, Lewinsville Park, Lincoln Lewis Vannoy, Martin Luther King Jr. Park and Nottoway Park

STAFF:
Robert A. Stalzer, Deputy County Executive
Michael A. Kane, Director, Park Authority

Board Agenda Item
November 20, 2006

INFORMATION - 7

Contract Award - River Oaks Sanitary Sewer Extension and Improvement (Dranesville District)

Six sealed bids were received and opened on Tuesday, October 3, 2006, for the construction of the River Oaks Sanitary Sewer Extension and Improvement, Project No. X00826, Extension Projects in Fund 402, Sewer Construction Improvements. This contract award will provide for the construction of a major gravity flow and force main sewer system which will make public sewer available to 114 existing properties located predominantly in the River Oaks Subdivision in the Dranesville District of Fairfax County. This project is included in the FY 2007 - FY 2011 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Anchor Construction Corporation. Their bid of $6,048,358.00 is $652,015.67 or 9.7% lower than the Independent Engineer's Estimate of $6,700,373.67. The second lowest bid of $6,437,777.00 is $389,419.00 or 6.4% above the low bid. The highest bid of $11,350,000.00 is $5,301,642.00 or 87.6% above the low bid.

It is noted that the apparent low bidder, Tessa Construction & Tech Company LLC, was determined to be a non-responsible bidder for this solicitation and their bid was therefore rejected. The second bidder, Anchor Construction Corporation, was then determined to be the lowest responsive and responsible bidder.

Anchor Construction Corporation has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Anchor Construction Corporation has the appropriate Fairfax County Business, Professional and Occupations License (BPOL). Anchor Construction Corporation is a minority owned business firm.

This bid may be withdrawn after December 16, 2006.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Anchor Construction Corporation in the amount of $6,048,358.00 and reallocate funds as noted below.

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FISCAL IMPACT:
Funding in the amount of $7,316,331.70 is necessary to award this contract and to fund the associated contingency and other costs including design, utility relocation, contract administration, inspection, testing, permits, and fees. Funds are currently available in the amount of $3,384,283.00 in Project X00826, Extension Projects in Fund 402, Sewer Construction Improvements. Additional funding in the amount of $3,932,050.00 will be reallocated from the following projects:

X00910 - Replacement and Renewal Treatment Plants - $2,500,000.00
X00351 - Pump Station Renovations - $1,432,050.00

ENCLOSED DOCUMENTS:
Attachment 1 – Order of Bidders
Attachment 2 – Vicinity Map

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

Board Agenda Item
November 20, 2006

INFORMATION – 8

Contract Award – Asphalt Trail and Pedestrian Bridge at Danbury Forest (Braddock District)

Eleven sealed bids were received and opened on October 23, 2006, to construct a portion of the Lake Accotink Stream Valley Trail beside Danbury Forest Drive within Project 474604, Trails and Stream Crossings, in Fund 370, Park Authority Bond Construction. The 2004 Park Bond Program, Project Development Schedule, and the FY 2006 Work Plan include this Capital Improvement Project. This segment will improve the connection from Danbury Forest Drive to the Cross County Trail in Lake Accotink Park. The trail is located in the Braddock District.

The scope for this project was previously approved by the Park Authority Board. The approved trail scope incorporated the design and construction of 400 ft. of asphalt and boardwalk trail with one (1) pedestrian bridge and related site improvements. Since scope approval, Board action in the form of an easement acquisition with the Danbury Forest Homeowners Association, Inc. (HOA) was required and has been completed during January 2006.

The lowest and responsible bidder is Cube Construction Corporation. Their bid of $279,885 is $50,115 or 18% below the Park Authority's pre-bid estimate of $330,000. The second lowest bid of $285,200 is $5,315 or 2% above the low bidder and the highest bid of $349,350 is $69,465 or 25% above the low bidder. The work is to be completed within 120 calendar days of Notice-to-Proceed. Cube Construction Corporation holds an active Virginia Class A Contractors License, and is a small business firm. Based on the financial capability and the construction experience, Cube Construction Corporation is considered to be a responsible contractor. The Department of Tax Administration has verified that Cube Construction Corporation has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

On November 20, 2006, the Fairfax County Park Authority Board approved the contract award of $279,885 to Cube Construction Corporation.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Cube Construction Corporation of Great Falls, Virginia, in the amount of $279,885.

Board Agenda Item
November 20, 2006

FISCAL IMPACT:
Based on the post-bid cost estimate update, funding in the amount of $330,265 is necessary to award this contract and to fund the associated contingency, administrative costs and other project related costs as identified on the post-bid update sheet. Funds are currently appropriated in Fund 370, Park Authority Bond Construction, Project 474604, Trails and Stream Crossings, in the amount of $330,265 to award this contract and to fund the associated contingency and other project costs as identified on the post-bid update sheet. This project is included in the FY 2007-FY 2011 Adopted Capital Improvement Program.

ENCLOSED DOCUMENTS:
Attachment 1: Bid Results – Asphalt Trail and Pedestrian Bridge at Danbury Forest Drive, Lake Accotink Stream Valley Park
Attachment 2: Scope of Work – Asphalt Trail and Pedestrian Bridge at Lake Accotink Stream Valley Park, Project No. 474604 / 365
Attachment 3: Cost Estimate – Asphalt Trail and Pedestrian Bridge at Lake Accotink Stream Valley Park, along Danbury Forest Drive, Project No. 474604 /365
Attachment 4: Site Location Map – Asphalt Trail and Pedestrian Bridge at Lake Accotink Stream Valley Park, along Danbury Forest Drive, Project No. 474604 /365

STAFF:
Robert A. Stalzer, Deputy County Executive
Michael A. Kane, Director, Fairfax County Park Authority

Board Agenda Item
November 20, 2006

10:45 a.m.

Matters Presented by Board Members

Board Agenda Item
November 20, 2006

11:35 a.m.

Closed Session

Board Agenda Item
November 20, 2006

3:00 p.m.

Public Hearing on PCA 2006-MV-005 (Pace-Boswell Associates, LLC) to Establish Proffers on the Site and Approve Waivers and Modifications in a Commercial Revitalization District with an Overall Floor Area Ratio of 0.22, Located on Approximately 2.01 Acres Zoned C-8, R-2, HC and CRD, Mount Vernon District

And

Public Hearing on SE 2006-MV-001 (Pace-Boswell Associates, LLC) to Permit a Drive-Thru Pharmacy, Waiver of Minimum Open Space and Lot Width Requirements and Waivers and Modifications in a Commercial Revitalization District, Located on Approximately. 1.49 Acres Zoned C-8, HC and CRD, Mount Vernon District

And

Public Hearing on SE 2006-MV-013 (Pace-Boswell Associates, LLC) to Permit a Driveway for Uses in a Commercial District, Located on Approximately 22,500 Square Feet Zoned R-2 and HC, Mount Vernon District

The application property (PCA 2006-MV-005) is located in the northeast quadrant of the intersection of Boswell Avenue and Richmond Highway, Tax Map 102-1 ((7)) (4) 26, 28 and 30.

The application property (SE 2006-MV-013) is located at 2908 Boswell Avenue Tax Map 102-1 ((7)) (4) 30.

The application property (SE 2006-MV-001) is located at 7629 and 7635 Richmond Highway, Tax Map 102-1 ((7)) (4) 26 and 28.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, July 27, 2006, the Planning Commission voted unanimously (Commissioners Hopkins and Wilson absent from the meeting) to recommend the following actions to the Board of Supervisrs:

- Approval of PCA 2006-MV-005, subject to the execution of proffers consistent with those dated July 27, 2006;

- Approval of SE 2006-MV-001, subject to the Development Conditions dated July 26, 2006, with the following revisions:

- Add the following sentence at the end of Condition 8: "A sign to this effect shall be posted prominently in the vicinity of the drive-through window."
- In Condition 9, change the time limit from 15 to 9 and from 18 to 12.

- Approval of SE 2006-MV-013, subject to the Development Conditions dated July 26, 2006;
- Modification of the transitional screening requirements and waiver of the barrier requirements along the eastern perimeter of the C-8 parcel of the subject property, in favor of the transitional screening and barrier shown on the GDP/SE Plat; and
- Waiver of the open space requirement for the C-8 portion of the PCA site.

The Planning Commission voted 8-1-1 (Commissioner Hall opposed; Commissioner Hart abstaining; Commissioners Hopkins and Wilson absent from the meeting) to recommend that the Board of Supervisors waive the service drive requirement along Richmond Highway.

ENCLOSED DOCUMENTS:
None. Staff Report previously furnished.

STAFF:
Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Andrew Hushhour, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
November 20, 2006

3:00 p.m.

Public Hearing on PCA 82-L-087-02 (Willow Creek Community Association) to Amend the Proffers for RZ 82-L-087 Previously Approved for Residential Development at a Density of 7.55 Dwelling Units Per Acre to Permit the Conversion of a Public Street to a Private Street, Located on Approximately 17,293 Square Feet Zoned R-8, Lee District

The application property is located on the east side of Van Dorn Street approximately 1,600 feet north of Franconia Road. (Bent Willow Dr., right-of-way) Tax Map 81-4 ((33)) B and a portion the right-of-way for Bent Willow Dr. to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of a portion of right-of-way for Bent Willow Dr. to proceed under Section 33.1-151of the Code of Virginia).

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 5, 2006, the Planning Commission voted unanimously (Commissioners Hall and Wilson absent from the meeting) to recommend that the Board of Supervisors approve PCA 82-L-087-2, subject to execution of proffers consistent with those dated September 22, 2006.

ENCLOSED DOCUMENTS:
None. Staff Report previously furnished.

STAFF:
Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
John M. Thompson, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
November 20, 2006

3:00 p.m.

Public Hearing on SE 2006-SP-011 (Virginia Electric and Power Company; Jimmy H. Ghadban) to Delete 1.35 Acres and Maintain Electric Substation on 2.46 Acres, Located on Approximately 3.81 Acres Zoned R-1 and WS, Springfield District

The application property is located at 8906 Ox Rd. Tax Map 106-1 ((1)) 23A pt. and 106-2 ((1)) 47A pt.

PLANNING COMMISSION RECOMMENDATION:
On Wednesday, October 18, 2006, the Planning Commission unanimously voted (Commissioners Alcorn, Byers, Lawrence, Lusk, and Wilson absent from the meeting) to recommend that the Board of Supervisors approve SE 2006-SP-011, subject to the proposed Development Conditions listed in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:
None. Staff Report previously furnished.

STAFF:
Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
November 20, 2006

3:00 p.m.

Public Hearing on SEA 01-M-036 (Pinecrest School, Inc.) to Amend SE 01-M-036 Previously Approved for a Private School of General Education to Permit Modification of Existing Development Conditions with No Change in Enrollment, Located on Approximately 2.0 Acres Zoned R-4, Mason District

The application property is located at 7209 Quiet Cove Tax Map 60-3 ((14)) 2B.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 12, 2006, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote; Commissioners Hopkins and Murphy absent from the meeting) to recommend that the Board of Supervisors approve SEA 01-M-036, subject to the proposed Development Conditions dated September 27, 2006.

ENCLOSED DOCUMENTS:
None. Staff Report previously furnished.

STAFF:
Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Carrie Lee, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
November 20, 2006

3:30 p.m.

Public Hearing on PCA 1999-MV-025-02 (Bank of America, N.A.) to Amend the Proffers for RZ 1999-MV-025 Previously Approved for Commercial Development to Permit a Drive-In Bank with an Overall Floor Area Ratio of 0.13, Located on Approximately 1.34 Acres Zoned C-6, Mount Vernon District

And

Public Hearing on SEA 99-V-020-02 (Bank of America, N.A.) to Amend SE 99-V-020 Previously Approved for a Combined Service Station/Mini-Mart and Fast Food Restaurant, a fast Food Restaurant with Drive-In Facilities and Drive-Through Pharmacy to Permit a Drive-In Bank, Located on Approximately 1.34 Acres Zoned C-6, Mount Vernon District

The application property is located in the S.W. quadrant of the intersection of Lorton Rd. at 9405 Lorton Market St. Tax Map 107-4 ((23)) E4 pt.

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission public hearing on these applications is scheduled on Wednesday, November 15, 2006. The Commission's recommendation will be forwarded to the Board of Supervisiors subsequent to that date.

ENCLOSED DOCUMENTS:
None. Staff Report previously furnished.

STAFF:
Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
November 20, 2006

3:30 p.m.

Public Hearing on SE 2006-MA-016 (PNC Bank, N.A.) to Permit a Drive-In Bank Located on Approximately 38,342 Square Feet Zoned C-6, Mason District

The application property is located at 6950 Braddock Road, Tax Map 71-4 ((1)) 28A.

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission public hearing on SE 2006-MA-016 has been rescheduled to Wednesday, November 15, 2006. The Commission's recommendation will be forwarded to the Board of Supervisiors 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

Board Agenda Item
November 20, 2006

3:30 p.m.

Public Hearing on SE 2006-LE-012 (PNC Bank, N.A.) to Permit a Drive-In Bank and Waivers and Modifications Including a Waiver of the Minimum Lot Width Requirement in a Commercial Revitalization District, Located on Approximately 1.17 Acres Zoned C-6, CRD, HC and SC, Lee District

The application property is located at 6315 and 6319 Amherst Avenue and 6320 Backlick Road, Tax Map 80-4 ((1)) 9.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, November 2, 2006, the Planning Commission voted unanimously (Commissioners Hall, Harsel, and Hart absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2006-LE-012, subject to the proposed Development Conditions dated October 27, 2008;
- Waiver of the loading space requirement; and
- Approval of the 20% parking space reduction request.

ENCLOSED DOCUMENTS:
None. Staff Report previously furnished.

STAFF:
Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
November 20, 2006

3:30 p.m.

Public Hearing on SE 2006-MA-014 (BB&T of Virginia, Inc.) to Permit a Drive-In Bank in a Highway Corridor Overlay District, Located on Approximately 1.08 Acres Zoned C-2, CRD, HC and SC, Mason District

The application property is located at 5871 Leesburg Pike, Tax Map 61-2 ((17)) (C) 1.

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission public hearing on SE 2006-MA-014 has been rescheduled to Thursday, November 16, 2006. 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

Board Agenda Item
November 20, 2006

4:00 p.m.

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

And

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

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

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

- Approval of PCA 2000-SU-033, subject to the execution of proffers consistent with those dated September 28, 2006; and

- Approval of SE 2006-SU-015, subject to Development Conditions consistent with those dated October 18, 2006.

ENCLOSED DOCUMENTS:
None. Staff Report previously furnished.

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

Board Agenda Item
November 20, 2006

4:00 p.m.

Public Hearing to Establish the Island Creek Community Parking District (Lee District)

ISSUE:
Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the Island Creek 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 Island Creek CPD in accordance with existing CPD restrictions.

TIMING:
The Public Hearing was authorized on October 23, 2006, for November 20, 2006, at 4:00 p.m.

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

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 Island Creek 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 $250 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 Island Creek 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
November 20, 2006

4:00 p.m.

Public Hearing to Establish the Greentree Village Community Parking District (Springfield District)

ISSUE:
Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the Greentree Village 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 Greentree Village CPD in accordance with existing CPD restrictions.

TIMING:
The public hearing was authorized on October 23, 2006, for November 20, 2006, at 4:00 p.m.

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

petitioners who represent at least 60 percent of the addresses or other real property 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 Greentree Village 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 $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 Greentree Village 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
November 20, 2006

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Braddock Road at Little River Turnpike Road Improvement Project (Mason District)

ISSUE:
Public hearing on the acquisition of certain land rights necessary for the construction of Project 4YP014 – Braddock Road at Little River Turnpike Road Improvement, in Fund 304, Primary and Secondary Road Bond Construction.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:
On October 23, 2006, the Board authorized advertisement of a public hearing to be held on November 20, 2006, at 4:00 p.m.

BACKGROUND:
This project consists of roadway improvements at Braddock Road and Little River Turnpike to include road realignment, upgraded pedestrian facilities, traffic signal improvements, and utility relocations.

The construction of this project requires the acquisition of deeds of dedication and various easements and/or agreements covering Dominion Virginia Power, Verizon Virginia, grading, and temporary construction on 6 properties in the Mason District. Of these, Pinecrest Golf Course property is publicly-owned and does not require condemnation. Therefore, it has been excluded from this public hearing. Of the 5 remaining properties, the Land Acquisition Division has been negotiating to acquire these land rights since September 2006; however, the required land rights are still outstanding.

In order to commence construction of this project on schedule, it may become necessary for the Board of Supervisors to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute; namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (2003). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board Agenda Item
November 20, 2006

FISCAL IMPACT:
This project was approved by the Board of Supervisors and funding is available for Project 4YP014 – Braddock Road at Little River Turnpike Road Improvement in Fund 304, Primary and Secondary Road Bond Construction. No additional funding is being requested from the Board of Supervisors for land acquisition.

ENCLOSED DOCUMENTS:
Attachment A - Project Location Map
Attachment B – Resolution with Fact Sheet on each affected parcel with plats showing interests to be acquired (Attachments 1 through 5-B)

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

Board Agenda Item
November 20, 2006

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Little River Turnpike (Route 236)/Beauregard Street Improvement Project (Mason District)

ISSUE:
Public hearing on the acquisition of certain land rights necessary for the construction of Project 4YP013 – Little River Turnpike (Route 236)/Beauregard Street Improvement, in Fund 304, Primary and Secondary Road Bond Construction.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:
On October 23, 2006, the Board authorized advertisement of a public hearing to be held on November 20, 2006, at 4:00 p.m.

BACKGROUND:
This project consists of adding a second left-turn lane from eastbound Little River Turnpike (Route 236) onto northbound Beauregard Street, and replacing the existing traffic signal at the intersection. This improvement on Little River Turnpike extends from Lincoln Avenue to Oasis Drive.

The construction of this project requires the acquisition of deeds of dedication and various easements and/or agreements covering sidewalk, Dominion Virginia Power, Verizon Virginia, grading, and temporary construction on 7 properties in the Mason District. Land Acquisition Division has been negotiating to acquire these land rights since August 2006; however, land rights on 6 properties are still outstanding.

In order to commence construction of this project on schedule, it may become necessary for the Board of Supervisors to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute; namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (2003). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

Board Agenda Item
November 20, 2006

FISCAL IMPACT:
This project was approved by the Board of Supervisors and funding is available for Project 4YP013 – Little River Turnpike (Route 236)/Beauregard Street Improvement in Fund 304, Primary and Secondary Road Bond Construction. No additional funding is being requested from the Board of Supervisors for land acquisition.

ENCLOSED DOCUMENTS:
Attachment A - Project Location Map
Attachment B – Resolution with Fact Sheet on each affected parcel with plats showing interests to be acquired (Attachments 1 through 6B)

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

Board Agenda Item
November 20, 2006

4:30 p.m.

Public Hearing on a Proposal to Vacate and Abandon Part of the Right-of-Way of Potomac Avenue (Mount Vernon District)

ISSUE:
Public Hearing to consider the vacation and abandonment of part of the right-of-way of Potomac Avenue.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached ordinance (Attachment III) for vacation and the attached order (Attachment IV) for abandonment of part of the right-of-way of Potomac Avenue.

TIMING:
On October 23, 2006, the Board authorized a public hearing to consider the proposed vacation and abandonment for November 20, 2005, at 4:30 p.m.

BACKGROUND:
The applicants, Maria L. and Pablo T. Benga, are requesting that a portion of the right-of-way of Potomac Avenue in front of their property be vacated and abandoned. While Potomac Avenue is in the Virginia Department of Transportation Secondary Highway System (Route 1501), the area covered by the request is not needed for the highway. A 50 foot wide standard right-of-way will be retained for the existing alignment.

The request is not being made in conjunction with any development proposal. The vacation and abandonment will not increase the number of allowed dwelling units on the property.

Traffic Circulation and Access
The vacation and abandonment will have no long-term impact on vehicle circulation and access. The subject right-of-way is surplus and is not needed for operation and maintenance of the road.

Easements
Dominion Virginia Power and Verizon have identified facilities within the area to be vacated and abandoned. The Department of Public Works and Environmental Services

has identified a sanitary sewer in the area of vacation and abandonment. The applicant has provided easement plats, deeds, or agreements in forms acceptable to these entities. No other easement needs were identified.

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

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I: Statement of Justification
Attachment II: Notices of Intent to Vacate and Abandon
Attachment III: Ordinance of Vacation
Attachment IV: Order of Abandonment
Attachment V: Vacation and Abandonment Plat
Attachment VI: Metes and Bounds Description
Attachment VII: Vicinity Map

STAFF:
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Michael A. Davis, FCDOT
Donald Stephens, FCDOT

Board Agenda Item
November 20, 2006

4:30 p.m.

Public Hearing to Establish the Keene Mill Village IV Community Parking District (Springfield District)

ISSUE:
Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the Keene Mill Village IV 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 Keene Mill Village IV CPD in accordance with existing CPD restrictions.

TIMING:
The public hearing was authorized on October 23, 2006, for November 20, 2006, 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 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 Keene Mill Village IV 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 $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 Keene Mill Village IV 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
November 20, 2006

5:00 p.m.

Public Hearing to Receive Comment from Citizens on the Proposed Legislative Program to be Presented to the 2007 Virginia General Assembly

ENCLOSED DOCUMENTS:
Attachment 1 -- Draft Fairfax County Legislative Program for the 2007 Virginia General Assembly
Attachment 2 – Draft Human Services Issue Paper
The proposed Legislative Program and Human Services Issue Paper are available on November 15, 2006 at www.fairfaxcounty.gov/government/board or in the Office of the Clerk to the Board.

STAFF:
Chairman Gerald E. Connolly, Chairman of the Legislative Committee of the Board of Supervisors
Anthony H. Griffin, County Executive
Susan E. Mittereder, Legislative Director

Board Agenda Item
November 20, 2006

5:00 p.m.

Regulatory Review

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Certain Additions to an Existing Single Family Detached Dwelling That Currently Extends into a Minimum Required Yard by More Than Fifty Percent and/or is Closer Than Five Feet to a Lot Line (AKA "Pop-ups and Carport Enclosures")

ISSUE:
The proposed Zoning Ordinance amendment establishes a new special permit that would allow the Board of Zoning Appeals (BZA) to allow for certain additions to an existing single family detached dwelling that currently extends into a minimum required yard by more than fifty percent and/or is closer than five feet to a lot line, subject to conditions that strive to minimize the impact of such yard reductions on nearby properties. The amendment also establishes application fees for the new special permit.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, October 26, 2006, the Planning Commission voted unanimously to recommend to the Board of Supervisors adoption of the proposed amendment as advertised under Option 4 in the staff report dated September 25, 2006 and as set forth in the attachment to the memorandum to the Planning Commission dated October 26, 2006.

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 – September 26, 2006; Planning Commission public hearing – October 26, 2006 at 8:15 p.m.; Board of Supervisors' public hearing – November 20, 2006, at 5:00 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 permit to permit certain additions to an existing single family dwelling that currently extends into a minimum

required yard by more than 50% and/or is closer than 5 feet to a lot line. During discussions with the Board regarding the 6 potential amendments that comprise the series of changes related to former variance application issues, this amendment was referred to as the “Pop-up and Carport Enclosure Amendment”.

It is important to note the differences between this amendment and the two previously adopted amendments that relate to yard requirements. In the first amendment adopted by the Board, known as the “Process Amendment”, if an applicant were seeking approval of a special exception or rezoning, the Board was granted the authority to approve yard requirements for existing structures and parking and to modify yard requirements for new parking areas and the peripheral parking lot landscape requirements as part of a special exception or rezoning for another use. Similarly, the BZA was granted the same authority to modify these yards as part of a request for a special permit for another use. The Process Amendment has application predominantly to non-residential developments and the associated approvals are not the kind of application sought by the typical homeowner for an addition to his/her dwelling.

The second amendment adopted in the series, referred to as the “50% Amendment”, the Board adopted provisions that will facilitate typical homeowner additions to an existing dwelling, although it was not limited only to residential uses. This amendment would allow an applicant to seek a reduction of certain yard requirements by as much as 50%. Further, the resultant structure could not be closer than 5 feet to any lot line. With this amendment, any principal structure that was legally constructed at its present location could request this special permit for a yard reduction, provided; however, that if the existing principal structure was already located closer than 5 feet to a lot line or was already closer to the lot line than 50% of the yard requirement, they were not eligible to apply for this new special permit.

The current amendment addresses that small group of single family detached dwellings that were not helped by the “50% Amendment” or the “Process Amendment”. The currently proposed amendment offers a special permit for any legally existing single family detached dwelling that is already located closer than 5 feet to a lot line or closer than 50% of the required yard (for example, if a house is located 8 feet from a lot line in a district that requires 20 feet). Staff believes this to be a small population, in that it would predominantly be applicable to single family detached dwellings built prior to the first Zoning Ordinance in 1941 and to certain single family detached dwellings built between 1941 and 1978 that were located in a district that had smaller yard requirements than the present requirements and/or allowed for greater encroachments than are currently permitted.

Staff believes this amendment will address a number of concerns raised during the public information sessions by members of the Board, Planning Commission, BZA and citizens with regard to older communities. With some frequency, an older, small house

in communities has been torn down and replaced by a much larger home that has been judged by some to be out of character with the surrounding community. From comments made at some of the public input sessions, the owner may have sold the home because existing house was too small for their needs and there was limited or no opportunity to enlarge the house because it didn't meet the current setback requirements. Staff believes that adding a new special permit use to allow certain limited additions and to preclude the complete teardown of an existing single family detached dwelling will further the goal of preserving older neighborhoods and will allow owners to expand their existing dwelling. Additionally, allowing older homes that were legally constructed to have the opportunity to request a special permit for an addition gives these dwellings the same opportunity that was made available to most other dwellings through the "50% Amendment" to seek some limited relief from the current setback requirements.

This amendment would permit additions that are sometimes referred to as "pop-ups", which involves the construction of a full second story over an existing one-story dwelling. Historically, this kind of request 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 would not be appropriate for this type of a reduction of yard requirements.

To provide flexibility in instances that may warrant a reduction of certain yard requirements, the proposed amendment will establish a new special permit to allow for additions to an existing single family detached dwelling that currently extends into a minimum required yard by more than 50% and/or is closer than 5 feet to a lot line, subject to specific standards. All such requests would be subject to BZA review on a case-by-case basis. Specifically, the proposed Zoning Ordinance amendment would:

(1) Establish a special permit to allow for certain additions to an existing single family detached dwelling that currently extends into a minimum yard requirement by more than fifty (50) percent and/or is closer than 5 feet to a lot line subject to all of the following standards and criteria:

(a) only those yards in residential districts, provided such yards are not subject to proffered conditions or development conditions that address such yards and/or are not depicted on an approved plat or proffered generalized development plan; yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416 of the Zoning Ordinance; and regulations on permitted extensions set forth in Sect. 2-412 of the Zoning Ordinance can be reduced; and

(b) the existing single family detached dwelling complied with the minimum required yards in effect when the structure was constructed and that the yards have not been reduced to less than the yards required by the Zoning Ordinance since the effective date of the Ordinance, except by condemnation or by acquisition for public purposes by any governmental agency; and

(c) no portion of the proposed addition shall extend closer to the lot line associated with such yard than any portion of the existing dwelling; and

(d) the maximum gross floor area of the addition to a principal structure may be up to 150% of the total gross floor area of the principal structure that existed at the time of the yard reduction request and not more than 50% of the gross floor area of the existing principal structure may be removed; these gross floor area calculations include the floor area of any attached garage; and

(e) the proposed structure and use shall be in character with the existing on-site development, harmonious with the surrounding off-site uses and structures, and shall not adversely impact the use and/or enjoyment of any adjacent property, all of which shall be determined in terms of such issues as location, height, bulk, scale, topography, existing vegetation, preservation of significant trees, noise, light, air, erosion or stormwater runoff;

(2) Establish plat and architectural submission requirements for the new special permit application;

(3) Allow the Board of Zoning Appeals to impose such conditions it deems necessary to minimize the impact of the addition on adjacent properties;

(4) Pursuant to authority granted by Virginia Code Sect. 15.2-2286(A)(6), establish special permit applications fees of $295 for certain additions to an existing single family detached dwelling that currently extends into a minimum required yard by more than fifty (50) percent and/or is closer than 5 feet to a lot line; and

(5) Clarify that all applicable regulations of the Fairfax County Zoning Ordinance, the Code of the County of Fairfax, Virginia, and any applicable Building Code apply to all uses and structures.

It is noted that the original staff report included four options to reflect a number of other Zoning Ordinance amendments that were pending at the time of preparation of the

report. Since that time, the Board has taken action on those amendments; therefore, the appropriate option to consider for this amendment is Option 4. The Planning Commission, on October 26, 2006, recommended approval of Option 4, as advertised, and staff concurs with that recommendation. The proposed amendment that contains only Option 4 is set forth in the October 26, 2006 memorandum to the Planning Commission found in Attachment 1. A more detailed discussion of the proposed amendment is set forth in the Staff Report found in Attachment 2.

REGULATORY IMPACT:
The proposed amendment creates a new special permit to allow for certain additions to an existing single family detached dwelling that currently extends into a minimum required yard by more than 50% and/or is closer than 5 feet to a lot line.

FISCAL IMPACT:
The proposed amendment adds a new application fee of $295 for the proposed new special permit. It is anticipated that this special permit would be utilized in lieu of the variance process for such yard reduction requests. Because variances and this proposed special permit have the same fee structure, it is anticipated that there would limited fiscal impact as a result of this amendment.

ENCLOSED DOCUMENTS:
Attachment 1 – October 26, 2006 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

Board Agenda Item
November 20, 2006

5:30 p.m.

Public Hearing on the Adoption of the Proposed Revised and Updated Falls Church/James Lee/Southgate Neighborhood Improvement Program and Conservation Plan (Providence District)

ISSUE:
Adoption is needed by the Board of the Falls Church/ James Lee/Southgate Neighborhood Improvement Program and Conservation Plan.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached Falls Church/ James Lee/Southgate Neighborhood Improvement Program and Conservation Plan.

TIMING:
Action should be taken at the November 20, 2006, Board meeting in order to maintain the schedule for approval of the Falls Church/James Lee/Southgate Neighborhood Improvement Program and Conservation Plan.

BACKGROUND:
A revised James Lee Conservation Plan was adopted by the Board on May 1, 2006, after the required public hearings by the Board on that date and the FCRHA on March 16, 2006. The James Lee community has requested additional changes to the Plan.

In the Conservation Plan under Procedure for Plan Amendment, it stipulates that all proposed amendments will be subject to two public hearings in Fairfax County: one before the FCRHA and one before the Board. The FCRHA public hearing on the proposed amendment was held on November 9, 2006, in which the FCRHA approved the revised and updated Falls Church/James Lee/Southgate Neighborhood Improvement Program and Conservation Plan and authorized submitting a recommendation to the Fairfax County Board of Supervisors and the Falls Church City Council for adoption. Since a portion of the Conservation Plan is located in the City of Falls Church, which also adopted the Conservation Plan in 1980, the Falls Church City Council also needs to approve these amendments and the amendments adopted by the Board on May 1, 2006. To ensure that the County and City effectively coordinate the modifications to the James Lee Conservation Plan, Department of Housing and Community Development staff is coordinating with their counterparts in the City of Falls Church.

Board Agenda Item
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In the mid to late seventies, Fairfax County identified several older communities that were characterized by blighting conditions that included inadequate public facilities and deteriorating housing. For each of these neighborhoods, the residents, in conjunction with the County, identified the priority improvement needs of the community. Conservation Plans were adopted for these communities to guide the community improvements, including improvement of housing and public facilities. Over the last twenty-five years, federal Community Development Block Grant (CDBG) and County General Funds have been used to complete several road and storm drainage projects and to provide home improvement loans to residents of the James Lee Conservation Area. The community would like to preserve the character of the Conservation Area and has identified additional improvements that are reflected in this revised Plan.

Changes to the James Lee Conservation Plan are shown in the strikeout/underlined version of the Conservation Plan attached as Attachment 2. A descriptive summary of the proposed changes is presented in Attachment 1, the public hearing advertisement.

FISCAL IMPACT:
The Falls Church/James Lee/Southgate Neighborhood Improvement Program and Conservation Plan is for planning purposes only and any specific facilities or improvements would need to be approved by the Board through the budget, Capital Improvement Program (CIP), or other appropriate action.

ENCLOSED DOCUMENTS:
Attachment 1: Public Hearing Notice
Attachment 2: Draft Revised and Updated Falls Church/James Lee/Southgate Neighborhood Improvement Program and Conservation Plan showing changes since adopted on May 1, 2006

STAFF:
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 (REF&GM) Division, HCD
Audrey Spencer-Horsley, Associate Director, Grants Management, REF&GM, HCD
Stephen Knippler, Real Estate Finance and Grants Management, HCD
Joel Franklin, Real Estate Finance and Grants Management, HCD

Board Agenda Item
November 20, 2006

5:30 p.m.

Public Hearing on the Adoption of a Resolution to Revise the Boundary of Small District No. 5, the Special Tax District that Supports the Reston Community Center (Hunter Mill District)

ISSUE:
Public hearing to consider the adoption of a resolution to revise the boundary of Small District No. 5, the special tax district that supports the Reston Community Center.

RECOMMENDATION:
The County Executive recommends that the Board adopt the proposed resolution set forth in Attachment 2.

TIMING:
The Board authorization to advertise this public hearing was approved on October 23, 2006. If the resolution is adopted and the boundary is revised, then that change would become effective on January 1, 2007. This change would delete 687 taxable parcels of property from Small District No. 5, and those parcels would not be responsible for paying the special levy that supports the Reston Community Center on and after January 1, 2007.

BACKGROUND:
On March 24, 1975, the Board adopted a resolution to create Small District No. 5 for the purpose of acquiring, constructing, maintaining, and operating a community center for the citizens who resided in that district. That action was authorized by Virginia Code § 15.2-791, a statute within the urban county executive form of government, since recodified without substantive change as Virginia Code § 15.2-858, which confers broad authority on the Board to create, modify, operate, and dissolve sanitary districts. At the time of its creation, Small District No. 5 was located entirely within the Centreville District. After Small District No. 5 was created, and on June 10, 1975, the voters of the District approved the issuance of bonds to construct the Reston Community Center at Hunters Woods. Thereafter, several residents of the District brought a legal action to challenge the issuance of those bonds, but that challenge failed in the Fairfax County Circuit Court. The Virginia Supreme Court affirmed that decision. The District bonds were then sold, and the Center was constructed. Those bonds have since been redeemed. At this time, the District does not have any outstanding debt. (If the District had any outstanding debt, then the District could not be reduced in size.)

After 1975, the County supervisor election district boundaries were changed in the several election reapportionments that followed. The election district formerly known as Centreville District was later renamed as the Hunter Mill District. The bulk of Small District No. 5 remained in the Hunter Mill District, but over time, redistricting of the supervisor election districts placed small portions in the Dranesville and Sully Districts. On March 27, 2006, the Board conducted a public hearing to consider adopting a resolution to revise the purpose and the boundary of Small District No. 5. Following that public hearing, the Board adopted the proposed resolution, which became effective July 1, 2006, and among other revisions, the portions of Small District No. 5 that were within the Dranesville and Sully Districts were removed from Small District No. 5.

However, at that public hearing on March 27, 2006, several citizens spoke in favor of further reductions to the size of the District. Following that hearing, and with input from citizen representatives, County staff prepared another change to the boundary that would make a reduction to the size of Small District No. 5. This change generally would make the District more similar to the Reston Master Plan. Based on that information, on September 25, 2006, the Board approved Supervisor Hudgins' motion requesting County staff to prepare an administrative item proposing to advertise a public hearing on the adoption of that further change to the boundary of Small District No. 5. On October 23, 2006, the Board considered and approved such an administrative item.

The new boundary now being proposed for Small District No. 5 is contiguous and compact, and it is shown on the map and in the text description in the resolution that are included as Attachments 2 and 3 within the Enclosed Documents. Small District No. 5 now contains a total of 22,063 taxable residential and nonresidential parcels, and the change being proposed by County staff would remove 687 taxable parcels from the district, leaving 21,376 taxable parcels.

FISCAL IMPACT:
As a result of the proposed boundary change, Small District No. 5 will be reduced by 687 taxable parcels beginning in tax year 2007 (FY 2008). Based on current year property values and on the Small District No. 5 special tax levy of $0.047 per $100 of assessed value, the proposed change would result in an estimated net revenue loss of approximately $326,000. This adjustment can be accommodated within total revenue for the district and will be incorporated into the FY 2008 budget if approved by the Board.

ENCLOSED DOCUMENTS:
Attachment 1 – Virginia Code § 15.2-858
Attachment 2 – Board Resolution to Establish a New Boundary for Small District No. 5
Attachment 3 – Board Resolution Exhibit No. 1 (Map Showing Existing and Proposed Boundaries of Small District No. 5)

Board Agenda Item
November 20, 2006

STAFF:
Edward L. Long, Jr., Deputy County Executive
Kevin C. Greenlief, Director, Department of Tax Administration (DTA)
Tim Shirocky, Assistant Director, Real Estate Division, DTA
Michael Liddle, GIS Customer Services Supervisor, GIS and Mapping Services Branch, Department of Information Technology
Michael Long, Senior Assistant County Attorney