

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
JANUARY 8, 2007**

**AGENDA**

- |       |             |   |
|-------|-------------|---|
| 9:30  | <b>Done</b> | Presentations   |
| 10:00 | <b>Done</b> | Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees |
| 10:15 | <b>Done</b> | Presentation of the Lawrence Fowler Award   |
| 10:30 | <b>Done</b> | Items Presented by the County Executive   |

**ADMINISTRATIVE ITEMS**

- |   |                 |   |
|---|-----------------|---|
| 1 | <b>Approved</b> | Authorization to Advertise Public Hearings for a Proposed Amendment to Comply With Newly Adopted State Code Provision Regarding Persons Engaging in the Creation or Operation of Wetland Mitigation Banks in Multiple Jurisdictions |
| 2 | <b>Approved</b> | Authorization to Advertise Public Hearings for Proposed Amendments to Comply With Newly Adopted State Code Regarding Privately Maintained Streets   |
| 3 | <b>Approved</b> | Streets into the Secondary System (Braddock and Springfield Districts)  |
| 4 | <b>Approved</b> | Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Jefferson Manor Community Development Project, Phase IIB (Lee District)                                 |
| 5 | <b>Approved</b> | Approval of Traffic Calming Measures and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Mount Vernon, Hunter Mill, Sully, and Springfield Districts)   |
| 6 | <b>Approved</b> | Authorization to Advertise a Public Hearing on a Proposal to Vacate Part of Crowell Road (Dranesville District)   |
| 7 | <b>Approved</b> | Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Mason, and Providence Districts)  |
| 8 | <b>Approved</b> | Adoption of a Resolution Approving the Economic Development Authority Issuance of Community Revenue Bonds for the Benefit of Lewinsville Retirement Residence, Inc.   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
JANUARY 8, 2007**

**ADMINISTRATIVE ITEMS  
(CONTINUED)**

- |    |                                |  |
|----|--------------------------------|--|
| 9  | <b>Approved</b>                | Authorization for the Fairfax County Police Department to Apply for and Accept Department of Homeland Security Urban Areas Security Initiative (UASI) Sub-Grant Funding from the District of Columbia for the Evacuation and Sheltering Plan for Companion Animals (Pets) in the National Capital Region |
| 10 | <b>Approved with amendment</b> | Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Large Retail Sales Establishments   |
| 11 | <b>Approved</b>                | Board of Supervisors' Meeting Schedule for Calendar Year 2007  |
| 12 | <b>Approved</b>                | Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment to Articles 6, 16 and 18 Re: PRC District Regulations  |

**ACTION ITEMS**

- |   |                 |   |
|---|-----------------|---|
| 1 | <b>Approved</b> | Sale of General Obligation Public Improvement Bonds, Series 2007 A  |
| 2 | <b>Approved</b> | Adoption of a Resolution to Create the Fairfax County Safety Net Health Center Commission and Approval of the Recommended Composition of the Commission   |
| 3 | <b>Approved</b> | Additional Proposed Members to the Josiah H. Beeman Commission on the Fairfax-Falls Church Mental Health Service Delivery System for Consideration  |
| 4 | <b>Approved</b> | Authorization to File Comments Documenting the State of Competition for Cable Services in the County in a Federal Communications Commission Notice of Inquiry Relating to its Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming (MB Docket No. 06-189) |

**INFORMATION ITEMS**

- |   |              |   |
|---|--------------|---|
| 1 | <b>Noted</b> | Planning Commission Action on Application 2232-H06-14, Fairfax County Park Authority (Hunter Mill District) |
|---|--------------|---|

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
JANUARY 8, 2007**

11:00	<b>Done</b>	Matters Presented by Board Members
11:50	<b>Done</b>	Closed Session
<b>PUBLIC HEARINGS</b>		
3:30	<b>Approved</b>	Public Hearing on PCA 1999-MV-025-02 (Bank of America, N.A.) (Mount Vernon District)
3:30	<b>Approved</b>	Public Hearing on SEA 99-V-020-02 (Bank of America, N.A.) (Mount Vernon District)
3:30	<b>Approved</b>	Public Hearing on PCA 93-Y-044 (FL Promenade Outparcel L.C.) (Springfield District)
3:30	<b>Approved</b>	Public Hearing on SEA 95-L-011 (Starco Properties VIII LLC) (Lee District)
4:00	<b>Approved</b>	Public Hearing on RZ 2006-SU-021 (NCL XXX, L.L.C.) (Sully District)
4:00	<b>Public hearing deferred to 1/22/07 at 4:00 p.m.</b>	Public Hearing on PCA 2000-MV-051 (NVR, Inc.) (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing on SE 2006-HM-017 (Fiaza Hanniffa, Montessori Childrens Center) (Hunter Mill District)
4:00	<b>Approved</b>	Public Hearing on SEA 80-L-061 (Furnace Associates, Inc.) (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing to Obtain Citizen Input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia for Funding Under the Federal Transit Administration (FTA) Section 5310 Program for Three Replacement Vehicles
4:30	<b>Approved</b>	Public Hearing to Expand the Kingstowne Community Parking District (Lee District)
4:30	<b>Approved</b>	Public Hearing to Expand the Southrun Community Parking District (Mount Vernon District)
4:30	<b>Approved</b>	Public Hearing on a Proposal to Abandon Segments of Lockheed Boulevard and Convey the Same to the Fairfax County Park Authority (Lee District)



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

**Monday**  
**Jan. 8, 2007**

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9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize 2nd Lt. Jimmy “JD” Lawson for his years of service with the Fairfax County Police Department. Requested by Supervisor Hudgins.
2. CERTIFICATE – To recognize the initiation and design of the Annandale flag by the Annandale Chamber of Commerce, American Legion Post 1976, the Annandale Central Business District Planning committee, NAVA, Mr. Sami Kalifa and the student who designed the flag, Michelle Redmon. Requested by Supervisor Gross.
3. PROCLAMATION – To designate January 2007 as Mentoring Month in Fairfax County. Requested by Chairman Connolly.
4. RESOLUTION – To commemorate 2007 as the 400th anniversary of the founding of Jamestown. Requested by Chairman Connolly.
5. CERTIFICATE – To recognize the organizers of the fifth annual Kingstowne Faith 5K Race. Requested by Supervisor Kauffman.
6. CERTIFICATE – To recognize Jim Chesley and the Custom Cruisers of Northern Virginia for organizing the seventh annual Clifton Labor Day Car Show. Requested by Chairman Connolly and Supervisor McConnell.
7. CERTIFICATE – To recognize Brian Nern and Fred Shwaery for their years of service with the Fairfax Sports Network.

STAFF:

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

Board Agenda Item  
January 8, 2007

10:00 a.m.

Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees

ENCLOSED DOCUMENTS:

Listing of Interjurisdictional Committees and Inter- and Intra- Governmental Boards and Committees for Calendar Year 2007

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

Board Agenda Item  
January 8, 2007

10:15 a.m.

Presentation of Lawrence Fowler Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Gerald Connolly, Chiarman, Board of Supervisors

Board Agenda Item  
January 8, 2007

10:30 a.m.

Items Presented by the County Executive

Board Agenda Item  
January 8, 2007



ADMINISTRATIVE - 1

Authorization to Advertise Public Hearings for a Proposed Amendment to Comply With Newly Adopted State Code Provision Regarding Persons Engaging in the Creation or Operation of Wetland Mitigation Banks in Multiple Jurisdictions

ISSUE:

Board authorization to advertise public hearings to consider a proposed amendment to Chapter 104 (Erosion and Sedimentation Control Ordinance) of *The Code of the County of Fairfax, Virginia* (The Code). The proposed amendment addresses a newly adopted State Code provision, which allows the submittal of general annual erosion and sediment control specifications to the State by persons engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions in lieu of the submittal of a conservation plan to the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing before the Planning Commission and a public hearing before the Board of Supervisors to consider the proposed amendments to Chapter 104 of the Code.

TIMING:

The Board is requested to take action on January 8, 2007, to provide sufficient time to advertise the proposed public hearings on February 1, 2007, at 8:15 p.m., and March 12, 2007, at 4:30 p.m.

BACKGROUND:

On March 31, 2006, the General Assembly of Virginia adopted legislation (see attached Staff Report), which allows persons engaging in the creation or operation of wetland mitigation banks in multiple jurisdictions to submit general annual erosion and sedimentation control specifications to the Virginia Soil and Water Conservation Board (State Board) for review and approval in lieu of submitting an individual erosion and sediment control plan to the County for each project.

A wetland mitigation bank is an area that has been restored, created, enhanced, or in exceptional circumstances, preserved for the purpose of providing compensation for unavoidable wetland losses in advance of development actions, when such

Board Agenda Item  
January 8, 2007

compensation cannot be achieved at the development site or would not be as environmentally beneficial. The owner or operator of the wetland mitigation bank can sell compensatory mitigation credits to developers.

The proposed amendment to Chapter 104 of the Code addresses the newly adopted State legislation by noting that any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the State Board for review and approval in accordance with Virginia Code Section 10.1-563.E. The annual erosion and sediment control specifications submitted to the State are in lieu of a conservation plan submission to the County. However, approval of annual erosion and sediment control specifications by the State Board does not relieve the owner or operator from compliance with any other local ordinance or regulation. The requirements of other ordinances, including the Zoning Ordinance, the Chesapeake Bay Ordinance, and the Subdivision Ordinance, would have to be satisfied before approval of the construction of a wetland mitigation bank. For example, if soil is removed or added to a depth greater than 18 inches in an area greater than 2500 square feet, a grading plan would be required in accordance with the Zoning Ordinance. The grading plan would not have to show erosion and sedimentation control facilities, but it would have to show that the finished grades meet adjacent properties' grades and that the natural drainage has not been substantially altered offsite.

FISCAL IMPACT:

None.

REGULATORY IMPACT:

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

Board Agenda Item  
January 8, 2007

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report, Dated January 8, 2007

STAFF:

Robert A. Stalzer, Deputy County Executive

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

James W. Patteson, Director, Land Development Services (LDS), DPWES

Michelle Brickner, Assistant Director, LDS, DPWES

Board Agenda Item  
January 8, 2007

ADMINISTRATIVE - 2

Authorization to Advertise Public Hearings for Proposed Amendments to Comply With Newly Adopted State Code Regarding Privately Maintained Streets

ISSUE:

Board authorization to advertise public hearings to consider proposed amendments to Chapters 2 and 7 of the Public Facilities Manual of Fairfax County, Virginia (PFM), and Chapter 101 (Subdivision Ordinance) and Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia* (The Code). The proposed amendments incorporate newly adopted State Code requirements regarding the maintenance of private streets and the funding of improvements to these streets.

RECOMMENDATION:

The County Executive recommends that the Board take the following actions: (1) authorize the advertisement of a public hearing before the Planning Commission and a public hearing before the Board of Supervisors to consider the proposed amendments to the PFM and the Subdivision Ordinance regarding private streets, and (2) adopt the resolution set forth in Attachment 1 authorizing the advertisement of a public hearing before the Planning Commission and a public hearing before the Board of Supervisors to consider the proposed amendments to the PFM, the Subdivision Ordinance and the Zoning Ordinance regarding private streets.

The proposed PFM amendments have been recommended for approval by the Engineering Standards Review Committee (ESRC).

TIMING:

The Board is requested to take action on January 8, 2007, to provide sufficient time to advertise the proposed public hearings on February 1, 2007, at 8:15 p.m., and March 12, 2007, at 4:30 p.m.

BACKGROUND:

On April 4, 2006, the General Assembly of Virginia adopted legislation which requires counties that are eligible for funds under the Rural Addition Program to include a statement in their ordinance indicating that streets not built to Virginia Department of Transportation standards will not be eligible for acceptance into the system of state highways unless improved to current state standards with funds other than those

Board Agenda Item  
January 8, 2007

appropriated by the General Assembly of Virginia and allocated by the Commonwealth Transportation Board. In addition, the enacted legislation requires that a note be added to the subdivision plat and all approved deeds of subdivision, or similar instruments associated with streets that do not meet current Virginia Department of Transportation standards advertising such and that the streets will not be maintained by the department.

The proposed amendments incorporate the newly adopted state legislation. The statement required by the proposed amendments also indicates that the private streets will not be maintained by the County as well as the State.

FISCAL IMPACT:

The proposed amendments will comply with state requirements to remain eligible for funding under the State's Rural Addition Program. This program allocates funding to upgrade existing streets to meet Virginia Department of Transportation standards.

REGULATORY IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution

Attachment 2: Staff Report dated, January 8, 2007

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

James W. Patteson, Director, Land Development Services (LDS), DPWES

Michelle Brickner, Assistant Director, LDS, DPWES

Board Agenda Item  
January 8, 2007

ADMINISTRATIVE – 3

Streets into the Secondary System (Braddock and Springfield Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Rowland Property	Braddock	Zion Drive, Route 654 (Additional ROW only)
Clifton Heights	Springfield	Clifton Heights Lane Main Street, Route 641 (Additional ROW only)

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Form 1-2's showing the listed streets

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  
January 8, 2007

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Jefferson Manor Community Development Project, Phase IIB (Lee District)

ISSUE:

Board authorization to advertise notice of a public hearing on the acquisition of certain land rights necessary for the construction of Project 013918 - Jefferson Manor Community Development, Phase IIB in Fund 340, Housing Assistance Program.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 5, 2007, commencing at 4:30 p.m.

TIMING:

Board action is requested on January 8, 2007, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project, Jefferson Manor Community Development Project, Phase IIB, consists of the reconstruction of Fort Drive from Edgehill Drive to North Kings Highway to include the replacement of all driveway entrances, sidewalk, curb and gutter, pavement and water lines.

The construction of the Jefferson Manor Community Development Project, Phase IIB Project requires the acquisition of utility easements and grading agreement and temporary construction easements on 47 parcels in the Lee District.

This project is funded through the Fairfax County Department of Housing and Community Development, Revitalization Projects, in Fund 340, Housing Assistance Program, Project 013918. The project was temporarily titled as Jefferson Manor Community Improvement, Phase IIB; however, since it was not part of the community improvement bond program, it is more correctly referred to as a federally assisted community development project. The Board approved \$2 million of General Fund money for this project phase at the *FY 2004 Carryover Review* with the

Board Agenda Item  
January 8, 2007

recommendation that the funds be reimbursable by bonds. In addition, a Federal Section 108 loan in the amount of \$9.3 million for neighborhood improvements in five Conservation Areas was approved by the Board. As of December 14, 2006, the current available balance in Jefferson Manor, is \$2,521,180.00, and there are encumbrances totaling, \$389,952.00. No additional funding is being requested from the Board for land acquisition.

Although the Land Acquisition Division has been negotiating to acquire these easements since February 3, 2006, as of this date, there are still seven parcels outstanding. The Land Acquisition Division has been unable to reach resolution on these acquisitions due to property owner concerns about construction of this project. Therefore, condemnation action is necessary.

In order to advertise this project for construction bids with the commencement of construction in the spring of 2007, it may become necessary for the Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (2003). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Jefferson Manor Community Development Project, Phase IIB is funded. Phases III and IV have not yet been funded. The total project estimate for Phase III is \$9 million and for Phase IV is \$8 million, for a total funding shortfall of \$17 million.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item  
January 8, 2007

ADMINISTRATIVE - 5

Approval of Traffic Calming Measures and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Mount Vernon, Hunter Mill, Sully, and Springfield Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plans for Terra Grande Avenue (Attachment I), Talisman Drive/McKinley Street (Attachment II), and Tuckaway Drive (Attachment III) consisting of the following:

- Two speed humps on Terra Grande Avenue (Mount Vernon District)
- Speed table on Talisman Drive (Hunter Mill District)
- Speed table and multi-way stop on McKinley Street (Hunter Mill District)
- Two speed tables and raised crosswalk on Tuckaway Drive (Sully District)

The County Executive further recommends that the Board adopt a resolution (Attachment IV) endorsing the installation of “Watch for Children” signs at the following location:

- Austrian Pines Court (Springfield District)

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

TIMING:  
Routine.

BACKGROUND:

As part of the R-TAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Terra Grande Avenue and Tuckaway Drive, a plan for each road was approved by staff and VDOT, and the traffic calming plans were subsequently submitted for approval to residents of the petition area in each community. On November 7, 2006 (Terra Grande Avenue), and

Board Agenda Item  
January 8, 2007

November 27, 2006 (Tuckaway Drive), the Fairfax County Department of Transportation (FCDOT) received written verification from the appropriate local supervisor confirming community support.

Talisman Drive and McKinley Street are part of a special traffic calming project necessitated by the upcoming Beulah Road construction project in the Town of Vienna. There was concern about cut-through traffic utilizing Talisman Drive and McKinley Street as a shortcut in lieu of the proposed detour route for the project. Staff and VDOT came to agreement on a traffic calming plan for the two roads which was subsequently presented at a community meeting, with final details worked out with community task force members. To verify community support, one document was circulated to the community which was a combined petition and voting document. On November 20, 2006, staff notified Supervisor Hudgins' office that the petition/vote tally indicated over 91 percent approval for traffic calming measures on Talisman Drive and McKinley Street.

The R-TAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On October 18, 2006, FCDOT received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" signs on Austrian Pines Court.

FISCAL IMPACT:

The estimated cost of \$60,000 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

- Attachment I: Traffic Calming Plan for Terra Grande Avenue
- Attachment II: Traffic Calming Plan for Talisman Drive and McKinley Street
- Attachment III: Traffic Calming Plan for Tuckaway Drive
- Attachment IV: Board Resolution for "Watch for Children" Signs

STAFF:

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

Board Agenda Item  
January 8, 2007

ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing on a Proposal to Vacate Part of Crowell Road (Dranesville District)

ISSUE:

Authorization to advertise a public hearing to consider the vacation of part of Crowell Road.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation of the subject road.

TIMING:

The Board should take action on January 8, 2007, to provide sufficient time to advertise the public hearing for February 5, 2007 at 4:30 p.m.

BACKGROUND:

The applicant, Concordia Dranesville LLC, is requesting that part of Crowell Road north of Westford Drive be vacated. This section of Crowell Road is not in the Virginia Department of Transportation Secondary System.

The request is being made in conjunction with a by-right residential development. The applicant intends to use their portion of the vacated right-of-way in their development.

Traffic Circulation and Access

The vacation will have no long-term impact on vehicle circulation and access. This section of Crowell Road has not been built and is no longer intended to connect to any other highway. The right-of-way is used by only one other owner and the applicant has committed to providing an ingress-egress easement to this owner.

Easements

Dominion Virginia Power and Verizon have identified facilities within the area to be vacated. The applicant has provided easement plats, deeds, or agreements in forms acceptable to these entities. No other easement needs were identified.

Board Agenda Item  
January 8, 2007

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: Notice of Intent to Vacate  
Attachment III: Ordinance of Vacation  
Attachment IV: Vacation Plat  
Attachment V: Metes and Bounds Description  
Attachment VI: Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Michael A. Davis, FCDOT  
Donald Stephens, FCDOT

Board Agenda Item  
January 8, 2007

ADMINISTRATIVE – 7

Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Mason, and Providence Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications 2232-M05-24 and 2232-L06-19 to March 9, 2007; application FS-M06-87 to March 11, 2007; application 2232-D06-16 to March 22, 2007; and application 2232-P06-22 to May 21, 2007.

TIMING:

Board action is required on January 8, 2007, to extend the review periods of the applications noted above before their expiration.

BACKGROUND:

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

The Board should extend the review period for application 2232-P06-22, which was accepted for review by the Department of Planning and Zoning (DPZ) on November 17, 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-M05-24, 2232-L06-19, 2232-D06-16 and FS-M06-87, which were accepted for review by DPZ between October 10, 2006, and October 23, 2006. These applications are for telecommunications

Board Agenda Item  
January 8, 2007

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-M05-24 | T-Mobile Northeast LLC<br>130-foot tall monopole<br>6011 Crater Place<br>Mason District   |
| 2232-D06-16 | T-Mobile Northeast LLC<br>Antenna colocation on new 60-foot tall utility distribution pole<br>7166 Old Dominion Drive<br>Dranesville District |
| 2232-L06-19 | T-Mobile Northeast LLC<br>150-foot tall monopole<br>7700 Southern Drive<br>Lee District   |
| 2232-P06-22 | Fairfax County Park Authority<br>Local park (South Railroad Street Park)<br>South Railroad Street<br>Providence District                      |
| FS-M06-87   | T-Mobile Northeast LLC<br>Antenna colocation on existing 110-foot tall "tree" monopole<br>3435 Sleepy Hollow Road<br>Mason 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

Board Agenda Item  
January 8, 2007

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  
January 8, 2007

ADMINISTRATIVE - 8

Adoption of a Resolution Approving the Economic Development Authority Issuance of Community Revenue Bonds for the Benefit of Lewinsville Retirement Residence, Inc.

ISSUE:

Requesting that the Fairfax County Economic Development Authority issue up to \$8,800,000 revenue bonds for the benefit of Lewinsville Retirement Residence, Inc.

RECOMMENDATION:

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

TIMING:

Board action is requested on January 8, 2007.

BACKGROUND:

The Fairfax County Economic Development Authority, at the request of Lewinsville Retirement Residence, Inc., (the "Applicant") an organization which is not organized and operated exclusively for religious purposes and is exempt from federal income taxation, requesting that the Authority issue its revenue bonds to assist Applicant in financing (or refinancing existing debt with respect to) (i) certain acquisition, construction, renovation, equipping and/or other capital expenditures for its approximately 143-unit apartment complex for elderly persons located at 1515 Great Falls Street, McLean, Fairfax County, Virginia 22101, its 18-unit apartment complex for elderly persons located at 1440 Harvest Crossing Drive, McLean, Fairfax County, Virginia 22101, and associated parking facilities; (ii) an endowment to provide cash flow to subsidize the meal plan offered to its residents; and (iii) other costs associated with the financing and refinancing, including funding reserves and other eligible expenditures.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution of the Board of Supervisors

Attachment 2 - Certificate of Public Hearing with supporting documents

STAFF:

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

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

Board Agenda Item  
January 8, 2007

ADMINISTRATIVE - 9

Authorization for the Fairfax County Police Department to Apply for and Accept Department of Homeland Security Urban Areas Security Initiative (UASI) Sub-Grant Funding from the District of Columbia for the Evacuation and Sheltering Plan for Companion Animals (Pets) in the National Capital Region

ISSUE:

Board approval for the Fairfax County Police Department to apply for and accept funding, if received, from the Department of Homeland Security (DHS) Urban Areas Security Initiative (UASI) Sub-Grant through the District of Columbia and the American Red Cross of the National Capital Area for the Evacuation and Sheltering Plan for Companion Animals (Pets) in the National Capital Region in the amount of \$200,000. No Local Cash Match or in-kind match will be required. The grant period is retroactive from December 1, 2006 through December 31, 2008.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fairfax County Police Department to apply for and accept funding, if received, from the Department of Homeland Security Urban Areas Security Initiative Sub-Grant through the District of Columbia and the American Red Cross of the National Capital Area in the amount of \$200,000 for the Evacuation and Sheltering Plan for Companion Animals (Pets) in the National Capital Region. The sub-grant will enable the Police Department's Animal Services Division to develop a comprehensive plan for effectively sheltering companion animals in a sustained capacity in response to a catastrophic event occurring in the National Capital Region. No positions will be created through this grant award.

TIMING:

Board approval is requested on January 8, 2007.

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

Board Agenda Item  
January 8, 2007

of terrorist or other mass casualty events affecting public safety. In April 2003, the 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.

As Hurricane Katrina made clear in 2005, one consequence of a mass casualty event is the necessary evacuation of a large number of residents who care for companion animals. This sub-grant award will enable Fairfax County to take the lead in developing this important capability should a catastrophic event occur in the National Capital Region.

The Police Department's Animal Services Division will use the sub-grant to engage consultants to develop a comprehensive plan for effectively sheltering companion animals in a sustained capacity. Components of this plan include:

- identifying and documenting animal care partners in the region;
- researching, identifying and documenting existing standards and best practices established by animal sheltering and control organizations and veterinary organizations;
- assessing existing emergency animal care plans throughout the region to identify gaps, issues and opportunities for their integration;
- developing a model plan to address disaster evacuation and emergency animal sheltering for people with animals that is appropriate for each regional jurisdiction;
- identifying appropriate shelters, facilities and accommodations for persons with animals in each regional jurisdiction;
- researching and analyzing best practices to develop model public information messages and a campaign about people and animal sheltering options for use by public and private organizations;
- developing and publishing a regional inventory of animal-related resources that could be used in the event of an emergency or disaster; and
- designing and conducting an animal evacuation and sheltering-focused table top exercise consistent with the Department of Homeland Security's Homeland Security Exercise and Evaluation Program (HSEEP) guidelines.

FISCAL IMPACT:

Grant funding in the amount of \$200,000 is available in DHS UASI grant funds through the District of Columbia and the American Red Cross of the National Capital Area. These funds are made available to provide a comprehensive plan for the evacuation and sheltering of companion animals in the National Capital Region. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are

Board Agenda Item  
January 8, 2007

held in reserve for unanticipated grant awards in FY 2007. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – NCS Mass Care Bundle Grant Application

STAFF:

Robert A. Stalzer, Deputy County Executive

Colonel David M. Rohrer, Chief of Police

Robert M. Ross, Assistant County Attorney

Board Agenda Item  
January 8, 2007



ADMINISTRATIVE - 10

Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Large Retail Sales Establishments

ISSUE:

The proposed amendment addresses large retail sales establishments by imposing a size limitation under which such uses may be permitted either by right or by special exception approval.

RECOMMENDATION:

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

TIMING:

Board action is requested on January 8, 2007, to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on February 28, 2007, at 8:15 p.m., and for the proposed Board of Supervisors' public hearing on April 9, 2007, at 4:00 p.m.

BACKGROUND:

The proposed amendment is in response to a Board request asking staff to review regulations that would mitigate the negative impacts that may occur when large retail sales establishments are built within local communities under by right circumstances. At issue are the impacts of increased traffic, noise and the site development that has been found to be out of character with surrounding properties and neighborhoods.

Under current Zoning Ordinance regulations, distinctions are not made between retail sales establishments on the basis of size. There is no distinction made between retail sales establishments that cater to local neighborhoods and those which are designed to serve a larger, regional, customer base. Retail sales establishments are currently permitted by right in the C-5 through C-9 Commercial Districts and they are also allowed as a permitted secondary use in certain planned districts. Under current regulations both small and very large retail sales establishments are subject to the same regulations, irrespective of the potential community impact that might occur.

Board Agenda Item  
January 8, 2007

Large retail sales establishments are most notably distinguished from neighborhood retail stores by virtue of their characteristic large footprints. General merchandise big-box retail stores typically contain between 90,000 and 150,000 square feet of gross floor area (GFA). Big-box specialized product (home improvement or home electronics) stores can range in size from 60,000 to 120,000 square feet of GFA. By contrast, a typical neighborhood retail store may contain between 1,000 and 5,000 square feet of GFA, and a typical grocery store ranges between 60,000 and 65,000 square feet of GFA.

Because large retail stores draw upon a regional customer base they can cause great stress on local transportation infrastructures. Large retail stores contain a great amount of mass which typically is not compatible with surrounding properties, particularly when such large mass is presented in poor aesthetic form. Large retail stores often contain large areas of outdoor storage and display which is typically not screened from the view of adjacent properties. When not screened, which is often the case, such storage and display can contribute to visual clutter that can detract from and degrade a neighborhood.

In an attempt to mitigate the negative impacts indicated above, the proposed amendment provides a retail sales establishment-large definition that establishes a size limit by which retail sales establishments can be developed either by right or by special exception approval. Under the proposed definition, large retail sales establishments containing 80,000 square feet or more of GFA [advertised range is 80,000 to 120,000 square feet of gross floor area] would be allowed by right in the PDC and PRC Districts when depicted on an approved development plan and in the C-6, C-7, C-8 and C-9 Districts when such use is located within a building that contains a minimum of 1,000,000 square feet of GFA [advertised range is 500,000 to 1,000,000] with at least six principal uses within a continuous building structure.

Large retail sales establishments that do not meet the above limitations may be allowed in the C-6, C-7, C-8, C-9, PDC and PRC Districts with special exception approval, subject to the following additional standards: (a) The Board shall determine that such use will be compatible with and not adversely impact adjacent properties and the local area road system; (b) The Board shall determine that parking is provided and designed in such a manner as to minimize impacts on adjacent properties; (c) Such use shall be designed so that pedestrian circulation is coordinated on-site and on adjacent properties, (d) Such use shall be designed to provide safe and convenient access and to minimize any potential conflicts between service and delivery vehicles, passenger vehicles and pedestrian traffic, and to minimize noise impacts from the use on adjacent properties; (e) Structures shall be designed to protect the character of the neighborhood through the use of architectural and site design methods; (f) All outdoor service, storage and display,

Board Agenda Item  
January 8, 2007

with the exception of outdoor seating, shall be fully screened with solid fences, walls, berms, evergreen hedges or a fence, wall, berm and/or landscaping combination; and (g) All signs shall be in scale and harmony with the development and shall be located and sized so as to ensure convenience to the visitor, user or occupant while not adding to street clutter or detracting from the character of the surrounding properties.

The proposed regulations are intended to provide appropriate safeguards against the negative impacts that are known to be associated with large retail sales establishment development. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The proposed amendment adds a new definition for large retail sales establishments and provides additional standards under which such a use may be established by special exception approval in certain planned districts and commercial districts and when such a use may be permitted by right.

FISCAL IMPACT:

The proposed amendment establishes a new Category 5 special exception use with an application fee of \$5,295 which is the same application fee as all other Category 5 special exception uses.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

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

Board Agenda Item  
January 8, 2007

ADMINISTRATIVE – 11

Board of Supervisors' Meeting Schedule for Calendar Year 2007

ISSUE:

Board of Supervisors' adoption of a meeting schedule for January through December, 2007.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the meeting schedule for January through December, 2007.

TIMING:

The Board should take action on January 8, 2007.

BACKGROUND:

At the September 11, 2006, meeting of the Board of Supervisors, the Board adopted a meeting schedule for January through December.

The *Code of Virginia*, Section 15.2-1416, requires the governing body to establish the days, times and places of its regular meetings at the annual meeting, which is the first meeting of the year. Therefore, the schedule for the entire 2007 calendar is presented for Board approval. The section further states that "meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year."

Scheduled meetings may be adjourned and reconvened as the Board may deem necessary, and the Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting, after notice required by Virginia law, as the need arises.

ENCLOSED DOCUMENTS:

January-December, 2007 Schedule for Board of Supervisors' Meetings

STAFF:

Catherine A. Chianese, Assistant to the County Executive

Board Agenda Item  
January 8, 2007



ADMINISTRATIVE - 12

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance  
Amendment to Articles 6, 16 and 18 Re: PRC District Regulations

ISSUE:

The proposed Zoning Ordinance amendment modifies the Planned Residential Community (PRC) District provisions by clarifying that only that land area included in the initial establishment of a PRC District must be under single ownership; revising the "population factors" utilized in computing population density within the PRC District; changing the approval process for a PRC plan from an administrative approval to a legislative action by the Board of Supervisors, deleting the provision that an approved PRC plan is valid for three years unless a site plan is approved within that time; and, amending the application fee for a PRC plan.

RECOMMENDATION:

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

TIMING:

Board action is requested on January 8, 2007, to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on February 22, 2007, at 8:15 p.m., and for the proposed Board of Supervisors' public hearing on March 26, 2007, at 4:30 p.m.

BACKGROUND:

The proposed amendment is a result of staff analysis and a public participation process that evaluated the Zoning Ordinance provisions for the PRC District. The process was initiated to ensure that the provisions of the PRC District will continue to provide appropriate guidance for future development and redevelopment in a way that will achieve the objectives, purpose, and intent of the PRC District, and maintain the quality and integrity of the County's three PRC District communities – Reston, Burke Centre, and Cardinal Forest. A series of meetings were held in the three PRC communities, in conjunction with the offices of Supervisors Catherine M. Hudgins, Sharon Bulova and Elaine McConnell, to discuss the PRC District regulations and staff proposals for improving the effectiveness of the regulations, and to elicit public comment.

Board Agenda Item  
January 8, 2007

The three PRC communities are governed by unique regulations originally adopted over 40 years ago, which required a single developer/landowner to manage the growth of the individual PRC within, among other Ordinance constraints, an overall density of 13 persons per acre. In each of the PRC communities, there is no longer a single developer, and the current PRC District provisions provide little guidance on how to manage development when there are multiple property owners, many with approved zonings, seeking to redevelop their respective properties under the 13 persons per acre residential density limitation. Further, the "population factors" utilized in computing population density within the PRC District were last updated in 1975 and are not in accord with the average household sizes for different dwelling unit types based on the most recent U.S. Census Bureau (Census) data as updated in the 2004 Demographic Reports. Therefore, staff is proposing amendments to the PRC District regulations to address this situation.

The proposed amendment primarily clarifies that only land area included in the initial establishment of a PRC District is required to be under single ownership or control, and updates the maximum density provisions for the PRC District by revising the "population factors" to reflect average household sizes for different dwelling unit types based on the 2000 Census as updated in the 2004 Demographic Reports. Additionally, the amendment proposes to change the process for approval of a PRC plan from an administrative approval by the Department of Public Works and Environmental Services (DPWES) to a legislative action by the Board of Supervisors to provide for public participation and amends the application fee for a PRC plan to be more consistent with other similar zoning applications.

On December 4, 2006, the Reston Planning and Zoning Committee endorsed the proposed amendment.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The proposed amendment changes the PRC plan approval process from an administrative action to a legislative action before the Planning Commission and the Board of Supervisors.

FISCAL IMPACT:

The proposed amendment includes a change to the fee associated with PRC plan submission and review. Currently, the fee for a PRC plan is \$4275 for each plan submission. The proposal is to revise the fee to a base fee of \$4410 plus \$140 per acre and if submitted concurrent with a rezoning the fee for the PRC plan would be just the

Board Agenda Item  
January 8, 2007

additional \$140/acre. The proposed fee is consistent with the fees associated with other, similar zoning submissions and applications. While staff is proposing an increase in the base fee and adding an acreage component, this is a one time fee, which may encompass multiple plan submissions. Under the current administrative approval process, whether a PRC plan is submitted concurrent with a rezoning or as a stand alone plan, the full fee is required, and if the initial PRC plan submission is disapproved and a second submission is required, a subsequent full submission fee is also charged. With the proposed change in process, the County will be executing the appropriate public notice requirements that are the responsibility of the applicant under existing provisions. As such, the proposed amendment to the fees is not anticipated to increase the costs associated with the processing of a PRC plan.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

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

Board Agenda Item  
January 8, 2007

ACTION - 1

Sale of General Obligation Public Improvement Bonds, Series 2007 A

ISSUE:

Board approval of a resolution (Attachment I) to authorize the sale of General Obligation Public Improvement Bonds on or about January 18, 2007.

RECOMMENDATION:

The County Executive recommends approval of the sale of General Obligation Public Improvement Bonds in the amount which will generate \$239.54 million to fund construction of capital facilities and infrastructure as previously approved by the Board.

The Board should take the following action:

Approve the resolution authorizing the issuance of the General Obligation Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement. This resolution delegates to the County Executive and Deputy County Executive/Chief Financial Officer authority to award the bonds to the lowest responsive bidder. Bond Counsel has advised that this form of authorization is acceptable and consistent with previous bond sales. This resolution also approves the form of the notice of sale and the Official Statement, and authorizes the Chairman to sign the Official Statement.

TIMING:

Board action is requested on January 8, 2007.

BACKGROUND:

Staff is presenting the Board with the necessary documents to proceed with the new money bond sale. The sale is expected to occur on or about January 18, 2007, in accordance with the schedule of events (Attachment II). It should be noted that the actual date of the sale will be determined by market conditions.

A winter sale is proposed to meet capital project funding requirements. While future market conditions and interest rates are difficult to predict, market participants currently expect that rates will rise over the next six months. Issuing bonds now will allow the County to take advantage of these currently favorable market conditions.

Board Agenda Item  
January 8, 2007

**General Obligation Bond Sale**

The General Obligation sale of \$239.54 million includes an amount of \$129.49 million for school facilities and \$110.05 million for general County projects including: \$49.75 million for public safety projects, \$24.8 for transportation projects, \$15.0 million for County and regional park projects, \$14.0 million for library facilities projects, \$2.5 million for human services projects, \$2.0 million for revitalization of commercial and redevelopment areas and \$2.0 million for public safety capital renewal. Staff has structured the size of this sale to the level necessary that will support the capital construction program through June 30, 2007, without altering any of the schedules of the projects previously approved by the Board of Supervisors. The Schedule of Bond Purposes is attached as Attachment III. The School Board resolution requesting the sale of bonds on behalf of the School system is included as Attachment IV. As the Board will recall the sale of school bonds was previously authorized in the amount of \$129.49 million due to the impact of the advance sale of school bonds for the construction of the South County High School in 2003. When viewed in conjunction with the impact of the South County High School bonds the total bonds allocated to the Schools for this fiscal year equals \$155.0 million.

This sale of \$239.54 million is within the adjusted total maximum sales in the revised Ten Principles of Sound Financial Management. The FY 2007 Adopted Budget Plan states that the annual sale of bonds will be \$275 million or \$1.375 billion over a five-year period, with a technical limit not to exceed \$300 million in a single year. Including the impact of the South County High School adjustment noted previously, the total impact of the combined sales is \$265.05 million. Consistent with previous bond sales, the County's Resolution (Attachment I) includes a provision which would permit the County Executive and Deputy County Executive/Chief Financial Officer to award the bonds to the best responsive bidder within the guidelines established by the Board. In addition, staff will use the electronic bidding system to receive bids and participate in providing on-line public access to the Notice of Sale (Attachment V), and Preliminary Official Statement (Attachment VI). The sale will again utilize the book-entry-only system for the handling of principal and interest payments.

It should be noted that Attachments II through VI may be subject to minor changes to satisfy final legal review. Any material changes will be noted and forwarded to the Board of Supervisors for approval on January 8, 2007,

FISCAL IMPACT:

Assuming market conditions as of December 2006, the FY 2007 impact for the new money Bond Sale is zero dollars as the first interest and principal payments will begin in FY 2008. The estimated debt service cost of the new money portion of the sale, \$10.2 million for County and \$12.0 million for Schools will be included in the FY 2008 Advertised Budget Plan.

Board Agenda Item  
January 8, 2007

The County has held a Aaa rating from Moodys' since 1975, a AAA rating from Standard and Poor's since 1978 and a AAA rating from Fitch Ratings in 1997. As of October 27, 2006, six states, 22 counties and 23 cities have a Triple-A bond rating from the three major rating agencies. As a result of the County's excellent Triple-A bond rating, altogether, the County has saved over \$343.94 million from County bond and refunding sales.

The County's last bond sale in the amount of \$543.585 million occurred on August 3, 2005. Fairfax County sold General Obligation and Refunding Bonds to Lehman Brothers at the interest rate of 3.88 percent. This interest rate was the fourth lowest interest rate achieved by Fairfax County since the first AAA was awarded by Moody's Investors Service in 1975, and was approximately 43 basis points lower than the Bond Buyer's 20-Bond Index. The combination of positive market conditions and the continued strength of the County's financial management resulted in such a low interest rate. The reception of Fairfax County bonds in the market continues to compare favorably both nationally and locally.

The attached Proposed Bond Sale Schedule (Attachment II) indicates a sale date the week of January 15, 2007, although this is subject to market conditions. The closing date is scheduled for February 5, 2007.

ENCLOSED DOCUMENTS:

Attachment I: 2007A County Public Improvement Bond Resolution

Attachment II: Bond Sale Schedule of Events

Attachment III: Schedule of Bond Purposes

Attachment IV: School Board Resolution Requesting Sale of Bonds (School Board Approval Set for December 21, 2006)

Attachment V: Notice of Sale

Attachment VI: Draft of the Preliminary Official Statement (Copies for Board Members only and a copy is available in the Office of the Clerk to the Board)

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

Robert A. Stalzer, Deputy County Executive

Verdia L. Haywood, Deputy County Executive

Robert L. Mears, Director, Department of Finance

Leonard P. Wales, County Debt Manager

Board Agenda Item  
January 8, 2007

ACTION – 2

Adoption of a Resolution to Create the Fairfax County Safety Net Health Center Commission and Approval of the Recommended Composition of the Commission

ISSUE:

Adoption of a resolution establishing the Fairfax County Safety Net Health Center Commission to create a public/private partnership model for delivering effective safety net health care to low income, uninsured/underinsured residents of Fairfax County and approval of the recommended composition of the Commission.

RECOMMENDATION:

The County Executive recommends adoption of the resolution, creation of the Fairfax County Safety Net Health Center Commission, and approval of its composition.

TIMING:

Board action is requested on January 8, 2007.

BACKGROUND:

Fairfax County and Inova Health System are the cornerstones of the health care safety net in the Fairfax-Falls Church community. The health care safety net is defined as those providers that organize and deliver a significant level of care and other related services to uninsured/underinsured, Medicaid, and other vulnerable populations (Institute of Medicine 2000).

Currently, an estimated 35,000 – 40,000 Fairfax-Falls Church residents are uninsured with incomes below 250 percent of the Federal poverty level. An estimated 25,000 – 30,000 of these low income uninsured residents are actively enrolled in the safety net system supported by the County and Inova. The number of low income uninsured persons is expected to grow at or above the rate of population growth.

The current system, although very effective in addressing the needs of the uninsured, is at or near capacity in its major three programs, i.e. the County's Community Health Care Network, the County/Inova Maternity Service Program for pregnant women and Inova Pediatrics.

In addition to the anticipated growth and the current system capacity issues, there are other challenges in the system that need to be addressed:

- Some sites are geographically remote from many patients and have major space limitations (Inova/County Maternity Service Program).

Board Agenda Item  
January 8, 2007

- Information systems are not sufficiently integrated to support monitoring and improving the quality of care across the various programs.
- The current system will be limited in its capacity to meet needs unless more diversity in its funding streams can be achieved. The Fairfax-Falls Church system is funded almost entirely by the County Government and Inova Health System.

In consideration of the challenges above and the need to make continuous improvements in our safety net system, the County and Inova Health system engaged in an extensive review of our safety net program and studied benchmark research on twenty highly organized systems of care across the nation. From this analysis, two cross-cutting findings (among others) were identified:

- The best practice systems are often financed through some combination of Federal and State Medical Assistance funds, local government funds, local employer funds, family contributions, philanthropy and volunteerism.
- The systems typically enroll patients into an organized, integrated system of care that includes comprehensive primary care, plus additional services such as specialty care, pharmacy care, hospital care and other services.

Based on the analysis of the Fairfax-Falls Church safety net programs and a review of other best practice models, we concluded that there is a need and an opportunity to build on the existing health safety net by creating an integrated cost effective system which is accountable to the Fairfax-Falls Church community and capable of leveraging resources from the Federal and State governments (in addition to Fairfax County resources) and private sector resources (in addition to Inova resources).

At the Human Services Committee meeting on October 25, 2004, the Board received a report on the joint efforts of the County and Inova to improve health safety net services in Fairfax County. This presentation illustrated ways to leverage the existing safety net investments and develop new capacities through other resources and funding streams, and then presented a proposed framework for restructuring and integrating our health safety net system. The proposal was to establish a non-profit Health Alliance accountable directly to Fairfax County and Inova Health Systems. Following this presentation, the Board directed that the joint work continue and proceed to engage critical stakeholders. In the course of that follow up, legal constraints were discovered that impacted the County's ability to go forward with the proposed restructuring. The legal issue related to the authority of Fairfax County to create a non-profit health care organization without enabling legislation from the General Assembly.

However, during the 2006 General Assembly session, actions taken produced changes in Section 15.2 and 2.2-4345 of the Code of Virginia which provides the legal framework to proceed with the restructuring of the health safety net in our community.

This legislation allows governing bodies to "adopt resolutions declaring the need for hospital or health center commissions in political subdivisions" (15.2-5200 to 5205). The legislation also specifies that the health center commission consist of five members appointed by the

Board Agenda Item  
January 8, 2007

governing body (Board of Supervisors). In addition, the legislation grants authority to the health center commission to assist in or provide for the creation of a non-profit corporation, partnership, limited partnership, association, foundation and joint venture for providing medical care and related service. And finally, the legislation establishes accountability to the health center commission by granting authority to the Commission to contract for the management and operations of health care, subject to the control of the Commission.

To assure the highest level of accountability to Fairfax County and the overall effectiveness of the safety net system, the County Executive recommends that the composition of the Fairfax County Safety Net Health Center Commission consist of the following positions:

1. County Executive
2. Deputy County Executive (Human Services)
3. Deputy County Executive (Chief Financial Officer)
4. Director of Health
5. Director of Fairfax-Falls Church Community Services Board

It is envisioned that the Fairfax County Safety Net Health Center Commission would be supported by staff of the Department of Health and Inova Health System and other county staff as appropriate.

FISCAL IMPACT:

None. The initial service capacity of the system will remain unchanged, delivering care to the estimated 25,000-30,000 Fairfax residents actively enrolled in a safety net health care program operated by the County, Inova Health System, or both. In addition, the Fairfax County Safety Net Health Center Commission will be staffed by current county personnel. A principal objective of the new design is to increase other funding streams to increase system capacity to address current requirements and grow additional capacity as the need increases to improve access to health care for the low income uninsured in the County.

ENCLOSED DOCUMENTS:

- Attachment 1: The Resolution to create the Fairfax County Safety Net Health Center Commission
- Attachment 2: The Envisioned System
- Attachment 3: Relevant sections of the Code of Virginia
- Attachment 4: Health Care Advisory Board Comments and Recommendations
- Attachment 5: Human Services Council Comments and Recommendations

STAFF:

Verdia L. Haywood, Deputy County Executive  
Gloria Addo-Ayensu, MD, MPH, Director of Health  
JoAnne M. Jorgenson, Deputy Director for Health Services  
Ed Rose, County Attorney's Office

Board Agenda Item  
January 8, 2007

ACTION – 3

Additional Proposed Members to the Josiah H. Beeman Commission on the Fairfax-Falls Church Mental Health Service Delivery System for Consideration

ISSUE:

The Board established the Josiah H. Beeman Commission on the Fairfax-Falls Church Mental Health Service Delivery System, approved the Charter and General Work Plan for the Commission and recommended members to the Commission at the October 23, 2006 meeting. Four additional members for your consideration are recommended.

RECOMMENDATION:

The County Executive recommends that the Board designate the individuals in Attachment 1 as additional members of the Josiah H. Beeman Commission on the Fairfax-Falls Church Mental Health Service Delivery System.

TIMING:

Routine. Board action requested to confirm the additional proposed members.

BACKGROUND:

On June 5, 2006, the Board took initial action to establish a blue ribbon panel on the Fairfax-Falls Church mental health service delivery system. The Fairfax-Falls Church Community Services Board subsequently requested that the panel be named the Josiah H. Beeman Commission in honor of the late CSB Board Chairman.

On October 23, 2006, the Board took action to adopt the Charter and General Work Plan that will govern the Commission's work and confirmed the appointment of 15 members to serve on the Commission. The membership for the Commission is drawing from national, state, regional and local mental health leaders; mental health consumers, consumer advocates and/or family members of consumers; recognized experts in mental health law and the criminal justice system; experts in workforce development; experts in mental health quality and accountability and recognized experts in specific mental health populations. To ensure that each of these areas of expertise is represented, four additional members are recommended for appointment to serve on the Commission. Each of these individuals has demonstrated interest in and a willingness to serve on the Commission.

Board Agenda Item  
January 8, 2007

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Additional Members: Josiah H. Beeman Commission on the Fairfax-Fall Church Mental Health Service Delivery System (separate from package for Board members only)

STAFF:

Anthony H. Griffin, County Executive  
Verdia L. Haywood, Deputy County Executive

Board Agenda Item  
January 8, 2007

ACTION – 4

Authorization to File Comments Documenting the State of Competition for Cable Services in the County in a Federal Communications Commission Notice of Inquiry Relating to its Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming (MB Docket No. 06-189)

ISSUE:

Authorization for staff to file comments with the Federal Communications Commission (“FCC”) documenting the state of competition for cable services in the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to file comments with the FCC to document the state of competition for cable services in the County.

TIMING:

Comments were due December 29, 2006, but may be filed in January 2007 without penalty.

BACKGROUND:

On October 20, 2006, the FCC released its annual Notice of Inquiry (NOI) relating to the Status of Competition in the Market for the Delivery of Video Programming, MB Docket No. 06-189 (2006) (“Competition NOI”). Federal law requires the FCC to report to Congress annually on the status of competition for the delivery of video programming and the FCC has issued the Competition NOI to solicit data and information to prepare its thirteenth annual report (2006 Report). In the Competition NOI, the FCC seeks information regarding: the status of competition in the video marketplace, including cable television service, direct-to-home services, and other cable service provided by local exchange carriers and broadband service providers; pricing information; impact of regulatory factors; impact of new Virginia and other State cable franchising legislation; factors that influence competition in multiple dwelling units; availability of local and foreign language programming; use of closed captioning; offering of advanced services (including video, telephone and Internet service offered as a bundled package); and technical equipment issues.

Concurrent with the FCC’s release of the Competition NOI, the FCC also was considering issuing an Order in a separate proceeding that the FCC initiated last year to seek comment on whether the local franchising process unreasonably impedes the achievement of enhanced cable competition and accelerated broadband deployment and, if so, how the FCC should act to address such a problem. (*In the Matter of Implementation Section 621(a)(1) of the Cable Communications Policy Act of 1984, as amended by the Cable*

Board Agenda Item  
January 8, 2007

*Television Consumer Protection and Competition Act of 1992*, MB Docket No. 05-311 (2006)) (“Franchising NPRM”). Fairfax County filed comments in that proceeding in February 2006. On December 20, 2006, on a 3-2 vote, the FCC approved an Order in the Franchising NPRM proceeding. Although the text of that Order is not expected to be released until early January 2007, based on statements made by the FCC Commissioners, the proposed FCC Order in this proceeding is expected to impose a “shot-clock” to expedite franchise negotiations, to limit the ability of local franchising authorities to require build-out of an entire franchise area, and to limit the ability of local franchising authorities to require any capital support for public, educational, and governmental access channels and institutional networks to be deducted from franchise fees. If this proposed Order implements the public statements of the FCC Commissioners, as expected, then this Order would adversely impact build-out requirements in current and future Fairfax County franchise agreements, and current and future support for public, educational, and governmental access channels in Fairfax County.

One of the arguments opponents of local franchising have asserted in comments filed in response to both the Franchising NPRM and the Competition NOI is that limiting local authority to negotiate franchises will increase cable competition and thereby significantly reduce cable rates for consumers. In voting to approve the Franchising NPRM Order, FCC Commissioner Tate stated that the FCC research “consistently show[s] that prices are lower where wireline competition is present.” In Fairfax County, however, wireline cable competition has been present since Verizon began providing service in November 2005, and yet stand alone cable rates have continued to rise.

County staff believes that it is important to provide the FCC with information regarding the actual impact of competition on cable rates in Fairfax County in the form of comments in the Competition NOI proceeding so as to encourage the FCC to make policy based on actual market place facts. County staff further believes that it is important to demonstrate how reasonable exercise of local franchising authority by the Board has benefited consumers in terms of promoting build-out and local public, educational, and governmental programming. The County comments in response to the Competition NOI will provide the FCC with the following information:

- The Board granted one of the first and largest competitive franchises to Verizon in September 2005 and Verizon began providing competitive service in November 2005. Because of the foresight of the Board in structuring the Media General franchise (now held by Cox VA) so that it could be replicated in a competitively neutral manner if head-to-head competition for cable services developed in the County, and because of the willingness of both parties to meaningfully engage in negotiations, Fairfax County staff and Verizon VA were able to complete their franchise negotiations in an expeditious manner.
- Build-out requirements have benefited Fairfax County consumers. Staff estimates that one-third of County households now have a choice of two competitive cable

Board Agenda Item  
January 8, 2007

service providers. Moreover, the build-out requirements negotiated by the County will ensure that every household has access to two competitive cable service providers within the next six years, and at that least 85% of County households will have access without additional line extension charges.

- Build-out requirements have also ensured that all County residents will have a choice of two competitive providers of high-speed Internet service via cable modem. It will be important for consumers that local franchising authorities retain the power to ensure that competition for such services – and accompanying competitive pricing pressure – leaves no neighborhood behind.
- It is difficult to compare digital cable and bundled service packages between providers operating in the County because of the differences between each providers' package content. It is unclear how much if any of the applicable bundled service package discounts are attributable to competitive forces in the marketplace, or to generally accepted industry practices (that occur in both noncompetitive and competitive markets) to provide discounts to bundled services. Incumbent providers appear to be responding to competition by offering promotional discounts to new subscribers or by reducing the number of features in bundled packages so as to offer lower-priced bundled packages and match the competitor's bundled rate. But it also appears that the competitive entrant is offering consumers a stand alone cable package with larger number of channels at a price point similar to the incumbents' rates.
- Because build-out has not yet reached a majority of the County, definitive assessments regarding the impact of competition on cable rates cannot be made at this time. However, every cable operator, including Verizon VA after one year of offering service, has announced an increase in stand alone cable prices since January 1, 2006, and stand alone cable rates have risen at a faster rate as compared to when no head-to-head wireline cable competition existed in the County.
- Other commenters in this proceeding provided rate data that was adjusted to reflect temporary promotional rates, but the County noted that many of these promotional rates are available only to new subscribers. The County submitted bundled and stand alone cable rate information to the FCC – based on published rate cards, notices of rate increases and information provided by cable operator service representatives to County staff – to assist the FCC in developing a more comprehensive report on the state of competition and its impact on cable prices.
- Converter box charges currently account for almost eight percent of monthly analog cable rates and just over seven percent of digital cable rates. As a consumer issue, Fairfax County notes that as part of the 1996 Telecommunications Act (the "Act"), Congress directed the FCC to issue regulations to permit subscribers to utilize all of the advanced features on television sets and to create a commercial market for converter boxes so that consumers could buy instead of rent converter boxes. Yet ten years after passage of the Act, the FCC still has not implemented regulations that would permit subscribers to view all cable channels – including premium

Board Agenda Item  
January 8, 2007

channels – directly on their television receivers without passing through a converter box; consumers cannot use all features of their televisions – including picture-in-picture – when a converter box is used; and consumers cannot purchase a commercially available converter box that can be used to view all programming – including electronic programming guides and video-on-demand services.

- Each month, Fairfax County public, educational, and governmental access channels provide 1,691 hours of locally-originated programming, 301 hours of programming produced in languages other than English, and 976 hours of closed-captioned programming.
- In response to the FCC's request for technical information regarding E-911 service and back-up battery power, Fairfax County has provided the FCC information about the County's consumer educational campaign, "Connecting Your Home," and the availability of that information on the County's website in video or text format, and as a printed brochure. "Connecting Your Home" provided residents with comparative information about important issues to consider when choosing between traditional and voice-over-Internet-protocol ("VoIP") telephone service.
- Verizon reports that it has negotiated two additional franchises in the six months since the new Virginia state legislation took effect. Thus, it does not yet appear that the 2006 Virginia legislation has significantly increased the rate of competitive cable system deployment in Virginia.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I, Federal Communications FCC News Release, dated October 12, 2006, "FCC Issues Inquiry For Annual Report To Congress On Video Competition."

Attachment II, Comment of Fairfax County *in re Federal Communications Commission Notice of Inquiry Relating to Annual Assessment of the Status of Competition in the Market For The Delivery of Video Programming (MB Docket No. 06-189)*.

STAFF:

David Molchany, Deputy County Executive

Gail J. Condrick, Director, Dept. of Cable Communications and Consumer Protection (DCCCP)

Mitsuko R. Herrera, Director, Communications Policy and Regulation Division, DCCCP

Erin C. Ward, Assistant County Attorney

Board Agenda Item  
January 8, 2007

INFORMATION - 1

Planning Commission Action on Application 2232-H06-14, Fairfax County Park Authority (Hunter Mill District)

On Thursday, November 30, 2006, the Planning Commission voted 9-0-2 (Commissioners Murphy and Hall abstaining; Commissioner Hopkins absent from the meeting) to approve 2232-H06-14.

The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia.

Application 2232-H06-14 sought approval to establish 13.7 acres for a local park use to be known as the Lawyers Road Park. Located at 10049 Lawyers Road, Vienna, the park will provide a balance between active and passive recreation opportunities, and will include one rectangular field, one playground, one picnic area and trails. (Tax Map 37-2 ((15)) A).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 11/30/06 Commission meeting

Attachment 2: Vicinity maps

STAFF:

Robert A. Stalzer, Deputy County Executive

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

David B. Marshall, Assistant Director, Planning Division, DPZ

Barbara J. Lippa, Executive Director, Planning Commission Office

Board Agenda Item  
January 8, 2007

11:00 a.m.

Matters Presented by Board Members

Board Agenda Item  
January 8, 2007

11:50 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *Letty G. Lynn v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2003-219536 (Fx.Co.Cir.Ct.) (Mount Vernon District)
  - 2. *Ronald Koch v. Lance Schaible, et al.*, Case No. CI-2006-0009352 (Fx. Co. Cir. Ct.)
  - 3. *MPO Deval Bullock-Police Administrative Trial Board*
  - 4. Request for Information by the United States Department of Justice, Civil Rights Division, Concerning the County's Compliance with the 1982 Consent Decree
  - 5. *Mark Wiseman v. Fairfax County Police Department, Singleton's Grove Homeowner's Association, Willow Springs Towing and Recovery, Inc., and Cedar Park Towing*; Court No. CL-2006-0010194 (Fx. Co. Cir. Ct.)
  - 6. *Peppertual Nkansah and Yaw Nkansah v. Fairfax County Department of Family Services / Child Protective Services*, Case No. 2006-0005948
  - 7. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, Virginia*, Case No. 2006-0011777 (Fx. Co. Cir. Ct.)

8. *HBL, LLC v. County of Fairfax, Virginia, Board of Supervisors of the County of Fairfax, Virginia, and Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services*, Case No. CL-2006-0015715 (Fx. Co. Cir. Ct.) (Providence District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, Case No. CL-2006-0000793 (Fx. Co. Cir. Ct.) (Mason District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joseph P. Bonzano*, Case No. CL-2006-0014461 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sully Park Associates, LLC, and Covenant Christian Church*, Case No. CL-2006-0010619 (Fx. Co. Cir. Ct.) (Sully District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vinh Lai*, Case No. CL-2006-0011715 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Susan K. Huber*, Case No. CL-2006-0007714 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald J. McCarthy and Jaki S. McCarthy*, Case No. CL-2006-0004413 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Zelaya*, Case No. CL-2006-0009650 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emilio Herbas and Maria Rojas*, Case No. CL-2006-0013596 (Fx. Co. Cir. Ct.) (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael R. Griffin and Dawn M. Griffin*, Case No. CL-2006-0014721 (Fx. Co. Cir. Ct.) (Sully District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. James E. Parrish, Jr., and Marileigh C. Parrish*, Case No. CL-2006-0015132 (Fx. Co. Cir. Ct.) (Sully District)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Luis Choque*, Case No. CL-2006-0015975 (Fx. Co. Cir. Ct.) (Providence District)
20. *Board of Supervisors v. EOP-Reston Town Center, L.L.C., et al.*, Case No. CL-2006-0014888 (Fx. Co. Cir. Ct.) (Hunter Mill District)

Board Agenda Item  
January 8, 2007

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:

On Wednesday, November 15, 2006, the Planning Commission voted unanimously (Commissioners Hall and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 1999-MV-025-02, subject to the execution of proffers consistent with those dated November 7, 2006;
- Approval of SEA 99-V-020-02, subject to the Development Conditions dated November 9, 2006; and
- Approval of the previously approved modification of the transitional screening requirements on the northern, eastern and southern boundaries and waiver of the barrier requirement along all boundaries.

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  
January 8, 2007

3:30 p.m.

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

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

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 7, 2006, the Planning Commission voted unanimously (Commissioners Hall and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 93-Y-044, subject to the execution of proffers consistent with those dated November 1, 2006;
- Waiver of the loading space requirement for the bank use; and
- Modification of the transitional screening requirement and waiver of the barrier requirement along the southern property boundary adjacent to I-66.

The Commission unanimously voted (Commissioners Hall and Murphy absent from the meeting) to approve FDPA 93-Y-044, subject to the Development Conditions dated December 4, 2006, and subject also to Board approval of PCA 93-Y-044.

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  
January 8, 2007

3:30 p.m.

Public Hearing on SEA 95-L-011 (Starco Properties VIII LLC) to Amend SE 95-L-011 Previously Approved for a Vehicle Sale, Rental And Ancillary Service Establishment, Increase in Building Height, Parking in an R District, Increase in FAR and Increase in Percentage of Office Use to Permit Deletion of the Vehicle Sale, Rental and Ancillary Service Establishment, an Increase in the Percentage of Office Use and Change in Development Conditions, Located on Approximately 3.74 Acres Zoned C-8, R-2, CRD and HC, Lee District

The application property is located at 3091 Clayborne Avenue and 6910 Richmond Highway, Tax Map 92-2 ((18)) (6) 1A and 92-2 ((18)) (7) 8A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 7, 2006, the Planning Commission voted unanimously (Commissioner Alcorn not present for the votes; Commissioners Hall and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 95-L-011, subject to the Development Conditions dated December 7, 2006; and
- Approval of the previously approved waivers and modifications of the transitional screening and barrier requirements, peripheral parking lot landscaping width requirement, and the service drive requirement.

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  
January 8, 2007

4:00 p.m.

Public Hearing on RZ 2006-SU-021 (NCL XXX, L.L.C.) to Rezone from R-1 and WS to PDH-5 and WS to Permit Residential Development at a Density of 3.74 Dwelling Units Per Acre, a Waiver of Minimum District Size, Located on Approximately 23,291 Square Feet, Sully District

The application property is located on the east side of Louise Avenue approximately 450 feet south of its intersection with Lowe Street, Tax Map 34-4 ((3)) 5.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, December 6, 2006, the Planning Commission voted unanimously (Commissioner Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2006-SU-021, subject to the execution of proffers consistent with those dated December 6, 2006; and
- Waiver of the minimum district size.

The Planning Commission voted unanimously (Commissioner Murphy absent from the meeting) to approve FDP 2006-SU-021, subject to Board approval of RZ 2006-SU-021.

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  
January 8, 2007

4:00 p.m.

Public Hearing on PCA 2000-MV-051 (NVR, Inc.) to Amend the Proffers for RZ 2000-MV-051 Previously Approved for Residential Development to Permit Modification to the Proffers Including Changes to the Design of the Units at a Density of 13.14 Dwelling Units Per Acre, Located on Approximately 12,528 Square Feet Zoned PDH-16 and HC, Mount Vernon District

The application property is located approximately 300 feet east of Sky View Drive in the southeast quadrant of the intersection of Hallie Rose Street and Hallie Rose Place, Tax Map 101-3 ((34)) B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 16, 2006, the Planning Commission voted 8-0-1 (Commissioner Hall abstaining; Commissioners Byers, Hopkins and Murphy absent from the meeting) to recommend that the Board of Supervisors approve PCA 2000-MV-051, subject to the executed proffers dated September 28, 2006.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

John Thompson, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item  
January 8, 2007

4:00 p.m.

Public Hearing on SE 2006-HM-017 (Fiaza Hanniffa, Montessori Childrens Center) to Permit a Child Care Center (Formerly a Special Permit) to Increase Enrollment from 99 up to 150, Building Addition, and Associated Development Condition Changes, Located on Approximately 2.69 Acres Zoned R-1, Hunter Mill District

The application property is located at 2745 Centreville Road, Tax Map 25-1 ((1)) 34C and 34D.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 9, 2006, the Planning Commission voted unanimously (Commissioners Alcorn, Byers, and Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2006-HM-017, subject to Development Conditions consistent with those dated October 25, 2006; and
- Modification of the transitional screening yard requirement and the barrier requirement in favor of the existing on-site screening and barriers.

The Planning Commission then voted 8-0-1 (Commissioner Harsel abstaining; Commissioners Alcorn, Byers, and Hall absent from the meeting) to recommend that the Board waive the requirement for construction of a third lane on Centreville Road at this time.

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  
January 8, 2007

4:00 p.m.

Public Hearing on SEA 80-L-061 (Furnace Associates, Inc.) to Amend SE 80-L-061 Previously Approved for a Landfill to Permit Modifications to Development Conditions, Increase in Height of Landfill, Add Land Area, Site Modifications, and a Quasi-Public Park, Located on Approximately 250.15 Acres Zoned R-1, Mount Vernon District (Formerly Lee District)

The application property is located at 10201, 10209, 10215, 10219 and 10229 Furnace Road, Tax Map 113-1 ((1)) 5 pt., 7 and 8; 113-3 ((1)) 1, 2 and 4.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, December 6, 2006, the Planning Commission voted unanimously (Commissioner Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 80-L-061, subject to the Development Conditions dated December 6, 2006, with deletion of the word “provide” in the last sentence of Condition 54;
- Waiver of Par. 9 of Sect. 9-205 in order to permit the proposed improvements depicted on the SEA Plat to be constructed prior to closure of the landfill;
- Waiver of the trail requirement along Furnace Road in lieu of the proposed trails shown on the SEA Plat; and
- Waiver of the transitional screening and barrier requirements along the property lines abutting single-family detached dwellings in favor of that depicted on the SEA Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item  
January 8, 2007

4:00 p.m.

Public Hearing to Obtain Citizen Input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia for Funding Under the Federal Transit Administration (FTA) Section 5310 Program for Three Replacement Vehicles

ISSUE:

To obtain citizen input regarding the Board of Supervisors' approval for the Department of Community and Recreation Services to apply to and accept funding, if received, from the Virginia Department of Rail and Public Transportation (VDRPT) in the amount of \$156,000. If the application is approved, funds will be used to purchase three wheelchair lift-equipped replacement vehicles. The total cost of the vehicles including needed options is estimated at \$156,000. Of this total, the grant will provide 80 percent funding, or \$124,800. The balance of 20 percent, or \$31,200, in required Local Cash Match will be absorbed within the FY 2008 budget for the Department of Community and Recreation Services. No additional county funding is required. The Board of Supervisors authorized the advertisement of a public hearing on December 4, 2006, as a public hearing is a requirement of the application process.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Department of Community and Recreation Services to apply for FTA section 5310 grant funds in the amount of \$156,000 and accept funding, if received, from VDRPT. Award of the grant will allow FASTRAN to replace three high-mileage vehicles at a substantially reduced cost to the County.

TIMING:

Board action is requested on January 8, 2007, as the public hearing was authorized for advertisement on December 4, 2006.

BACKGROUND:

The county has the opportunity to apply for FTA Section 5310 funds, through the Commonwealth of Virginia, to purchase three wheelchair lift-equipped vehicles to replace high-mileage FASTRAN vehicles at a total estimated cost of \$156,000. Of this total, the county will receive \$124,800 in funding to cover 80 percent of the cost of the vehicles. The remaining 20 percent, or \$31,200, in required Local Cash Match will be absorbed within the FY 2008 budget for the Department of Community and Recreation

Board Agenda Item  
January 8, 2007

Services. No additional county funding is necessary. These vehicles will be used to provide an estimated 19,291 annual rides for senior citizens and people with disabilities. Since 1994, the county has purchased 24 replacement vehicles through this grant program.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

STAFF:

Patricia D. Franckewitz, Director, Department of Community and Recreation Services  
Matthew A. Spruill, Division Supervisor, FASTRAN, Department of Community and Recreation Services  
Michael Artson, Transportation Planner, FASTRAN, Department of Community and Recreation Services.

Board Agenda Item  
January 8, 2007

4:30 p.m.

Public Hearing to Expand the Kingstowne 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 expand the Kingstowne Community Parking District (CPD).

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on December 4, 2006, for January 8, 2007, at 4:30 p.m.

BACKGROUND:

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

Board Agenda Item  
January 8, 2007

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$500 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

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  
January 8, 2007

4:30 p.m.

Public Hearing to Expand the Southrun Community Parking District (Mount Vernon District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on December 4, 2006, for January 8, 2007, at 4:30 p.m.

BACKGROUND:

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

Board Agenda Item  
January 8, 2007

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

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

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  
January 8, 2007

4:30 p.m.

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

ISSUE:

Public hearing to consider the abandonment of segments of Lockheed Boulevard and their conveyance to the Park Authority.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order and resolution (Attachment III) for the abandonment of the subject roadway and conveyance to the Park Authority.

TIMING:

On December 4, 2006, the Board authorized a public hearing to consider the proposed abandonment and conveyance for January 8, 2007.

BACKGROUND:

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

Traffic Circulation and Access

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

Easements

Fairfax Water and Washington Gas have expressed a need for easements for their facilities within the right-of-way. The Department of Public Works and Environmental Services (DPWES) has also expressed a need for easements for both sanitary and storm sewer facilities. Easement agreements and plats have been provided for these needs. No other easement needs were identified.

Board Agenda Item  
January 8, 2007

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification

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

Attachment III: Order of Abandonment and Resolution to Convey

Attachment IV: Abandonment Plat

Attachment V: Metes and Bounds Descriptions

Attachment VI: Vicinity Map

STAFF:

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

Michael A. Davis, FCDOT

Donald Stephens, FCDOT