

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 5, 2007**

AGENDA

- | | | |
|-------|----------------|---|
| 9:30 | Done | Presentations |
| 10:00 | Adopted | Report on General Assembly Activities |
| 10:15 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|-----------------|--|
| 1 | Approved | Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Providence, and Springfield Districts) |
| 2 | Approved | Authorization to Advertise a Public Hearing to Establish the Newgate Community Parking District (Sully District) |
| 3 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Vacate Unnamed Right-of-Way in Braddock Hills Subdivision (Mason District) |
| 4 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7705 Kelly Ann Court (Springfield District) |
| 5 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 8505 Sky View Drive (Mount Vernon District) |
| 6 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6510 Rock A By Road (Lee District) |
| 7 | Approved | Authorization to Advertise a Public Hearing to Establish the Franklin Glen Community Parking District (Sully District) |
| 8 | Approved | Authorization to Advertise Public Hearings to Consider Proposed Amendments to Address January 2006 Revisions to Appendix B of the Virginia Department of Transportation Road Design Manual |
| 9 | Approved | Supplemental Appropriation Resolution AS 07092 for Various Fairfax Agencies to Accept Department of Homeland Security Urban Area Security Initiative Sub-Grant Awards and Grant Adjustments from the State Administrative Agency for the National Capital Region |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
FEBRUARY 5, 2007**

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Approval for the Fairfax County Department of Transportation to Implement a Program for Installation of New Bus Shelters, and for a Bus Shelter Advertising and Maintenance Program |
| 2 | Approved | Approval of the Assignment and Assumption of the Springfield Center Drive Private Road |
| 3 | | Fiscal Year 2007 Forest Pest Management Suppression Program |

INFORMATION ITEMS

- | | | |
|-------|--------------------------|--|
| 1 | Noted | Contract Award – Patriot Park Phase I Development |
| 2 | Noted w/amendment | Quarterly Status Report on the Board's Four-Year Transportation Program and Other Selected Projects |
| 3 | Noted | National Consumer Protection Week Activities, February 4-10, 2007 |
| 4 | Noted | Planning Commission Action on Application 2232-MD06-10, WMATA (Dranesville, Hunter Mill, and Providence Districts) |
| 10:45 | Done | Matters Presented by Board Members |
| 11:35 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|--|---|
| 3:30 | Approved | Public Hearing on RZ 2005-MA-002 (Pacific Lane Partners, LLC) (Mason District) |
| 4:00 | Public hearing indefinitely deferred | Public Hearing on Proposed Plan Amendment S06-III-UP1 for the Former Middleton Farm Located East of Route 28 and South of Frying Pan Road in the Dulles Suburban Center, Sub-Unit D-1 (Hunter Mill and Sully Districts) |
| 4:30 | Approved | Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Jefferson Manor Community Development Project, Phase IIB (Lee District) |
| 4:30 | Public hearing deferred to 3/26/07 at 4:00 p.m. | Public Hearing on a Proposal to Vacate Part of Crowell Road (Dranesville District) |



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
Feb. 5, 2007

9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize the Chantilly and Edison High School football teams for their successful seasons. Requested by Supervisors Frey, Kauffman and McConnell.
2. CERTIFICATE – To recognize the 2006 Bond Referendum Citizen Committee for its work. Requested by Chairman Connolly.
3. CERTIFICATE – To recognize Germaine Broussard for her ongoing support to our troops serving overseas by baking and shipping cookies to them. Requested by Supervisors Smyth and DuBois.
4. CERTIFICATE – To congratulate the Green Spring Master Gardeners on the occasion of its 5th anniversary. Requested by Supervisor Gross.
5. CERTIFICATE – To recognize Laurie Wilson for her service on the Planning Commission. Requested by Chairman Connolly.
6. PROCLAMATION – To designate Feb. 18-24, 2007, as Engineers Week in Fairfax County. Requested by Chairman Connolly.

STAFF:

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

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10:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 5, 2007

PRESENTED BY:

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

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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item
February 5, 2007

ADMINISTRATIVE – 1

Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Providence, and Springfield Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications FS-H06-102 and FS-S06-103 to April 7, 2007; applications FS-B06-105, FS-D06-106, FS-P06-107, FS-P06-109, and FS-P06-110 to April 19, 2007; and applications FS-P06-112, FS-H06-113, and FS-P06-114 to April 26, 2007.

TIMING:

Board action is required on February 5, 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 periods for applications FS-H06-102, FS-S06-103, FS-B06-105, FS-D06-106, FS-P06-107, FS-P06-109, FS-P06-110, FS-P06-112, FS-H06-113, and FS-P06-114, which were accepted for review by the Department of Planning and Zoning between November 8, 2006, and November 27, 2006. These applications are for telecommunications facilities. Therefore, in accordance with State

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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:

- | | |
|------------|---|
| FS-H06-102 | Clearwire US LLC
Antenna co-location on existing monopole
10907 Sunset Hills Road
Hunter Mill District |
| FS-S06-103 | Clearwire US LLC
Rooftop antennas
4035 Ridge Top Road
Springfield District |
| FS-B06-105 | Clearwire US LLC
Antenna co-location on existing rooftop tower
4400 University Drive
Braddock District |
| FS-D06-106 | Clearwire US LLC
Antenna co-location on existing tower
11000 Leesburg Pike
Dranesville District |
| FS-P06-107 | Clearwire US LLC
Rooftop antennas
3111 Fairview Park Drive
Providence District |
| FS-P06-109 | Clearwire US LLC
Rooftop antennas
1800 Old Meadow Road
Providence District |
| FS-P06-110 | Clearwire US LLC
Rooftop antennas
1755 Old Meadow Road
Providence District |

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|------------|---|
| FS-P06-112 | Clearwire US LLC
Rooftop antennas
8201 Greensboro Drive
Providence District |
| FS-H06-113 | Clearwire US LLC
Rooftop antennas
11800 Sunrise Valley Drive
Hunter Mill District |
| FS-P06-114 | Clearwire US LLC
Antenna co-location on existing tower
8101A Lee Highway
Providence District |

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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February 5, 2007

ADMINISTRATIVE - 2

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 26, 2007, at 4:30 p.m.

TIMING:

The Board should take action on February 5, 2007, to provide sufficient time for advertisement of the public hearing on February 26, 2007, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$600 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Newgate CPD Establishment
Attachment III: Notice of Public Hearing

STAFF:

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

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ADMINISTRATIVE – 3

Authorization to Advertise a Public Hearing on a Proposal to Vacate Unnamed Right-of-Way in Braddock Hills Subdivision (Mason District)

ISSUE:

Authorization to advertise a public hearing to consider the vacation of unnamed right-of-way in the Braddock Hills Subdivision.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing for March 12, 2007, at 4:00 p.m.

TIMING:

The Board should take action on February 5, 2007, to provide sufficient time to advertise the public hearing for March 12, 2007, at 4:00 p.m.

BACKGROUND:

The applicant, The Montessori School of Northern Virginia, is requesting that a section of unnamed right-of-way adjacent to their property be vacated. This right-of-way is not in the Virginia Department of Transportation Secondary System.

Most of the right-of-way will be used for current school operations that do not require a structure. The residual will be a public access easement.

Traffic Circulation and Access

The vacation will have no long-term impact on vehicle circulation and access. This right-of-way is not connected to any other highway. The right-of-way is used for access to a unit of Indian Run Stream Valley Park and the applicant has committed to providing a public ingress-egress easement for continued access.

Easements

Dominion Virginia Power has identified facilities within the area to be vacated. The applicant has provided easement plats, deeds, and agreements in forms acceptable to this entity. The Fairfax County Park Authority has identified a need for access to the park unit to the north; this access will be provided by the public ingress-egress easement. No other easement needs were identified.

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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

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7705 Kelly Ann Court (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7705 Kelly Ann Court, Fairfax Station, VA 22039 (Tax Map No. 096-1-((03))-03)-0001).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on March 12, 2007, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for February 5, 2007, and the public hearing on March 12, 2007, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (LNMB Supp. 2003) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with existing law, Va. Code Ann. § 15.2-900 (LNMB 2003) or Va. Code Ann. § 15.2-1115 (LNMB 2004) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) of record fails to abate or obviate the nuisance, the County may abate the nuisance. The property owner(s) may then be charged for the costs, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered blighted in accordance with the Spot Blight Abatement Statute due to "dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors."

Va. Code Ann. § 36-49 (LNMB 1996) also requires that the property (ies) be shown to be "detrimental to the safety, health, morals or welfare of the community" by reason of such dilapidation. Both conditions must be met in order for a property to qualify as blighted.

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-49 (LNMB 1996) and Va. Code Ann. § 36-49.1:1 (LNMB 2003) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 7705 Kelly Ann Court was referred to the Blight Abatement Program (BAP) on September 14, 2006. Located on the property are the remains of a single family detached dwelling that was completely destroyed by fire on August 5, 2005. According to the Fairfax County Fire and Rescue Department, the structure was a total loss with damage estimated at \$1 million. Since the house was completely destroyed the remains are the dwelling's foundation, a vehicle that was damaged by the fire and miscellaneous scrap metal and debris from the fire. On October 23, 2006, the property owners were served notice from the Fairfax County Health Department Official that the property was unsafe and the owners were to secure the perimeter of the entire foundation to prevent unauthorized access and remove the pile of scrap metal within 10 days. To date, the owner's have not complied with this order.

On November 16, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. The property owners were notified by telephone and by certified mail reference the conditions of the property. To date, the owners have not submitted a blight abatement plan to remedy the blighted conditions and have no plan for the property. BAP staff continues to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community. All attempts by BAP staff to achieve voluntary compliance with the property owners have been unsuccessful.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

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At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (LNMB Supp. 2004) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, HCD will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of January 18, 2007, is \$385,045. It is estimated that the cost of demolition of the structure will be approximately \$45,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs
Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Harry Swanson, Deputy Director, Revitalization and Real Estate Finance, HCD
Cynthia Ianni, Director, Design, Development and Construction Division, HCD
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD
Christina M. Sadar, Blight Abatement Program Coordinator, HCD

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Board Agenda Item
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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 8505 Sky View Drive (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 8505 Sky View Drive, Alexandria, VA 22309 (Tax Map No. 101-3-((10))-0011).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on March 12, 2007, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, February 5, 2007, and the public hearing on March 12, 2007, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (LNMB Supp. 2003) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with existing law, Va. Code Ann. § 15.2-900 (LNMB 2003) or Va. Code Ann. § 15.2-1115 (LNMB 2004) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) of record fails to abate or obviate the nuisance, the County may abate the nuisance. The property owner(s) may then be charged for the costs, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered blighted in accordance with the Spot Blight Abatement Statute due to "dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors."

Va. Code Ann. § 36-49 (LNMB 1996) also requires that the property (ies) be shown to be "detrimental to the safety, health, morals or welfare of the community" by reason of such dilapidation. Both conditions must be met in order for a property to qualify as blighted.

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-49 (LNMB 1996) and Va. Code Ann. § 36-49.1:1 (LNMB 2003) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 8505 Sky View Drive was referred to the Blight Abatement Program (BAP) on August 10, 2006. Located on the subject property is an abandoned two story dilapidated residential structure that was constructed sometime in 1949 according to Fairfax County Tax Records. The property also contains a large cinderblock garage with attached open bay and a large storage shed. According to the neighbors the abandoned residential structure and the cinderblock garage have been frequented by homeless persons and squatters. The residential structure has been vacant and abandoned for several years and has a visible hole in the roof allowing water penetration. The property is currently zoned C-8 but the property has never been developed for commercial use.

On November 16, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. A person representing the owner contacted the blight office and acknowledged receipt of the letter and advised he was going to assist the property owner with the demolition of the existing structures and the redevelopment of the property. To date, blight abatement staff have not received a blight abatement plan from the owner or this representative to remedy the blighted conditions on the property. BAP staff continues to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community. All attempts by BAP staff to achieve voluntary compliance with the property owner have been unsuccessful.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

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At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (LNMB Supp. 2004) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of January 18, 2007, is \$385,045. It is estimated that the cost of demolition of the structure will be approximately \$75,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs
Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Harry Swanson, Deputy Director, Revitalization and Real Estate Finance, HCD
Cynthia Ianni, Design, Development and Construction Division, HCD
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD
Christina M. Sadar, Blight Abatement Program Coordinator, HCD

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Board Agenda Item
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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6510 Rock A By Road (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6510 Rock A By Road, Alexandria, VA 22310 (Tax Map No. 092-1-((01))-0036).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on March 12, 2007, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for February 5, 2007, and the public hearing on March 12, 2007, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (LNMB Supp. 2003) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with existing law, Va. Code Ann. § 15.2-900 (LNMB 2003) or Va. Code Ann. § 15.2-1115 (LNMB 2004) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) of record fails to abate or obviate the nuisance, the County may abate the nuisance. The property owner(s) may then be charged for the costs, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered blighted in accordance with the Spot Blight Abatement Statute due to "dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors."

Va. Code Ann. § 36-49 (LNMB 1996) also requires that the property (ies) be shown to be "detrimental to the safety, health, morals or welfare of the community" by reason of such dilapidation. Both conditions must be met in order for a property to qualify as blighted.

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-49 (LNMB 1996) and Va. Code Ann. § 36-49.1:1 (LNMB 2003) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 6510 Rock A By Road was referred to the Blight Abatement Program (BAP) on August 17, 2006. Located on the subject property is a single story detached dwelling that was constructed in 1936. An addition was added to the original structure in 1957. There are also several accessory structures on the property and an in-ground swimming pool. Additionally, there is junk and debris on the property along with several inoperable vehicles. On March 20, 2005, the dwelling was extensively damaged by fire with damage estimated at \$400,000 by the Fairfax County Fire and Rescue Department. On October 3, 2006, the dwelling was placarded unsafe and its use or occupancy prohibited by the Fairfax County Health Department Code Official. The dwelling has been vacant since the fire on March 20, 2005, and there is partial collapse of the roof in several areas. The owner has made no attempt to clean up the debris from the property or secure the pool area from unauthorized entry.

On November 16, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. The property owner was notified by telephone and by certified mail reference the conditions of the property. To date, the owner has not submitted a blight abatement plan to remedy the blighted conditions and has no plan for the subject property. BAP staff continues to receive multiple complaints regarding this property and the negative visual impact as well as safety impact it has on the adjacent properties and the surrounding community. All attempts by BAP staff to achieve voluntary compliance with the property owner have been unsuccessful.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

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At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (LNMB Supp. 2004) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of January 18, 2007, is \$385,045. It is estimated that the cost of demolition of the structures will be approximately \$75,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs
Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Harry Swanson, Deputy Director, Revitalization and Real Estate Finance, HCD
Cynthia Ianni, Director, Design, Development and Construction Division, HCD
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD
Christina M. Sadar, Blight Abatement Program Coordinator, HCD

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ADMINISTRATIVE - 7

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 26, 2007, at 4:30 p.m.

TIMING:

The Board should take action on February 5, 2007, to provide sufficient time for advertisement of the public hearing on February 26, 2007, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1500 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Franklin Glen CPD Establishment
Attachment III: Notice of Public Hearing

STAFF:

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

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ADMINISTRATIVE - 8

Authorization to Advertise Public Hearings to Consider Proposed Amendments to Address January 2006 Revisions to Appendix B of the Virginia Department of Transportation Road Design Manual

ISSUE:

Board authorization to advertise public hearings to consider proposed amendments to Chapter 7 of the Public Facilities Manual (PFM) of Fairfax County, Virginia. The proposed PFM amendments reference the current Virginia Department of Transportation (VDOT) design standards rather than restating them.

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 the PFM.

These amendments have been coordinated with VDOT.

TIMING:

The Board is requested to take action on February 5, 2007, to provide sufficient time to advertise the proposed public hearings on March 29, 2007, at 8:15 p.m., and May 7, 2007, at 4:30 p.m.

BACKGROUND:

The majority of the streets in Fairfax County are currently maintained by VDOT. In order for a new street to be accepted by VDOT for maintenance, its design and construction must comply with the most current Subdivision Street Requirements (SSR) (Virginia Administrative Code 24 VAC 30-91-10 through -160). The SSR was revised in 2005 to remove the design provisions from the document and refer to them in Appendix B of the VDOT Road Design Manual. This revision allows VDOT the flexibility of changing design standards without changing the state administrative code. VDOT can now revise the design standards much more quickly and more often. For instance, the manual was revised again in January 2006. The county's process for revising the Public Facilities Manual still requires a public hearing process and the Board's approval.

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It would be impossible to keep the PFM current with the VDOT standards, which may result in conflicting design criteria and confusion for the land development design community.

The proposed amendments to the PFM reference the VDOT manual for design standards rather than restating the standards. These amendments would allow the PFM to remain current with the VDOT manual as much as possible. Situations where the county design standards are purposely different from the state standards will remain in the PFM.

In the past, the majority of VDOT revisions have been related to transportation engineering standards such as sight distance, K values, and crossover spacing. These standards are usually based on recommendations from nationally recognized organizations such as the American Association of State Highway and Transportation Officials (AASHTO) and the Federal Highway Administration (FHA) and have been acceptable to the county. In the unusual instance where the county would desire a stricter standard than VDOT, an amendment to the county regulations would have to be adopted in order to deviate from the state standards.

FISCAL IMPACT:

None.

REGULATORY IMPACT:

The proposed PFM amendments will assist designers in complying with the current VDOT standards and will facilitate VDOT acceptance of streets that are constructed through the land development process.

ENCLOSED DOCUMENTS:

Attachment 1: Staff Report Dated February 5, 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, DPWES

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ADMINISTRATIVE – 9

Supplemental Appropriation Resolution AS 07092 for Various Fairfax Agencies to Accept Department of Homeland Security Urban Area Security Initiative Sub-Grant Awards and Grant Adjustments from the State Administrative Agency for the National Capital Region

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 07092 in the amount of \$798,799 for Fairfax County to accept Department of Homeland Security (DHS) FY 2006 Urban Area Security Initiative (UASI) Sub-Grant Awards along with FY 2005 and FY 2006 Grant Adjustments from the District of Columbia (DC) Office of the Deputy Mayor for Public Safety and Justice. These funds are made available by DHS through DC who is serving as the State Administrative Agency (SAA). DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. No Local Cash Match or in-kind match will be required. The grant periods for the FY 2006 sub-grant awards are retroactive from June 30, 2006 through January 30, 2008.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 07092 in the amount of \$798,799. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents. No Local Cash or in-kind match is required.

TIMING:

The Board of Supervisors approval is requested on February 5, 2007, as funding is available immediately.

BACKGROUND:

The Urban Area Security Initiative (UASI) provides Homeland Security Grant Program (HSGP) funds from DHS as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds,

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however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities. Fairfax County is one of 12 jurisdictions that currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

The UASI funding allocations are determined by a formula based on credible threat, presence of critical infrastructure, vulnerability, population, and other relevant criteria. Grant awards are made to the identified urban area authorities through the SAAs. The NCR process for allocation of the UASI funds included the development of concept papers that were vetted and endorsed by the Metropolitan Washington Council of Governments Regional Emergency Support Function (RESF) committees, review of proposals by the Chief Administrative Officers (CAO) committee, preparation and submission of project proposals and application documents by the RESFs, prioritization of proposals by the CAOs and ultimately the development of funding recommendations by the CAOs. The Senior Policy Group then renewed and recommended proposals and forwarded selected proposals to the SAA for awards.

Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a sub-grant award to handle all of the financial management, audit, procurement, and payment provision of the sub-grant award and grant program. Several Fairfax County agencies including the Office of Emergency Management, Health Department, Department of Information Technology, and Fire and Rescue Department are expected to act as sub-grantees for these funds. A listing of all the sub-grant awards and adjustments being requested for acceptance is attached along with a project synopsis. Individual awards and adjustments are also attached to support requested acceptance.

FISCAL IMPACT:

Grant funding in the amount of \$798,799 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance capabilities in emergency management, fire service, public health, and interoperable communications. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in FY 2007. No Local Cash Match is required to accept these awards. Indirect costs are only recoverable for those awards where positions have been created.

CREATION OF NEW POSITIONS:

There will be 1/1.0 SYE grant position created through the award titled "Public Health Emergency Preparedness Grant." These funds will be used to obtain the services of a

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physician for a period of 3 months to assist in accomplishing four objectives: 1) establish the planning and implementation of a sustainable N95 respirator fit-testing program for community physicians, 2) consult on and participate in outreach efforts focusing on community physician preparedness, 3) lead hospital/community mass fatality planning, and 4) serve as a dedicated subject matter resource to Health Department staff regarding pandemic influenza. The County has no obligation to continue funding this position when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Summary

Attachment 2 – Grant Award Documents (Excerpt)

Attachment 3 – Grant Adjustment Notices

Attachment 4 – Supplemental Appropriation Resolution AS 07092

STAFF:

Robert A. Stalzer, Deputy County Executive

C. Douglas Bass, Director, Office of Emergency Management

Gloria Addo-Ayensu, MD, Health Director, Health Department

David L. Rohr, Acting Fire Chief, Fire and Rescue Department

Wanda M. Gibson, Director, Department of Information Technology

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ACTION – 1

Approval for the Fairfax County Department of Transportation to Implement a Program for Installation of New Bus Shelters, and for a Bus Shelter Advertising and Maintenance Program

ISSUE:

Board approval for the Department of Transportation to issue a Request for Proposal (RFP) to secure an advertising contractor to install bus shelters and implement an advertising, maintenance, and cleaning program on those shelters.

RECOMMENDATION:

The County Executive recommends that the Board:

- 1) Direct staff to finalize and issue an RFP for a contractor to install new bus shelters at appropriate locations along the Virginia Department of Transportation (VDOT) right-of-way (ROW) and to manage a bus shelter advertising, maintenance, and cleaning program.
- 2) Adopt the policy entitled “Guidelines for Advertising on Fairfax County Bus Shelters” (see Attachment I).

TIMING:

The RFP is expected to be released and awarded in early 2007. Board approval is requested on February 5, 2007, in order to begin the selection process.

BACKGROUND:

On February 11, 2002, the Fairfax County Department of Transportation (FCDOT) presented a Consideration Item to the Board requesting permission to implement a FAIRFAX CONNECTOR Bus and Bus Shelter Advertising program. At that time, the Board directed staff to develop an action plan only for a FAIRFAX CONNECTOR Bus Advertising program, and return to the Board for further action. The Board directed staff not to pursue a bus shelter advertising program due to Virginia State Code provisions which prohibited advertisements in the VDOT ROW and required VDOT approval of all advertisements outside the ROW but within 15 feet of a highway.

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On October 28, 2002, FCDOT presented an Action Item to the Board seeking permission to issue an RFP for a contractor who would implement the FAIRFAX CONNECTOR Bus Advertising Program. As part of its approval of that Action Item, the Board also adopted a policy entitled "Guidelines for Advertising on the Fairfax Connector System." Following the Board's approval of that Action Item, FCDOT issued an RFP on December 19, 2002, and a contract was executed with the successful offeror on August 15, 2003.

During the 2003 General Assembly session, the Virginia State Code was amended to permit the display of advertisements in public transit passenger shelters owned by the County that are located in the VDOT ROW or that are within 15 feet of a highway. See Va. Code Ann. § 33.1-355(19) (2005). The 2003 amendment thus eliminated the above-mentioned restrictions on advertising in bus shelters. Based upon these changes in the applicable law, FCDOT proposes to implement a Bus Shelter Advertising, Maintenance, and Cleaning Program. A key component of this program will be the installation of new bus shelters at appropriate locations along VDOT ROW.

The "Guidelines for Advertising on the Fairfax Connector System," which were adopted by the Board on October 28, 2002, govern only advertisements on FAIRFAX CONNECTOR buses. Based upon the continued validity of these guidelines, staff recommends adoption of the same standards for advertisements on County owned bus shelters. Thus, as part of this Action Item, the Board is requested to approve the terms of Attachment I, entitled "Guidelines for Advertising on Fairfax County Bus Shelters," which are substantively identical to the existing guidelines for advertisements on FAIRFAX CONNECTOR buses.

The proposed new bus shelter installation, maintenance, cleaning, and advertising program will be implemented by a private provider, with costs fully supported by the contractor out of advertising revenue or contractor funds. The contractor shall coordinate all sales, production, installation, and removal of advertisements on the County owned bus shelters in the VDOT ROW, as well as billing and collections. All contractor constructed shelters shall be the responsibility of the contractor to maintain and clean, according to specific standards outlined in the contract. (Similar bus shelter projects have been implemented in neighboring jurisdictions which allow for the installation and maintenance of bus shelters, supported by additional advertising revenues generated through agreements with a private vendor.) In addition to this program for contractor-constructed bus shelters, the County will continue to maintain, through assistance from the Sheriff's Community Labor Force Program, County shelters not installed by the contractor unless/until they are replaced by the contractor. The County will also maintain any new shelters that the County installs through other ongoing County bus shelter installation and bus stop improvement projects. The Office of the Sheriff and the Department of Public Works and Environmental Services, the two

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agencies currently providing maintenance support for bus shelters, were included in the coordination of this Board item.

Currently 819 bus stops are located on VDOT ROW where there is sufficient land to allow for shelter construction; however, once all site inspection, permitting, and other processes are completed, not all of these locations will be appropriate for shelters. Experience from other jurisdictions indicate that permitting and other logistical challenges often delay bus shelter construction. Based on these natural delays and a desire to establish a program that is both manageable and financially sustainable in the event the contractor does not fulfill its commitment, the County will require that the contractor implement this program in a phased manner, spreading out the building of new shelters over the duration of the initial five-year contract. The identification of appropriate new shelter sites will be closely coordinated with each Magisterial District staff and the contractor will hold public meetings related to the placement of shelters and shelter advertisements. It should be noted that a contractual requirement will be that a certain percentage, anywhere from 10 to 20 percent of all shelters built through this program, shall include no advertisements to accommodate the wishes of certain communities for advertising-free shelters in their areas. The Department of Transportation will return to the Board with more information including specific parameters on the phased timing of the program once a contractor is chosen, initial meetings are held, and a formal program timeline is established.

The RFP to secure a contractor to sell shelter advertising and implement a maintenance program will include the following:

- 1) Install authorized shelters at selected locations in the manner noted in the previous paragraph.
- 2) Ensure compliance with all requirements of the County policy entitled "Guidelines for Advertising on Fairfax County Bus Shelters" (Attachment I).
- 3) Advertising revenue will support this program (installing, maintaining and cleaning shelters) with revenue in excess of costs shared between the County and the contractor, at a predetermined rate and with a minimum annual payment to the County specified by contract.
- 4) Contractor shall coordinate all sales, production, installation, and removal, as well as billing and collections.
- 5) Media Trades – contractor will be permitted to execute, with permission from FCDOT, trades with local media in which the County receives broadcast, print, or out-of-home advertising in exchange for advertising on its shelters.

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- 6) Contractor shall be responsible for acquiring all permits and approvals required to install the shelters.
- 7) Contractual Term – duration of five years, with an option to extend by five years.

FISCAL IMPACT:

There is no additional cost to the County associated with this program. Collection of advertising revenue and all expenditures related to new bus shelter installation and maintenance is fully the contractor's responsibility. The County will not be responsible for any contractor expenses exceeding annual advertising revenue. Revenue in excess of installation and maintenance program expenses will be shared between the contractor and the County according to a pre-determined ratio, as established in the contract. Revenue received by the County will help support the CONNECTOR and/or the countywide bus shelter program. Staff will continue to pursue other sources of funds that are required for the other ongoing County bus shelter installation and bus stop improvement projects.

NEW POSITIONS:

No new positions are associated with this program.

ENCLOSED DOCUMENTS:

Attachment I: Guidelines for Advertising on Fairfax County Bus Shelters

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Rollo C. Axton, Chief, Transit Services Division, FCDOT
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Paul Mounier, Transportation Planner III, FCDOT
Denis P. Paddeu, Transportation Planner III, FCDOT
Pamela Rittenhouse, Transportation Planner III, FCDOT

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ACTION - 2

Approval of the Assignment and Assumption of the Springfield Center Drive Private Road

ISSUE:

Authorization of Assignment and Assumption of the Maintenance Agreement from Springfield East, L.C. to Boston Properties Limited Partnership for the private road between Springfield Center Drive and the Joe Alexander Transportation Center Metro Station.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the execution of the attached agreement

TIMING:

Routine. Board action is requested on February 5, 2007.

BACKGROUND:

Pursuant to the Proffers in Fairfax County Rezoning RZ 1998-LE-064 dated March 4, 2003, SPRINGFIELD EAST, L.C. entered into a Maintenance Agreement with the Board of Supervisors dated June 11, 2003, to construct and maintain the private road between Springfield Center Drive and the Joe Alexander Transportation Center metro station. The private road will provide shuttle bus, bicycle, and pedestrian access between "Land Unit D" of the Springfield Metro Center II and the metro station.

SPRINGFIELD EAST, L.C. is selling and conveying to BOSTON PROPERTIES LIMITED PARTNERSHIP the property identified as Tax Map #0902 01 0056C known as "Land Unit D". Subject to the Proffers, BOSTON PROPERTIES LIMITED PARTNERSHIP has agreed to assume SPRINGFIELD EAST, L.C.'s obligation to construct the private road in accordance with the Proffers. Pursuant to the original agreement, Board approval is required for the assignment and assumption of the maintenance agreement to BOSTON PROPERTIES LIMITED PARTNERSHIP.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1: Assignment and Assumption of Maintenance Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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ACTION - 3

Fiscal Year 2007 Forest Pest Management Suppression Program

ISSUE:

Board approval of the Fiscal Year 2007 Forest Pest Management Suppression Program.

RECOMMENDATION:

The County Executive recommends that the Board approve the following actions concerning Fairfax County's Fiscal Year 2007 Forest Pest Management Suppression Program:

Gypsy Moth Suppression

- a. Continue participation in the Virginia Cooperative Gypsy Moth Suppression Program in accordance with the 2007 Guidelines for Participation (Attachment I) including execution of a Cooperative Agreement in the form of the agreement set forth at pages 23 and 24 of the Guidelines.
- b. Conduct a voluntary aerial (helicopter) treatment program of approximately 4200 acres using the insecticide Bacillus thuringiensis (Bt) according to established biological criteria (Attachment II). 200-foot buffer zones will be established around properties of non-participants.
- c. Conduct a ground treatment program for properties that are located in the 200' buffer zones of non-participants within aerial treatment blocks (approximately 100 acres).
- d. Conduct a ground treatment program (approximately 60 acres) for infestations which average greater than the tree-damaging 500 egg masses per acre but which are below minimum area requirements (15 acres) for aerial treatment. This ground treatment program will use Bt according to biological criteria.
- e. Conduct a ground treatment program that treats tree damaging gypsy moth infestations identified after the annual program is adopted. Infestations eligible for treatment must meet the regular program criterion

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of a minimum of 250 egg masses per acre. This program will be limited to a total maximum of 25 acres.

Fall Cankerworm Suppression

- a. Conduct a ground treatment program that controls tree-damaging fall cankerworm infestations identified after the annual program is adopted. Infestations eligible for fall cankerworm treatment must average greater than 90 captured female moths per barrier band. This ground treatment program will use Bt according to biological criteria. This program will be limited to a total maximum of 25 acres.

Emerald Ash Borer

- a. Continue a monitoring program for life stages of the emerald ash borer in areas of the county that have been identified as high risk by the Virginia Department of Agriculture and Consumer Services (VDACS). Authorize staff to execute a Cooperative Agreement with VDACS in order to obtain Federal funding should it become available.

TIMING:

Board action is requested on February 5, 2007, in order to provide sufficient notice to citizens of the forthcoming ground treatments.

BACKGROUND:

The Code of the County of Fairfax, Virginia requires the submission of the annual Integrated Pest Management Program proposal for Board approval.

The proposed Fiscal Year 2007 program will treat all gypsy moth and fall cankerworm infestations that meet federal, state, and county criteria for treatment. The proposed program will minimize tree-damaging defoliation and nuisance and should meet the needs of Fairfax County landowners.

Based on egg mass surveys conducted this past fall throughout Fairfax County, gypsy moth populations have increased. The Fiscal Year 2007 gypsy moth treatment proposal of approximately 4200 acres is an increase over last year's program of 500 acres.

Staff will take precautions in order to ensure the safety of the program. Staff is working closely with the Virginia Department of Agriculture and Consumer Services (VDACS)

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and is developing strict security procedures which include extra protection in the handling and loading of the insecticide as well as in monitoring the tanks and aircraft between sprayings. Attachment III is a copy of the security procedures that were in place in the 2006 treatment program. This year's security plans are currently being drafted by VDACS and are not yet available; however, staff envisions that they will be very similar to 2006.

In previous years, staff has followed strict notification procedures to ensure that citizens are not caught off guard by treatment aircraft. In past years, staff has sent two first class mailings to homeowners and renters that are in the treatment areas as well as to those within a 200 foot buffer area around the treatment areas. Despite these measures, there was some confusion during previous treatment programs which has encouraged staff to explore methods of improving our notification procedures. Examples of new notification techniques being implemented are expanded buffer areas and signs at the entrance to treatment areas (see Attachment IV).

Fall cankerworm populations will be monitored this winter in those areas of the County that have experienced outbreaks in the past. The method used for this monitoring is a United States Forest Service approved technique that involves trapping female moths as they emerge in the winter. Results of fall cankerworm monitoring will not be available until late-February; however, based on preliminary findings, staff predicts that fall cankerworm populations have remained low and no treatment will be necessary for spring 2007.

Emerald ash borer was first identified in Fairfax County in 2003. Due to the extremely destructive nature of this pest, VDACS and the United States Department of Agriculture, Animal Plant Health Inspection Service (APHIS) ordered all ash trees within a ½ mile radius of the introduction site be removed and destroyed. Staff of the Forest Pest Program carried out this project during the spring of 2004 and began a monitoring program immediately following. Monitoring for this pest has taken place for three years and involves placing "sentinel" ash trees in and around the removal area to attract any residual beetles. In the fall of 2004, 2005 and 2006, all sentinel trees were removed and examined for borer life stages. Staff found no evidence of emerald ash borer infestation in any of these trees. VDACS and APHIS has recommended that monitoring continue in Fairfax County for another season in order to ensure that the eradication effort was effective.

It should be noted that there are many invasive insect pests that are currently in the United States that warrant attention by Fairfax County. Two of these pests (asian longhorned beetle and sudden oak death) are new to the United States and have the potential to cause immense economic impact if they become established in Fairfax County. Past experience with new insects has proven that diligent monitoring and

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prevention are much more cost effective and accepted by the public than control. The third pest (hemlock woolly adelgid) is currently found in Fairfax County and is causing damage to rare native hemlock trees in certain areas. Staff is currently monitoring the status of these and other pests and will keep the Board informed should they become a widespread issue.

FISCAL IMPACT:

Currently, the Forest Pest Program is funded through the Special Service District for the Control of Forest Pests. The total cost to conduct the projected aerial and ground treatment programs is \$150,000. The total amount budgeted for FY 2007 for aerial and ground treatments is sufficient for this suppression program.

It is important to note that Fairfax County may be eligible to receive up to 50 percent (\$75,000) reimbursement for aerial treatment costs from the Federal Government. Staff received word during the fall of calendar year 2006 that the Federal Government has removed funding for gypsy moth suppression. Federal and state staff are optimistic that funding will be restored to this program.

ENCLOSED DOCUMENTS:

Attachment I - Virginia Cooperative Gypsy Moth Suppression Program: 2006 Guidelines for Participation

Attachment II – 2007 Proposed Gypsy Moth Treatment Areas

Attachment III – 2006 Virginia Department of Agriculture and Consumer Services Cooperative Suppression Program, Work and Safety Plan

Attachment IV – Notification Procedures

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard Guba, Deputy Director, DPWES

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

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INFORMATION – 1

Contract Award – Patriot Park Phase I Development

Eight sealed bids were received and opened on Tuesday, January 9, 2007, for Phase 1 construction of Patriot Park in Fund 370, Park Authority Bond Construction, Project 474104, Athletic Fields and Fund 371, Park Capital Improvement Fund, Project 004791, Popes Head. This project work includes the construction of three lighted synthetic turf micro-soccer fields (total area of 420' x 230'), access road, parking lot, Low Impact Development stormwater management facilities and related site improvements. The work is to be completed within 210 calendar days of Notice-to-Proceed.

The lowest responsive and responsible bidder is Tessa Construction and Technical Company. Their bid of \$2,127,000 is \$518,000 or 19.6% below the Park Authority's pre-bid estimate of \$2,645,000. The second lowest bid of \$2,269,000 is \$142,000 or 6.7% above the low bid and the highest bid of \$3,485,790 is \$1,358,790 or 63.9% above the low bid.

It should be noted that the lowest bidder was Finley Asphalt and Sealing with a bid of \$1,875,689, which is 251,311 or 11.8 percent below Tessa Construction and Technical Company. However, during the bid confirmation process it was discovered that their bid did not adequately satisfy the construction experience requirements specified for the synthetic turf surface. After consultation with the County Attorney, the decision was made to reject Finley Asphalt and Sealing's bid without penalty.

Based on the financial capability and the construction experience, Tessa Construction and Technical Company is considered to be a responsible contractor.

The Department of Tax Administration has verified that Tessa Construction and Technical Company has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

This project is included in the FY 2007 – FY 2011 Adopted Capital Improvement Program.

FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$2,587,000 is necessary to award this contract and to fund the associated contingency, administrative costs and other project related costs as identified on the post-bid update sheet. Funds are

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currently appropriated in Fund 370, Park Authority Bond Construction, Project 474104, Athletic Fields in the amount \$2,581,945 and in Fund 371, Park Capital Improvement Fund, Project 004791, Popes Head in the amount of \$5,055 for a total of \$2,587,000 to award this contract and to fund the associated contingency, administrative costs and other project related costs as identified on the post-bid update sheet.

ENCLOSED DOCUMENTS:

Attachment 1: Bid Results – Patriot Park West

Attachment 2: Scope of Work – Patriot Park Phase I Development

Attachment 3: Cost Estimate – Patriot Park Phase I Development

Attachment 4: Schematic Plan – Patriot Park Phase I Development

STAFF:

Robert A. Stalzer, Deputy County Executive

Michael A. Kane, Director, Park Authority

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INFORMATION – 2

Quarterly Status Report on the Board's Four-Year Transportation Program and Other Selected Projects

On February 9, 2004, the Board unanimously endorsed the Chairman's Four-Year Transportation Program. This significant transportation initiative includes a \$215 million commitment of capital funds for major highway and transit improvement projects, spot capacity and safety intersection improvements, and pedestrian improvements throughout the County as well as improvement strategies in the areas of pedestrian safety and access, incident management, signalization and intersection traffic flow, context engineering, expedited project delivery, teleworking, and transportation funding. Funding for the capital program is a combination of \$50 million in federal Regional Surface Transportation Program (RSTP) and Congestion Management and Air Quality (CMAQ) funds anticipated to be received by the County as well as \$165 million in County General Obligation (G.O.) bonds approved by the voters on November 2, 2004.

Enclosed is the quarterly status report on the Board's Four-Year Transportation Program and other selected projects. This report has been compiled by Fairfax County Department of Transportation (FCDOT) staff in consultation with their implementation partners in the Department of Public Works and Environmental Services (DPWES) and the Virginia Department of Transportation (VDOT) Northern Virginia District.

The information provided in the attached December 2006 report is an update to the September 2006 status report which was provided to the Board on October 23, 2006.

It should be noted that the Beauregard Street Median project was completed on January 4, 2007.

Staff provides a full status update on the capital projects every quarter. For the non-capital program improvement strategies, a summary of activities is provided each quarter with a full status update annually.

ENCLOSED DOCUMENTS:

Attachment 1: December 2006 Status Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program and Other Selected Projects for FY 2005 Through FY 2008

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Howard J. Guba, Deputy Director, DPWES

Ellen Gallagher, Division Chief, Capital Projects and Operations Division, FCDOT

Karyn L. Moreland, Capital Projects Section, FCDOT

Beth Iannetta, Capital Projects Section, FCDOT

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INFORMATION – 3

National Consumer Protection Week Activities, February 4-10, 2007

The Department of Cable Communications and Consumer Protection Consumer Affairs Branch has joined other federal, state, and local government agencies and national consumer advocacy organizations to launch the ninth annual National Consumer Protection Week, February 4-10, 2007. This year's theme is **Read Up and Reach Out: Be an Informed Consumer.**

Each day of Consumer Protection Week, investigators will be available during lunch time at the Government Center to speak with consumers. Consumers will have the opportunity to test their knowledge on topics ranging from automobiles and identity theft, to tenant/land-lord issues by spinning the "Wheel of Misfortune." Brochures and tips sheets will be available on subjects such as tenant/landlord rights and responsibilities, telemarketers, refund and exchange policies, credit reports, contractors, diamonds, scams, rebates, and many more topics.

The Consumer Affairs Branch will also host two brown bag seminars at the Government Center so consumers can interact with the experts. The audience will hear from panelists about what they need to know before they hire a contractor and learn from a Master Gemologist Appraiser about diamonds.

Channel 16 will broadcast a special Consumer Focus program during the week entitled *Brilliant Deceptions*. This program will feature the first hand account of a County resident's encounter with diamond fraud. A master appraiser will demonstrate how to determine if a diamond is a true gem, or just a brilliant deception.

During National Consumer Protection Week, the Consumer Affairs Branch will be reaching out to our most effective partners in the marketplace - consumers. So, **Read Up and Reach Out: Be an Informed Consumer.**

ENCLOSED DOCUMENTS:

Attachment 1: Schedule of events.

STAFF:

David J. Molchany, Deputy County Executive

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

Susan C. Jones, Branch Chief, Consumer Affairs Branch, DCCCP

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INFORMATION - 4

Planning Commission Action on Application 2232-MD06-10, WMATA (Dranesville, Hunter Mill, and Providence Districts)

On Thursday, January 18, 2007, the Planning Commission voted 8-0-3 (Commissioners Flanagan, Murphy and Sargeant abstaining; Commissioner Hall absent from the meeting) to approve 2232-MD06-10 and reaffirmed its complete support for the Dulles Rail project and affirmed its strong preference that it be implemented with a tunnel through the Tysons Corner Urban Center.

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

Application 2232-MD06-10 sought approval to construct an extension of Metrorail through Fairfax County, generally within the Dulles Corridor, including the rail line, and ancillary power and stormwater management facilities, but excluding the rail passenger stations. The property included in the application includes portions of road rights-of-way located on Tax Maps 15-2, 16-1, 16-3, 16-4, 17-3, 17-4, 18-3, 18-4, 19-3, 27-1, 27-2, 28-1, 28-2, 29-1, 29-3, 29-4, 30-3, 40-1, 40-2, 40-3, and 40-4. Also, portions of Tax maps 16-4 ((1)) 14B, 28, 29; 17-3 ((1)) 35A; 17-4 ((1)) 31,32; 17-4 ((24)) 3,4A,5; 18-3 ((1)) 7A,7B,7D,11B1; 18-4 ((1)) 26; 18-4 ((9))(2) 14; 19-3 ((13)) K; 27-1 ((16))(5) 9; 28-1((1)) 19; 28-1((21)) A, 10A,11; 28-2 ((1)) 2; 28-2 ((14)) J; 28-3 ((1)) 51; 29-4 ((5)) 10A; 29-4 ((10)) 5C; 40-1 ((1)) 10; and 40-1 ((26)) 28.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 1/18/07 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. Lipka, Executive Director, Planning Commission Office

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10:45 a.m.

Matters Presented by Board Members

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11:35 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. *John R. Lay v. Commonwealth of Virginia, et al.*, CL-2007-0000482 (Fx. Co. Cir. Ct.)
 - 2. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Watkins, Jr., and Janie Watkins*, In Chancery No. CH-2005-0005082 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 3. *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)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jack R. Looney*, Case No. CL-2006-0014178 (Fx. Co. Cir. Ct.) (Providence District)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. William Zamer*, Case No. CL-2006-0002331 (Fx. Co. Cir. Ct.) (Springfield District)
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mary Louise Smothers*, Case No. CL-2006-0013484 (Fx. Co. Cir. Ct.) (Providence District)

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bernard Ehrlich and Vera Ehrlich*, Case No. CL-2006-0012832 (Fx. Co. Cir. Ct.) (Mount Vernon District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Turcios and Absolute Tree, Inc.*, Case No. CL-2006-0012317 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmen J. Trummer, a.k.a., Carmen J. Armour*, Case No. CL-2007-0000871 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jane Taylor and Sean Taylor*, Case No. CL-2007-0000679 (Fx. Co. Cir. Ct.) (Mason District)
11. *Board of Supervisors v. AJB Associates, Inc., et al.*, Case No. CL-2007-0000814 (Fx. Co. Cir. Ct.) (Sully District)
12. *Mohammad Aliabadi, et al., v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2006-0016053 (Fx. Co. Cir. Ct.) (Springfield District)

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3:30 p.m.

Public Hearing on RZ 2005-MA-002 (Pacific Lane Partners, LLC) to Rezone from R-2, C-5 and HC to C-2 and HC to Permit Office Development with an Overall Floor Area Ratio (FAR) of 0.40. Located on Approximately 1.99 Acres, Mason District

The application property is located in the southeast quadrant of Little River Turnpike and Columbia Road Tax Map 71-2 ((10)) 1, 2, 11 and 12.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on RZ 2005-MA-002 will be held on Wednesday, January 31, 2007. The Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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

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4:00 p.m.

Public Hearing on Proposed Plan Amendment S06-III-UP1 for the Former Middleton Farm Located East of Route 28 and South of Frying Pan Road in the Dulles Suburban Center, Sub-Unit D-1 (Hunter Mill and Sully Districts)

ISSUE:

This item considers amending the Comprehensive Plan for a 74.5 acres site located east of Route 28 and south of Frying Pan Road. The site is in Sub-unit D-1 of the Dulles Suburban Center. The subject property is generally planned for office use at .15 – .35 FAR. As an option, hotel or cultural facility uses may also be considered appropriate for the land unit. Most of the site is currently vacant, except for a few scattered houses and the remains of structures associated with the former Middleton Farm. The parcels are zoned R-1. Plan Amendment (PA) S06-III-UP1 proposes to allow office, hotel, residential and support retail uses up to .40 FAR. At least half of the residential units would be designated for senior housing.

PLANNING COMMISSION RECOMMENDATION:

On December 6, 2006, the Planning Commission held a public hearing on this item and recommended to the Board approval of the revised Plan text shown in the Planning Commission verbatim found in Attachment II of this document. The recommendation adds an option for office, hotel, residential, and support retail uses, up to .40 FAR, with conditions that address consolidation, transportation, parks, trails, restoration of the stream valley, affordable housing, and schools.

RECOMMENDATION:

The County Executive recommends that the Board approve the Planning Commission recommendation for proposed Plan Amendment S06-III-UP1. The effect of this proposed amendment is to replace a portion of the planned office use with residential use, thus reducing the employment potential for the site. However, a benefit of a diversity of uses on the site would be lower impacts on roads compared to the office-only option. In addition, because half of the residential units would be senior housing the impact on schools would be minimized.

TIMING:

Planning Commission public hearing – December 6, 2006
Board of Supervisors' public hearing – February 5, 2007

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BACKGROUND:

On July 10, 2006, the Board authorized staff to consider modifying the Comprehensive Plan for Sub-unit D-1 of the Dulles Suburban Center to allow an option for office, hotel, residential, and support retail uses up to .40 FAR. The Board action stated the residential uses should include senior housing. Pending rezoning applications related to this Plan amendment are RZ/FDP 2000-MD-020.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for PA S06-III-UP1

Attachment II: Planning Commission Verbatim

STAFF:

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

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

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

Lindsay Mason, Planner III, PD, DPZ

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4:30 p.m.

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:

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, and in Fund 142, Community Development Block Grant (CDBG).

RECOMMENDATION:

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

TIMING:

On January 8, 2007, the Board authorized advertisement of a public hearing to be held on February 5, 2007, commencing at 4:30 p.m.

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, and in Fund 142, Community Development Block Grant (CDBG), 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 recommendation that the funds

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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 January 16, 2007, the current available balance in Jefferson Manor, is \$2,521,180.00. There are encumbrances totaling \$370,409.00. The current available balance in Fund 142 (CDBG) is \$88,458.00, and there are encumbrances totaling \$35,689.00. No additional funding is being requested from the Board of Supervisors 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 five 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 of Supervisors to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (2003). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

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 – Resolution with Fact Sheet on each affected parcel with plat showing interests to be acquired (Attachments 1 through 5-D)

STAFF:

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
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4:30 p.m.

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

ISSUE:

Public Hearing to consider the vacation of part of Crowell Road.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached ordinance (Attachment III) for vacation of part of Crowell Road.

TIMING:

On January 8, 2007, the Board authorized a public hearing to consider the proposed vacation and abandonment 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.

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,

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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:

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