

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
APRIL 30, 2007**

**AGENDA**

- |       |                 |  |
|-------|-----------------|--|
| 9:00  | <b>Done</b>     | Presentations  |
| 10:00 | <b>Approved</b> | Board Decision on a Proposed Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees                   |
| 10:00 | <b>Approved</b> | Board Adoption of the Fairfax County Capital Improvement Program (CIP) for Fiscal Years 2008 - 2012 (With Future Fiscal Years to 2017) |
| 10:00 | <b>Approved</b> | Board Adoption of the FY 2008 Budget Plan  |
| 10:15 | <b>Approved</b> | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups  |
| 10:15 | <b>Done</b>     | Items Presented by the County Executive  |

**ADMINISTRATIVE ITEMS**

- |   |                 |   |
|---|-----------------|---|
| 1 | <b>Approved</b> | Authorization for the Fire and Rescue Department to Apply for and Accept Funding from the Department of Homeland Security (DHS) FY 2006 Homeland Security Grant Program Through the Office of Commonwealth Preparedness, Office of Interoperability |
| 2 | <b>Approved</b> | Streets into the Secondary System (Dranesville, Hunter Mill, Lee, Mason and Sully Districts)  |
| 3 | <b>Approved</b> | Additional Time to Commence Construction for Special Exception SE 2004-MV-001, Washington DC SMSA Limited Partnership D/B/A Verizon Wireless (Mount Vernon District)  |
| 4 | <b>Approved</b> | Additional Time to Commence Construction for Special Exception Amendment SEA 82-V-003, Sun Trust Bank, Incorporated (Mount Vernon District)   |
| 5 | <b>Approved</b> | Additional Time to Commence Construction for Special Exception SE 98-L-063, Mobil Oil Corporation (Lee District)  |
| 6 | <b>Approved</b> | Additional Time to Commence Construction for Special Exception SE 2002-PR-018, Jefferson Investment Group (Providence District)   |

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

- |    |                             |   |
|----|-----------------------------|---|
| 7  | <b>Approved</b>             | Additional Time to Commence Construction for Special Exception Amendment SEA 91-L-053-4, Springfield East L.C. (Lee District)   |
| 8  | <b>Approved</b>             | Supplemental Appropriation Resolution AS 07109 and Approval of Conditions Necessary for the Departments of Planning and Zoning and Transportation to Accept Funding from the Office of Economic Adjustment, Department of Defense, for Studies Related to Fort Belvoir Base Realignment and Closure 2005 Actions (Lee, Mount Vernon, and Springfield Districts) |
| 9  | <b>Approved</b>             | Extension of Review Periods for 2232 Review Applications (Mount Vernon and Springfield Districts)   |
| 10 | <b>Approved</b>             | Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept an Assistance to Firefighters Grant from the U.S. Department of Homeland Security   |
| 11 | <b>Approved</b>             | Authorization to Advertise Public Hearings to Consider Proposed Amendment to Chapter 61, Article 1, Section 61-1-3 (d) (1) (A) 2 c: (Building Provisions) of <i>The Code of the County of Fairfax, Virginia</i> (The Code)  |
| 12 | <b>Approved</b>             | Approval of Traffic Calming Measures and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Sully, Lee, and Dranesville Districts)   |
| 13 | <b>Approved w/amendment</b> | Authorization to Advertise Public Hearings to Consider Proposed Amendment to Chapter 61-1-2 (Building Provisions) of <i>The Code of the County of Fairfax, Virginia</i> (The Code)  |

**ACTION ITEMS**

- |   |                             |  |
|---|-----------------------------|--|
| 1 | <b>Approved w/amendment</b> | Approval of Comments on the Draft Environmental Impact Statement for Implementation of 2005 Base Realignment and Closure (BRAC) Recommendations and Related Army Actions at Fort Belvoir, Virginia |
| 2 | <b>Approved</b>             | Parking Reduction for Marymount University   |

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

- |   |                             |   |
|---|-----------------------------|---|
| 3 | <b>Approved w/amendment</b> | Approval of 2007 Zoning Ordinance Amendment Work Program  |
| 4 | <b>Approved</b>             | Approve Resolution to Amend Virginia Railway Express Master Agreement for Subsidy Allocation Formula and Governance Changes   |
| 5 | <b>Approved</b>             | Approval of Proposed Consolidated Plan One-Year Action Plan for FY 2008 and Amended Citizen Participation Plan  |
| 6 | <b>Approved</b>             | Supplemental Appropriation Resolution 07110 and Approval of a Grant Agreement for the Department of Transportation to Accept Virginia National Defense Industrial Authority (VNDIA) Funding for the Design and Advanced Land Acquisition for the Telegraph Road Project Between Beulah Street and South Kings Highway Related to the Fort Belvoir Base Realignment and Closure (BRAC) Plan (Lee, Mount Vernon, and Springfield Districts) |
| 7 | <b>Approved</b>             | Approval of a Grant Agreement for the Department of Transportation to Accept Virginia National Defense Industrial Authority (VNDIA) Funding for Spot Transportation Improvements and a Transportation Demand Management (TDM) Program Related to the Fort Belvoir Base Realignment and Closure (BRAC) Plan (Lee, Mount Vernon, and Springfield Districts)   |

**INFORMATION ITEMS**

- |   |              |   |
|---|--------------|---|
| 1 | <b>Noted</b> | Contract Amendment - Architectural/Engineering Design Services for the Richard Byrd Community Library Renovation/Expansion Project (Lee District) |
| 2 | <b>Noted</b> | International Building Safety Week  |
| 3 | <b>Noted</b> | Contract Award – Elevator Rehabilitation at the Noman M. Cole, Jr., Pollution Control Plant (Mount Vernon District)                               |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
APRIL 30, 2007**

|                        |  |  |
|------------------------|--|--|
| 10:45                  | <b>Done</b>  | Matters Presented by Board Members   |
| 11:35                  | <b>Done</b>  | Closed Session   |
| <b>PUBLIC HEARINGS</b> |  |  |
| 3:00                   | <b>Public hearing deferred to 5/21/07 at 3:30 p.m.</b> | Public Hearing on PCA 1998-DR-049-04 (Hampstead Village LLC) (Dranesville District)  |
| 3:30                   | <b>Approved</b>  | Public Hearing on RZ 2006-LE-026 (Eastwood Properties, Inc.) (Lee District)  |
| 3:30                   | <b>Approved</b>  | Public Hearing on RZ 2006-LE-018 (Fleet Drive LLC) (Lee District)  |
| 3:30                   | <b>Public hearing deferred to 5/21/07 at 3:30 p.m.</b> | Public Hearing on RZ 2006-PR-012 (CB Companies, LLC) (Providence District)   |
| 3:30                   | <b>Approved</b>  | Public Hearing on SE 2006-MA-029 (Petroleum Marketing Group, Inc.) (Mason District)  |
| 3:30                   | <b>Approved</b>  | Public Hearing on SE 2006-MA-028 (Petroleum Marketing Group, Inc.) (Mason District)  |
| 3:30                   | <b>Approved</b>  | Public Hearing on SEA 81-M-097-04 (CCP Shirley Highway, Inc. and Petroleum Marketing Group, Inc.) (Mason District)   |
| 4:00                   | <b>Approved</b>  | Public Hearing on a Proposal to Vacate and Abandon Bent Willow Drive (Lee District)  |
| 4:00                   | <b>Approved</b>  | Public Hearing for the Enlargement/De-Creation/ Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling, and/or Vacuum Leaf Collection Service (Dranesville and Providence Districts) |
| 4:00                   | <b>Approved</b>  | Public Hearing on a Proposal to Prohibit Through Truck Traffic on Powhatan Street and Freedom Lane as Part of the Residential Traffic Administration Program (Dranesville District)                  |
| 5:00                   | <b>Done</b>  | Public Comment from Fairfax County Citizens and Businesses on Issues of Concern  |



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

**Monday**  
**April 30, 2007**

---

9:00 a.m.

**PRESENTATIONS**

1. CERTIFICATE – To recognize the robotics teams from Forest Edge Elementary School and Chantilly and Herndon High Schools for their achievements in recent competitions. Requested by Supervisors Frey, DuBois and Hudgins.
2. RESOLUTION – To support the countywide initiative and the public awareness campaign to reduce underage drinking. Requested by Chairman Connolly.
3. CERTIFICATE – To recognize Bill Dunn for his ongoing efforts to send packages to our soldiers in Iraq and Afghanistan. Requested by Chairman Connolly.
4. PROCLAMATION – To designate May 2007 as Foster Care Month in Fairfax County. Requested by Chairman Connolly.
5. PROCLAMATION – To designate May 2007 as Older Americans Month in Fairfax County. Requested by Supervisor Kauffman.
6. PROCLAMATION – To designate May 6-12, 2007, as Building Safety Week in Fairfax County. Requested by Supervisor Frey.
7. PROCLAMATION – To designate May 2007 as Asian/Pacific Heritage Month in Fairfax County. Requested by Chairman Connolly.
8. PROCLAMATION – To designate May 6-12, 2007, as Nurses 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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Board Agenda Item  
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10:00 a.m.

Board Decision on a Proposed Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees

ISSUE:

Board decision regarding the adoption of a proposed sewer ordinance amendment is needed to revise Sewer Service Charge and Availability Fee rates to be consistent with the Wastewater Management Program's revised five-year financial forecast (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these sewer rate revisions are as follows:

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

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

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

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

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

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

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

**RECOMMENDATION:**

The County Executive recommends that the Board of Supervisors adopt the proposed sewer ordinance amendment as set forth in Attachment I.

**TIMING:**

Public Notices of the sewer rate revisions were advertised on March 1, 2007 and March 8, 2007, in the Washington Times (See Attachment II). The public hearing was held at 3:30 p.m. on April 9, 2007. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2008 Advertised Budget Plan. FY 2008 sewer rates will become effective on July 1, 2007.

**BACKGROUND:**

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

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

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

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

**FISCAL IMPACT:**

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

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

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

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

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

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

ENCLOSED DOCUMENTS:

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

Attachment II - Public Hearing Advertisements

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

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

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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10:00 a.m.

Board Adoption of the Fairfax County Capital Improvement Program (CIP) for Fiscal Years 2008 - 2012 (With Future Fiscal Years to 2017)

NOTE: This item will be delivered to the Board of Supervisors prior to the April 30, 2007, Meeting

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10:00 a.m.

Board Adoption of the FY 2008 Budget Plan

NOTE: This item will be delivered to the Board of Supervisors prior to the  
April 30, 2007, Meeting

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Board Agenda Item  
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10:15 a.m.

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

ENCLOSED DOCUMENTS:  
Appointments to be Heard April 30, 2007

STAFF:  
Nancy Vehrs, Clerk to the Board of Supervisors

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April 30, 2007

10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item  
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ADMINISTRATIVE - 1

Authorization for the Fire and Rescue Department to Apply for and Accept Funding from the Department of Homeland Security (DHS) FY 2006 Homeland Security Grant Program Through the Office of Commonwealth Preparedness, Office of Interoperability

ISSUE:

Board authorization is requested for the Fire and Rescue Department (FRD) to apply for and accept funding, if received, from the DHS FY 2006 Homeland Security Grant Program through the Office of Commonwealth Preparedness, Office of Interoperability in the amount of \$2,385,319 for the establishment of a Type I radio cache. The grant performance period is retroactive from August 2006 through August 2008. Extensions may be granted on a case by case basis. There is no Local Cash Match requirement.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fire and Rescue Department to apply for and accept funding, if received, from the DHS FY 2006 Homeland Security Grant Program through the Office of Commonwealth Preparedness, Office of Interoperability in the amount of \$2,385,319 for the establishment of a Type I radio cache. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

TIMING:

Board authorization is requested on April 30, 2007. Applications are due May 4, 2007.

BACKGROUND:

Fairfax County has been the recipient of Urban Areas Security Initiative (UASI) funding to establish three radio caches serving the National Capital Region (NCR). The NCR caches primary response area includes parts of Northern Virginia, Southern Maryland and the District of Columbia. These existing caches are comprised of equipment operating solely on the 800MHz frequency band used within the region and are designed to support regional interoperability.

The FY 2006 State Homeland Security Program cache will have more capability, will consist of equipment designed to operate on all public safety radio frequency bands and will be capable of state-wide response. It will position Fairfax County, and the region, to more efficiently integrate public safety first responders from other parts of the Commonwealth into a local disaster.

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Fairfax County proposes to act as the host agency for the establishment of a Type I radio cache. The Commonwealth's Communication Interoperability Executive Committee (CICO) identified the need to establish multiple coordinated, identically equipped and locally staffed radio caches throughout the state. In response to this priority the State Interoperability Executive Committee (SIEC,) which serves as a steering body for the interoperability effort, recommended that the Office of Commonwealth Preparedness (OCP) allocate \$5 million of the FY 2006 State Homeland Security funds towards this objective.

FY 2006 State Homeland Security Program (SHSP) funding remains primarily focused on enhancing capabilities to prevent, protect against, respond to, or recover from chemical, biological, radiological/nuclear, and explosive (CBRNE) incidents, as well as agriculture and cyber terrorism incidents. However, in light of several major new national planning priorities, which address such issues as pandemic influenza and the aftermath of Hurricane Katrina, the allowable scope of SHSP activities include catastrophic events, provided that these activities also build capabilities that relate to terrorism.

The SIEC is comprised of Virginia's public safety associations representing first responders, emergency support functions, and state agencies. Together, CICO, SIEC and an Advisory Group are responsible for coordinating interoperability initiatives. To greatly improve the overall preparedness of the Commonwealth during major events, the SIEC is currently seeking applications for Type I, II and III radio caches. These caches will be locally or regionally owned, regionally operated, and deployable state wide to respond to major emergencies.

In accordance with interoperability efforts, the Fairfax County Fire and Rescue Department proposes to request FY 2006 SHSP funds to establish one Type I strategic radio cache serving both Region VII (Northern Virginia) and Region II (located to the southwest of the Northern Virginia Region). The requested funding will allow the purchase of equipment to establish the cache, consisting of equipment such as a mobile antenna tower with repeaters tuned to the national interoperability channels, a cache of 500 portable radios capable of communicating on all public safety frequencies and tactical portable gateways, and repeaters to connect disparate radio systems. Additionally, the request includes miscellaneous support supplies, a trailer and tow vehicle to transport the equipment, as well as personnel and administrative costs for equipment build-out and staff training.

This project provides Fairfax County, the region, and the Commonwealth with a highly flexible asset that has proven to enhance tactical interoperable communications. The project will expand on the success of the National Capital Region (NCR) Radio Cache Program by providing equipment that operates on more frequencies, can better facilitate regional interoperability with federal, state, and out-of-region responders, and can be deployed beyond the NCR boundaries in support of the Commonwealth. Through governance and Standard Operating Procedures being designed by the Initiative Action Team (IAT), this asset will be poised to readily combine resources with other state teams,

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allowing both scalability and the redundancy necessary to respond to any incident type.

There are several benefits that support securing this resource for the region:

Increased Capacity - Will compensate for the lack of VHF and UHF communications resources within our region. National Interoperability Channels within those bands will provide additional capability during a catastrophic event.

Increased Flexibility - The deployments to the Gulf Coast for Hurricane Katrina relief provided a communications challenge to our responders that a "state cache" will relieve. This new cache's response area will not be restricted to the National Capital Region and can provide full support to the region's Incident Management Team, and other established regional resources, for out-of-area deployments.

Increased Participation – Although the current NCR Radio Cache team is comprised of Fairfax City Fire, Fairfax County Fire, and Fairfax County Sheriff members, the program desires a broader regional and multi-discipline presence. The region needs to build a combined force much like the teams that were deployed to provide Hurricane Katrina relief. Additional training opportunities will generate the ability to seek more membership from the Northern Virginia Region and beyond.

FISCAL IMPACT:

The total amount of the Homeland Security Grant Program application is \$2,385,319. If awarded, this action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2007. There is no Local Cash Match requirement. This grant allows the recovery of indirect costs and is included in the budget proposal. Also included in the request is funding to cover management and administrative costs.

An additional \$55,579 of annual operating expenses is anticipated. To fund these costs, FRD plans to submit requests for funding from other grant resources. If such funding is not secured, then FRD's level of participation will be reduced so as not to incur additional costs within the agency's General Fund budget.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Executive Summary  
Attachment 2 – Budget Proposal

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STAFF:

Robert A. Stalzer, Deputy County Executive

David L. Rohr, Interim Fire Chief

Daryl L. Louder, Assistant Fire Chief

John J. Caussin, Assistant Fire Chief

Cathi Schultz Rinehart, Grants Coordinator, Fire and Rescue Department

Board Agenda Item  
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ADMINISTRATIVE – 2

Streets into the Secondary System (Dranesville, Hunter Mill, Lee, Mason and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

| <b><u>Subdivision</u></b>          | <b><u>District</u></b> | <b><u>Street</u></b>   |
|------------------------------------|------------------------|--|
| Dranesville Manor Lots<br>1 thru 5 | Dranesville            | Dranesville Manor Drive<br>Leesburg Pike (Route 7)<br>(Additional Right-of-Way Only) |
| Caris Glenne Section 2<br>Phase 1  | Hunter Mill            | Caris Glenne Drive (Route 8186)<br>Broad Creek Place<br>Preference Way               |
| Elmwood Townhouses                 | Lee                    | Linnean Street (Route 1655)<br>Peaceful Terrace (Route 3554)                         |
| Huntington Grove                   | Lee                    | South Kings Highway (Route 633)<br>(Additional Right-of-Way Only)                    |
| Overlook Sec. A1                   | Mason                  | Stevenson Ave. (Route 3687)  |
| Pulte Home<br>Corporation          | Mason                  | Landmark Mews Drive (Route 8500)   |
| SLF Chantilly, LLC                 | Sully                  | Centreville Road (Route 657)<br>(Additional Right-of-Way Only)                       |
| Tanners Ridge                      |                        | Old Centreville Road (Route 858)<br>(Additional Right-of-Way Only)                   |

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TIMING:  
Routine.

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

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Street acceptance form

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

Board Agenda Item  
April 30, 2007

ADMINISTRATIVE - 3

Additional Time to Commence Construction for Special Exception SE 2004-MV-001,  
Washington DC SMSA Limited Partnership D/B/A Verizon Wireless, (Mount Vernon District)

ISSUE:

Board consideration of additional time to commence construction for SE 2004-MV-001 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six months additional time for SE 2004-MV-001, to September 13, 2007.

TIMING:

Routine

BACKGROUND:

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

On September 13, 2004, the Board of Supervisors approved Special Exception SE 2004-MV-001, subject to development conditions. The application was filed in the name of Washington DC SMSA Limited Partnership D/B/A Verizon Wireless, to permit a telecommunications facility (tree pole and equipment shelter) on the location of a place of worship, pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, for the property described as Tax Map 98-1 ((1)) 21 (see Locator Map in Attachment 1).

SE 2004-MV-001 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date, unless the Board grants additional time. The SE Plat and development conditions for SE 2004-MV-001 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On March 2, 2007, the Department of Planning & Zoning (DPZ) received a letter dated February 28, 2007, from Frank W. Stearns, on behalf of the applicant, requesting six months additional time to commence construction for SE 2004-MV-001. The letter states that Minor

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Site Plan No. 7056-MSP-001-3.1 has not been approved, nor has Building Permit No. 61990311 been issued; therefore, construction has not commenced. The applicant must resolve the issue of their default on bonds pertaining to another Verizon Wireless development within the County before the subject site's bond release and associated approvals can be granted. According to the applicant and to DPWES Bonds and Agreements, a resolution for the matter of the defaulted bonds for the off-site property should occur within six months. Following the resolution of the off-site default bond issue, the subject site's bond release, associated approvals for the minor site plan and subsequent release of the building permit may occur. The letter of request is included as Attachment 3.

Staff has reviewed Special Exception SE 2004-MV-001 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a telecommunications facility. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2004-MV-001 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2004-MV-001 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that six months additional time to September 13, 2007, be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated September 22, 2004, to Frank W. Stearns, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2004-MV-001

Attachment 3: Letter dated February 28, 2007, from Frank W. Stearns, requesting additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Fred Selden, Director, Planning Division, DPZ

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

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 4

Additional Time to Commence Construction for Special Exception Amendment SEA 82-V-003, Sun Trust Bank, Incorporated (Mount Vernon District)

ISSUE:

Board consideration of additional time to commence construction for SEA 82-V-003 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SEA 82-V-003, to January 26, 2008.

TIMING:

Routine

BACKGROUND:

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

On July 26, 2004, the Board of Supervisors approved Special Exception Amendment SEA 82-V-003, subject to development conditions. The application was filed in the name of Sun Trust Bank, Incorporated to amend a previously approved special exception for a drive-in bank to add land area and to allow a new layout, pursuant to Sect. 4-804 and 7-607, and waivers and modifications in a Commercial Revitalization District pursuant to Sect. 9-622 of the Fairfax County Zoning Ordinance, for the property described as Tax Map 83-3 ((1)) 67A and 69 pt. (see Locator Map in Attachment 1). The modifications to the drive-in bank site were proposed as a result of planned improvements by Virginia Department of Transportation (VDOT) to Richmond Highway (Route 1).

SEA 82-V-003 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date, unless the Board grants additional time. The development conditions and SEA plat for SEA 82-V-003 are included as part of the Clerk to the Board's letter contained in Attachment 2.

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On December 20, 2006, the Department of Planning & Zoning (DPZ) received a letter dated December 18, 2006, from John Manganello, on behalf of Sun Trust Bank, Incorporated, requesting twelve months additional time to commence construction for SEA 82-V-003. The letter states that delays have been caused by prolonged negotiations with VDOT to coordinate the location and recordation of easements associated with the improvements to Richmond Highway (Route 1) and construction of the Wilson Bridge. The site plan (#5001-SP-002-2) is in the final stages of the approval process pending recordation of the easements. Revisions to the easement plat were required, and the recordation of the plat is pending with approval of the plat revisions. The letter of request is included as Attachment 3.

Staff has reviewed Special Exception SEA 82-V-003 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a drive-in bank. Further, staff knows of no change in land use circumstances which affect the compliance of SEA 82-V-003 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SEA was approved. Finally, the conditions associated with the Board's approval of SEA 82-V-003 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that twelve months additional time to January 26, 2008, be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 4, 2004, to Charles R. Johnson, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SEA 82-V-003

Attachment 3: Letter dated December 18, 2006, from John Manganello, agent for the applicant, requesting additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Fred Selden, Director, Planning Division, DPZ

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

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 5

Additional Time to Commence Construction for Special Exception SE 98-L-063, Mobil Oil Corporation (Lee District)

ISSUE:

Board consideration of additional time to commence construction for SE 98-L-063 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SE 98-L-063, to November 24, 2007.

TIMING:

Routine

BACKGROUND:

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

On May 24, 1999, the Board of Supervisors approved Special Exception SE 98-L-063, subject to development conditions. The special exception application was filed in the name of Mobil Oil Corporation, to permit an existing service station/quick service food store with canopy to be enlarged, redesigned and designated as a service station/mini-mart in a Highway Corridor (HC) Overlay District and in the Commercial Revitalization District (CRD) with a modification to the rear yard setback, pursuant to Sects. 9-611 and 9-622 of the Fairfax County Zoning Ordinance. The property is located at 8300 Richmond Highway, west of the intersection of Richmond Highway and Russell Road, Tax Map 101-4 ((4)) 14C (see Locator Map in Attachment 1).

SE 98-L-063 was approved with a condition that the use be established or construction

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commenced and diligently prosecuted within thirty months of the approval date, which was November 24, 2001, unless the Board granted additional time. The SE Plat and development conditions for SE 98-L-063 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On January 7, 2002, the Board of Supervisors approved thirty months additional time to commence construction for SE 98-L-063 until May 24, 2004, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance. A copy of the Clerk to the Board's letter regarding the approval of additional time is contained in Attachment 3.

On June 7, 2004, the Board of Supervisors approved thirty months additional time to commence construction for SE 98-L-063 until November 24, 2006, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance. A copy of the Clerk to the Board's letter regarding the approval of additional time is contained in Attachment 4.

On November 20, 2006, the Department of Planning and Zoning (DPZ) received a letter dated November 15, 2006, from Marie B. Travesky, agent for the applicant, requesting thirty months additional time to commence construction for this project. The letter indicates that additional time is needed due to delays in the review of the project plans, which have been affected by several changes in ownership due to corporate acquisitions. According to the letter, the new owner, Sunoco Oil, has reviewed the individual properties and has determined to move forward with the proposed improvements to this service station location. Additional time is needed to begin the project. The letter of request is included as Attachment 5.

Staff has reviewed Special Exception SE 98-L-063 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a telecommunications facility. Further, staff knows of no change in land use circumstances which affect the compliance of SE 98-L-063 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 98-L-063 are still appropriate and remain in full force and effect. However, given the fact that it has been six years since this special exception was approved, including two previous additional time approvals, and that no action has taken place on the site plan, staff recommends that twelve months additional time be approved to commence construction.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated June 9, 1999, to Marie B. Travesky, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 98-L-063

Attachment 3: Letter dated January 14, 2002, from Nancy Vehrs, Clerk to the Board of Supervisors to Marie Travesky, agent for the applicant, which sets forth the Board's approval of additional time to May 24, 2004

Attachment 4: Letter dated June 9, 2004, from Nancy Vehrs, Clerk to the Board of Supervisors to Marie Travesky, agent for the applicant, which sets forth the Board's approval of additional time to November 24, 2006

Attachment 5: Letter dated November 15, 2006, from Marie B. Travesky, agent for the applicant, to William E. Shoup, Zoning Administrator, requesting additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Fred Selden, Director, Planning Division, DPZ

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

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 6

Additional Time to Commence Construction for Special Exception SE 2002-PR-018,  
Jefferson Investment Group (Providence District)

ISSUE:

Board consideration of additional time to commence construction for SE 2002-PR-018, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SE 2002-PR-018 to April 28, 2008.

TIMING:

Routine.

BACKGROUND:

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

On October 28, 2002, the Board of Supervisors approved Special Exception SE 2002-PR-018, subject to development conditions. The special exception application was filed in the name of Jefferson Investment Group, Inc., to permit a drive-in bank, pursuant to Section 4-104 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 39-2 ((1)) 18 (see the Locator Map in Attachment 1). On October 28, 2002, the Board of Supervisors also concurrently approved RZ 2001-PR-053, rezoning the property from R-1 to C-2, subject to proffers. The development conditions for SE 2002-PR-018 and proffers for RZ 2001-PR-053 are included as part of the Clerk to the Board's letters in Attachment 2. Pursuant to the development conditions, the Special Exception would expire, without notice, thirty months after the date of the

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approval, unless construction has commenced and diligently prosecuted or the Board grants additional time.

On July 11, 2005, the Board of Supervisors approved twenty-four months additional time to commence construction to April 28, 2007. A copy of the Clerk to the Board's letter stating the Board's approval of additional time is contained in Attachment 3.

On March 9, 2007, the Department of Planning and Zoning (DPZ) received a letter dated March 9, 2007, from James D. Clark, Trustee, requesting thirty months additional time to commence construction for the approved drive-in bank (Attachment 3). According to the letter, commencement of construction had been delayed by litigation between the applicant and the Jefferson Financial Group, Inc., which was the contract purchaser of the property at the time of the zoning action. According to Mr. Clark, Jefferson Investment Group, Inc. failed to purchase the property by the purchase agreement date of December 31, 2002, and also failed to turn over plans and studies for the project to the current owners. The issue was the subject of litigation in the Fairfax County Circuit Court (Case No. CL-2005-0000799), which was concluded in mid-2006. The owners received a favorable settlement, and are now preparing to aggressively market the property.

Staff has reviewed Special Exception SE 2002-PR-018 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit construction of a drive-in bank in the C-2 District. Further, staff knows of no change in land use circumstances that affect the compliance of SE 2002-PR-018 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. The conditions associated with the Board's approval of SE 2002-PR-018 are still appropriate. Staff recommends that twelve (12) months of additional time be approved to obtain the appropriate development approvals and commence construction.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map and SE Plat

Attachment 2: Letter dated November 20, 2002, to Robert A. Young, from Nancy Vehrs, Clerk to the Board of Supervisors which sets forth the Board of Supervisors' approval of SE 2002-PR-018. Letter dated November 20, 2002 to Robert A. Young, from Nancy

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Vehrs, Clerk to the Board of Supervisors which sets forth the Board of Supervisors' approval of RZ 2001-PR-053 and proffers dated October 16, 2002.

Attachment 3: Letter dated July 14, 2005, to James D. Clark, Trustee, from Nancy Vehrs, Clerk to the Board of Supervisors, which states the Board's approval of twenty-four months of additional time to commence construction.

Attachment 4: Letter dated March 9, 2007, from James D. Clark, Trustee, to Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning, requesting additional time.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

Fred Selden, Director, Planning Division, DPZ

Cathy Belgin, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 7

Additional Time to Commence Construction for Special Exception Amendment  
SEA 91-L-053-4, Springfield East L.C. (Lee District)

ISSUE:

Board consideration of additional time to commence construction for SEA 91-L-053-4, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six months additional time for SEA 91-L-053-4 to October 28, 2007.

TIMING:

Routine.

BACKGROUND:

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

On April 28, 2003, the Board of Supervisors approved Special Exception Amendment SEA 91-L-053-4, subject to development conditions. This approval was concurrent with the Board's approval of RZ 1998-LE-064, subject to proffers, and SE 01-L-020 and SEA 91-L-054-3, both subject to development conditions. The special exception amendment application was filed in the name of Springfield East, L.C., to amend SE 91-L-053 previously approved for Washington Metropolitan Area Transit Authority (WMATA) facilities to permit construction of a road, generally located south of Franconia-Springfield Parkway at its intersection with Frontier Drive, pursuant to Section 5-404 of the Fairfax County Zoning Ordinance, for the property located at Tax Map 90-2 ((1)) 60A (see the Locator Map in Attachment 1). SEA 91-L-053-4 was approved with a condition that the use be established or construction be commenced and diligently prosecuted within 30 months of the approval date, unless the Board granted

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additional time. The development conditions for SEA 91-L-053-4, SE 01-L-020, and SEA 91-L-054-3 are contained in Attachment 2.

On March 13, 2006, the Board of Supervisors approved twelve months additional time to commence construction until October 28, 2006. On October 23, 2006, the Board of Supervisors approved six months additional time to commence construction until April 28, 2007. Copies of the Clerk to the Board's letters giving notice of the Board's approval of additional time are contained in Attachment 3.

On February 27, 2007, the Department of Planning and Zoning (DPZ) received a letter dated February 26, 2007, from Charles J. Kieler of KSI, requesting six months additional time to commence construction for this project, which is identified as "Springfield Metro Center 2" (Attachment 4). According to the letter, preliminary approval has been received for the site plan which is currently in review by Bonds and Agreements, wetlands and water quality permits have been approved, and 2 of 4 offsite easements have been obtained and recorded. However, delays that were unforeseen at the time of the most recent approval of additional time have arisen with regard to the negotiation for the final two easements. The letter states that extensive negotiations with the adjacent property owners Washington Metropolitan Area Transit Authority (WMATA) and Government Services Administration (GSA) for obtaining easements are in the final stages of completion. The applicant has further stated that the WMATA negotiation has been ongoing for approximately a year, however the engineering conflicts that arose during the process have been resolved, and the final signatures for easement approval were expected imminently as of a telephone conversation between staff and the applicant on March 27, 2007. The GSA negotiation has been ongoing for approximately eight months, and a finalized easement approval is expected within approximately one week of March 27, 2007.

Staff has reviewed Special Exception Amendment SEA 91-L-053-4 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. Further, staff knows of no change in land use circumstances which affect the compliance of SEA 91-L-053-4 with the Special Exception Standards applicable to the use and which should cause the filing of a new Special Exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed since the SEA was approved. Finally, the conditions associated with the Board's approval of SEA 91-L-053-4 are still appropriate and remain in full force and effect. Staff recommends that six months of additional time be approved.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated June 19, 2003, to Robert A. Lawrence, from Nancy Vehrs, Clerk to the Board of Supervisors which sets forth the Board of Supervisors' approval of SEA 91-L-053-4. Letter dated June 19, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the Board of Supervisors' approval of SEA 91-L-054-3. Letter dated September 11, 2003, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the Board of Supervisors' approval of SE 01-L-020.

Attachment 3: Letter dated October 27, 2006, to Robert A. Lawrence, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which states the Board's approval of six months of additional time to commence construction. Letter dated March 16, 2006, to Charles J. Kieler, from Nancy Vehrs, Clerk to the Board of Supervisors, which states the Board's approval of twelve months of additional time to commence construction until October 28, 2006.

Attachment 4: Letter dated February 26, 2007, from Charles J. Kieler, to Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning, requesting additional time.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

Fred Selden, Director, Planning Division, DPZ

Cathy Belgin, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 8

Supplemental Appropriation Resolution AS 07109 and Approval of Conditions Necessary for the Departments of Planning and Zoning and Transportation to Accept Funding from the Office of Economic Adjustment, Department of Defense, for Studies Related to Fort Belvoir Base Realignment and Closure 2005 Actions (Lee, Mount Vernon, and Springfield Districts)

ISSUE:

Board approval is requested for Supplemental Appropriation Resolution AS 07109 and conditions necessary for the Departments of Planning and Zoning (DPZ) and Transportation (FCDOT) to execute a grant and accept funding from the Office of Economic Adjustment (OEA), Department of Defense (DoD), for studies related to Fort Belvoir Base Realignment and Closure (BRAC) 2005 Actions in the amount of \$1,542,568. The required non-federal Local Cash Match of \$178,233 will be provided in-kind, with DPZ and FCDOT staff resources. The funding will cover activities retroactive from September 1, 2006, to August 31, 2007. The application for these funds was approved by the Board on September 25, 2006.

RECOMMENDATION:

The County Executive recommends that the Board:

- 1) Approve Supplemental Appropriation Resolution AS 07109 (Attachment 1) in the amount of \$1,542,568, for DPZ and FCDOT to accept grant funds from the OEA, DoD, to assess Fort Belvoir BRAC 2005 Actions. These funds will be used to hire 6/6.0 SYE new grant positions to undertake studies of transportation, land use, and public facilities impacts associated with the 2005 BRAC actions at Fort Belvoir on Fairfax County. The required non-federal Local Cash Match of \$178,233 will be provided in-kind, using DPZ and FCDOT staff resources.
- 2) Authorize the Director of the Department of Transportation to execute the agreement on behalf of the County (Attachment 2) with the OEA for the grant funds.
- 3) Authorize staff to take all necessary measures to ensure county compliance with the conditions of the OEA grant.

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TIMING:

Board approval is requested on April 30, 2007.

BACKGROUND:

In order to assist communities directly affected by DoD program changes, the OEA was created. The OEA provides affected communities with technical and financial assistance, and helps to coordinate the involvement of other federal agencies through the Defense Economic Adjustment Program and the President's Economic Adjustment Committee. Staff has secured a grant from the OEA to aid in BRAC planning. The grant will provide funding for studies and additional staff.

The influx of 22,000 DoD personnel and an undetermined amount of private federal contractor employees is anticipated as the result of the 2005 BRAC actions at Fort Belvoir. As required by law, the relocation and related construction must be completed by 2011. While broad County and regional impacts will be addressed through the Environmental Impact Statement (EIS) for BRAC activities at Fort Belvoir, two studies and 6/6.0 SYE new grant positions are proposed to determine the impact and appropriate actions in greater detail than will be provided in the EIS process.

The first of these studies will analyze the efficiency of transportation systems in the greater Springfield area, which is just north of the Engineer Proving Grounds (EPG) where most of the new jobs are expected to be located. Specifically, the study will identify improvements to increase functionality and the costs of those improvements. The network of transit and roads that serves the area includes the Springfield Interchange. The complexity of the network and its strategic importance to the region and East Coast requires detailed evaluation to ensure the continued ability to serve both local and through trips.

The second study will consider land use and public facilities impacts of BRAC 2005 on several targeted areas and assess the need to adjust the County's Comprehensive Plan in response. The study will include a significant public outreach effort to involve the community in the formulation and review of planning recommendations. It is expected that additional funds will be requested after the initial grant period to allow continued appropriate and timely response to the BRAC initiative.

The grant will also fund 6/6.0 SYE new grant positions. One of the positions will act as a coordinator who will be responsible for monitoring the BRAC actions and acting as a central point of contact for the Board of Supervisors, local, state, and federal agencies and the public.

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FISCAL IMPACT:

The grant award from OEA provides \$1,542,568 federal funding. With a \$178,233 non-federal match, the grant totals \$1,720,801. The Local Cash Match of \$178,233 will be fulfilled in kind through the dedication of existing staff resources to coordinate the BRAC activities, and oversee the transportation and land use studies. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated awards in FY 2007. Acceptance of the funding will not increase departmental funding levels. The grant includes recovery of indirect costs in the amount of \$70,984.

CREATION OF POSITIONS:

Acceptance of the grant will allow creation of 6/6.0 SYE new grant positions in order to provide additional services needed to assess the impact of BRAC actions on Fairfax County. The County has no obligation to continue funding these positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 07109

Attachment 2: OEA Grant Agreement for Fort Belvoir RA0664-07-01

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Ellen F. M. Posner, Assistant County Attorney

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

Jay Guy, FCDOT

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ADMINISTRATIVE – 9

Extension of Review Periods for 2232 Review Applications (Mount Vernon 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 applications FS-V07-3 and FS-S07-4 to July 2, 2007.

TIMING:

Board action is required on April 30, 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-V07-3 and FS-S07-4, which were accepted for review by the Department of Planning and Zoning on February 2, 2007. These applications are for telecommunications facilities. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The review periods for the following applications should be extended:

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FS-V07-3            Verizon Wireless  
Antenna colocation on existing tower  
9128 Belvoir Court  
Mount Vernon District

FS-S07-4            Verizon Wireless  
Antenna colocation on existing tower  
12510 Yates Ford Road  
Springfield District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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ADMINISTRATIVE - 10

Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept an Assistance to Firefighters Grant from the U.S. Department of Homeland Security

ISSUE:

Board approval for the Fairfax County Fire and Rescue Department (FRD) to apply for and accept funding, if received, from the U.S. Department of Homeland Security (DHS) in the amount of \$670,766, including the required 20 percent Local Cash Match of \$134,153. The program period is typically one year from the date of the award.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fire and Rescue Department to apply for and accept funding, if received, from the DHS FY 2007 Assistance to Firefighters Grant Program in the amount of \$670,766, including \$134,153 in Local Cash Match. If the actual award received or required Local Cash Match is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy.

TIMING:

Board approval is requested on April 30, 2007. Applications are due May 4, 2007.

BACKGROUND:

The Assistance to Firefighters Grant (AFG) program was originally authorized under the Defense Authorization Bill of 2001, Public Law 106-398, which amended Section 33 of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2201 et seq. This program supports the country's National Preparedness Goal to prevent, protect, respond and recover from both terrorist attacks and catastrophic natural disasters. Congress has appropriated \$547 million to carry out the activities of the FY 2007 AFG program, of which approximately \$19 million is available nationwide, on a competitive basis, for firefighting equipment and training. Funds appropriated for the FY 2007 AFG program are available for obligation through September 30, 2008.

Current program year guidelines contain significant changes based on input from the American Fire Service and other stakeholders. In prior years, applicants were limited to

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submitting a single application under either the Fire Operations and Firefighter Safety program area or the Vehicle Acquisition program area. However, in FY 2007, all eligible applicants may submit separate applications under each of the two program areas and submit a third application for a regional project.

AFG's purpose is to provide financial assistance directly to fire departments to enhance the health and safety of the public and firefighting personnel against fire and fire-related hazards. FRD has previously been the recipient of two AFG awards totaling \$249,899 to support the Risk Watch program and Rapid Intervention Training.

FRD proposes to present two projects: One application under the Fire Operations and Firefighter Safety program area for the acquisition of a driver simulator, and a regional application requesting financial support to continue the development and training of a regional incident management team.

Driver Simulator:

FRD proposes to request funding in the amount of \$460,459 to purchase an emergency vehicle simulator. The federal share, if awarded, will be \$368,367 and the required 20 percent Local Cash Match for this project will be \$92,092.

AFG grants available to train firefighter personnel include driver/operator activities, with higher priority given to training which leads to nationally sanctioned or state certification. FRD has adopted National Fire Protection Association (NFPA) 1500, Standard of Fire Department Occupational Safety and Health Program, 2002 Edition. In order to comply with that standard, the department strives to meet the requirements of NFPA 1451, Standard for Fire Service Drivers Training Program, and NFPA 1002, Standard on Firefighter Apparatus Driver. A driving simulator will allow FRD to attain compliance with both NFPA 1451 and NFPA 1002.

Currently, driver training occurs through on road experience and during range practice. Range practice is restricted because available driving range facilities serve multiple uses, limiting available time for driver training activities. Due to scarce open land and the prohibitive cost of land acquisition, there is no possibility of expanding current driving range facilities. Additionally, existing facilities cannot adequately simulate real world scenarios that are the cause of many accidents in the department (i.e. oncoming traffic and multi-lane intersections). A driving simulator will allow for improved driver training in a setting that does not put personnel with little training behind the wheel on county roads, thus eliminating the potential endangerment of civilian drivers. Driver simulation training has proven to be a successful training mechanism. The military, as well as other fire and police departments use this technology to train drivers.

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Regional Incident Management Team:

Funding in the amount of \$210,307 is being requested in order to continue the development and training of the National Capital Region Incident Management Team (NCR IMT). The federal share, if awarded, will be \$168,246 and the required 20 percent Local Cash Match for this project will be \$42,061.

The concept of a regional incident management team was first developed and funded as an Urban Areas Security Initiative (UASI) project. It was recognized that no single jurisdiction had the capability or resources to individually develop an effective incident management team capable of sustaining itself for the duration of an extended or complex incident. A UASI grant in the amount of \$786,674 was awarded to FRD to oversee the initial development, training and equipping of a regional Type III Incident Management Team (IMT) for the National Capital Region (NCR). This team provides a cadre of highly trained, qualified and experienced command officers and staff to support and complement jurisdictional command staff during significant and long-term incidents. Incident management of weapons of mass destruction, hazardous materials and explosive response operations, intelligence and information sharing, citizen protection, mass care, resource logistics and critical infrastructure protection are all functions of an incident management team. The IMT concept is a national model and is utilized extensively for the command, control and coordination of large-scale, multi-jurisdictional and/or complex incidents. The current 75 members of the team represent jurisdictions that are members of the Metropolitan Washington Council of Governments (MWCOG). The IMT is also a multi-disciplinary initiative that includes fire and rescue, law enforcement and public health agencies.

Fairfax County will be acting as the host applicant for this application. The total project cost is estimated at \$246,307 which includes \$36,000 for overtime pay, backfill and shadowing mission expenses for participating members of the team. FRD plans only to request \$210,307 in AFG funding, representing the amount necessary to provide for the training, exercise and travel expense of participants. As a contribution to this regional effort, each of the participating jurisdictions has agreed to fund the cost of overtime and backfill for their members to attend training and exercises funded by the grant. Jurisdictions will also bear the cost of sending members on shadowing mission opportunities that may arise that are not a part of this grant proposal. The estimated contribution from all jurisdictions combined is \$36,000.

Funds will be used to train each team member to a minimum of two command and general staff or support positions in order to provide depth and flexibility for the team. Funds also will be used to conduct a readiness exercise involving the entire team, along with conducting position-specific training for positions within the command and general staff organization. The benefit to the county of the continued development and training of this team is the specialized training and experience that jurisdictional team members

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will receive that can be utilized on a day-to-day basis and for less significant local incidents.

FISCAL IMPACT:

The total amount of the two 2007 Assistance to Firefighters Grant proposals is \$670,766, including \$134,153 in required Local Cash Match. If the application is successful, the Fire and Rescue Department would receive \$536,613 in federal funding. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2007.

The Local Cash Match requirement for fire departments serving populations over 50,000 is 20 percent of project costs. All non-federal matching funds must be in cash; in-kind contributions are not acceptable. The total anticipated Local Cash Match is \$134,153. The Local Cash Match is available from the anticipated Local Cash Match Reserve in Fund 102, Federal/State Fund.

Within the regional IMT project portion of this application, there is an estimated in-kind contribution from participating jurisdictions in the amount of \$36,000 to cover personnel costs for team member attendance at IMT functions.

This grant allows for the recovery of indirect costs in the driver simulator project and is included in the request.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Driver Simulator Executive Summary  
Attachment 2 – Driver Simulator Budget Proposal  
Attachment 3 – Incident Management Team Executive Summary  
Attachment 4 – Incident Management Team Budget Proposal

STAFF:

Robert A. Stalzer, Deputy County Executive  
David L. Rohr, Interim Fire Chief  
Daryl L. Louder, Assistant Fire Chief  
John J. Caussin, Assistant Fire Chief  
Cathi Schultz Rinehart, Grants Coordinator, Fire and Rescue Department

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ADMINISTRATIVE - 11

Authorization to Advertise Public Hearings to Consider Proposed Amendment to Chapter 61, Article 1, Section 61-1-3 (d) (1) (A) 2 c: (Building Provisions) of *The Code of the County of Fairfax, Virginia* (The Code)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Chapter 61, Article 1, Section 61-1-3 (d) (1) (A) 2 c: (Building Provision) of *The Code of the County of Fairfax, Virginia* that allows for \$0 fee for permits for restoration work necessitated by a declared catastrophic event.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a Public Hearing on May 21, 2007, at 4 p.m., to consider the proposed amendment to the Code.

TIMING:

The Board should take action on April 30, 2007, to provide sufficient time to advertise the proposed Public Hearings on May 21, 2007. If approved, these amendments shall become effective on May 22, 2007.

BACKGROUND:

The proposed amendment will provide for a \$0 fee for permits to repair, replace, or otherwise re-construct a residential, commercial, or industrial structure damaged as the result of a declared catastrophic event. Current provisions establish permit fees based on estimated value of construction or equipment replaced as the result of damage that must be paid prior to issuance of a permit. Under current legal requirements, there is no provision for the waiver of a fee in the event of declared catastrophic damage. The current fee structure is not conducive to damage recovery efforts as it often strains resources of property owners at a time when they can least afford to incur additional financial burdens. A detailed discussion of the amendment is set forth in the attached Staff Report.

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FISCAL IMPACT:

As our fee structure is designed to recover a portion of the costs associated with issuing permits and conducting inspections, a \$0 fee for damage repair for declared catastrophic events will have some impact on revenue. However, forecasting the scope of that impact is difficult, as the degree will be affected by the scope of the event and the ability of the locality to obtain federal and state assistance in offsetting the costs associated with the event.

REGULATORY IMPACT:

The proposed amendment grants the County authority to reduce permit fees following declared catastrophic events to allow for expedited permit issuance and repairs by establishing a published fee of \$0 under appropriate circumstances.

ENCLOSED DOCUMENTS:

Attachment I - Staff Report

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 - 12

Approval of Traffic Calming Measures and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Sully, Lee, and Dranesville Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board:

Endorse the following traffic calming measures (Attachment I):

- Two speed tables and a double yellow centerline on Pickwick Road (Sully District).

Approve a resolution (Attachment II) for “Watch for Children” signs on the following streets:

- Westchester Street (Lee District)
- Brookland Road (Lee District)
- Falstaff Road [two locations] (Dranesville District)
- Titania Lane (Dranesville District)
- Elsinore Avenue (Dranesville District)
- Claiborne Drive (Dranesville District)
- Snow Meadow Lane (Dranesville District)

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

TIMING:

Routine.

BACKGROUND:

As part of the R-TAP, roads are reviewed for traffic calming when requested by a Board

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member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Pickwick Road, a plan was approved by staff and VDOT, and the traffic calming plan was subsequently submitted for approval to residents of the petition area in the community. On March 20, 2007, the Department of Transportation received written verification from the local supervisor confirming community support.

The R-TAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. The Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" signs on Westchester Street and Brookland Road (January 3, 2007), Claiborne Drive (April 4, 2007), and Falstaff Road [two locations], Titania Lane, Elsinore Avenue, and Snow Meadow Lane (April 5, 2007).

FISCAL IMPACT:

The estimated cost of \$14,000 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Pickwick Road

Attachment II: Board Resolution for "Watch for Children" Signs

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Karyn L. Moreland, Chief, Traffic Operations Section, FCDOT

Douglas W. Hansen, Senior Transportation Planner, FCDOT

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ADMINISTRATIVE - 13

Authorization to Advertise Public Hearings to Consider Proposed Amendment to Chapter 61-1-2 (Building Provisions) of *The Code of the County of Fairfax, Virginia* (The Code)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Chapters 61 (Building Provision) of *The Code of the County of Fairfax, Virginia* that introduces a definition of "Addition"

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing before the Board on May 21, 2007, at 4:00 p.m., to consider the proposed amendment to the Code.

TIMING:

The Board should take action on April 30, 2007, to provide sufficient time to advertise the proposed public hearing on May 21, 2007. If approved, these amendments shall become effective on May 22, 2007.

BACKGROUND:

The County is receiving on average three permit applications a week for additions to single family detached houses which are actually an entirely new house constructed on an existing foundation; most or all of the existing house is usually demolished, and a new house is erected in its place. Unlike a new house on a vacant lot, however, this "new house on existing foundation" typically will be built on an old foundation system and tied to existing utility connections (power, water, sewer) which may or may not be adequate for the new structure. The proposed amendment will add the term "addition" to Chapter 61 of the County Code. The proposed definition will limit the amount and type of demolition and/or new construction that is allowed without being subject to the inspection and permitting requirements for new construction.

Specifically, the proposed definition will be defined as any new construction that neither exceeds a percentage (a range of 75% through 150% will be considered) of the existing gross floor area of the above grade finished area nor results in the demolition of more than a percentage (a range of 25% through 50% will be

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considered) of the existing gross floor area as defined by the American National Standards Institute - ANSI Z765-2003 standard. The proposed amendment further provides that construction that exceeds either of these percentages shall be deemed construction of a new house, shall be subject to all applicable codes and ordinances required for a new house, including utilities, and shall require the issuance of a new Residential Use Permit.

The proposed amendment will provide a clear distinction in county code between very large house improvement projects that more closely resemble new house construction and legitimate additions to existing properties. The new definition is designed to meet the needs of county citizens in the current renovation and remodeling climate yet still address important health and safety issues such as code compliance and enforcement. Furthermore, for those properties that will later be resold, the additional oversight provided by the new amendment will afford the buyer a product that more closely resembles "a new house," which is how it is typically marketed. A detailed discussion of the amendment is set forth in the attached staff report.

FISCAL IMPACT:

None

REGULATORY IMPACT:

The proposed amendment enables the County to better address a variety of code deficiencies that surface when what is essentially new house construction is characterized as a simple renovation project and provides the County with additional enforcement authority in such situations.

ENCLOSED DOCUMENTS:

Attachment I- Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard Guba, Deputy Director, DPWES

James Patteson, Director, Land Development Services, DPWES

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ACTION - 1

Approval of Comments on the Draft Environmental Impact Statement for Implementation of 2005 Base Realignment and Closure (BRAC) Recommendations and Related Army Actions at Fort Belvoir, Virginia

ISSUE:

The Department of the Army has issued a Draft Environmental Impact Statement (DEIS) for Implementation of 2005 Base Realignment and Closure (BRAC) Recommendations and Related Army Actions at Fort Belvoir, Virginia. A public hearing on the DEIS was held by the Army on April 17, 2007, and the public comment period ends on May 1, 2007. A Final Environmental Impact Statement may be published as early as June 2007 and a Record of Decision may be issued as early as July 2007.

RECOMMENDATION:

The County Executive recommends that the Board approve the cover letter and comments prepared by staff (see Attachment 1) and authorize the transmittal of these materials to Fort Belvoir.

TIMING:

Board action is requested on April 30, 2007, in order to meet the May 1, 2007, deadline for comments.

BACKGROUND:

The DEIS evaluates two proposed actions: (1) An update of the land use plan of Fort Belvoir's Real Property Master Plan, and (2) Implementation of recommended realignment and closure actions from the Defense Base Closure and Realignment Commission as they relate to Fort Belvoir. The BRAC relocations, which must be completed by September 15, 2011, would result in a net increase in employment at Fort Belvoir of 22,000 people. This figure includes staff and contractors of several defense agencies that would relocate to Fort Belvoir. The DEIS identifies 20 construction and renovation projects to accommodate these relocations. As identified in the DEIS, there would be six major groups moving to Fort Belvoir as follows:

- Washington Headquarters Services (WHS) (including elements of the Office of the Secretary of Defense and defense agencies): 9,263 staff and contractors.
- National Geospatial-Intelligence Agency (NGA): 8,500 staff and contractors.

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- Various Army entities moving from leased space in the National Capital Region (“Army Lease”): 2,720 staff.
- U.S. Army Medical Command (relocation of functions and personnel from Walter Reed Army Medical Center to a new DeWitt Army Community Hospital): 2,069 staff.
- Program Executive Office, Enterprise Information Systems (PEO EIS): 480 staff.
- Missile Defense Agency (MDA) Headquarters Command Center: 292 staff.

The DEIS does not address other projects at Fort Belvoir such as the National Museum of the U.S. Army.

Under the BRAC relocations, several functions would move from Fort Belvoir to locations outside of the National Capital Region. The DEIS indicates that approximately 1,700 personnel will be leaving Fort Belvoir.

The DEIS considers land use plan approaches and associated project locations that would consider project locations on the Main Post of Fort Belvoir (generally in the North and South Post areas, with one alternative using the Davison Army Airfield site as well), the Engineer Proving Ground (EPG) site southwest of Springfield, and the General Services Administration (GSA) property south of the Franconia-Springfield Metrorail and Virginia Rail Express stations. In all, four alternatives (in addition to a No Action alternative) are presented:

- Preferred Alternative: NGA and WHS would be located within the eastern portion of the EPG site, DeWitt Hospital would be located in an area currently occupied by a golf course on the South Post, and other office space would be constructed on the South Post. No development would occur at Davison Army Airfield or at the GSA site. Most of the new employment (approximately 18,000 personnel) would be located at EPG.
- Town Center Alternative: All development would be concentrated within relatively compact areas of the North Post and South Post, generally between J.J. Kingman Road on the North Post and 12<sup>th</sup> Street on the South Post. No development would occur at Davison Army Airfield, the GSA site, or the EPG site.
- City Center Alternative: Development and new employment would be concentrated within the eastern portion of the EPG site (where the NGA, portions of the Army Lease, Hospital, PEO EIS, and MDA would be located) and the GSA site (where WHS would be located). No development would occur at Davison Army Airfield. Portions of the Army Lease space would be located in the South Post area.
- Satellite Campuses Alternative: Development would be dispersed among a number of sites on the Main Post. No development would occur at either the

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EPG or GSA site. NGA would be located at Davison Army Airfield, which would be closed. WHS and MDA would be sited on the North Post between Richmond Highway and Abbot Road, and PEO EIS would be sited north of Abbot Road. Army Lease space would be located on the South Post. The hospital would be sited within the southern portion of the North Post golf course.

Staff has reviewed the DEIS and has prepared a letter and comments for transmittal to Fort Belvoir. The comments are presented in three sections: major issues, additional issues, and suggested corrections. These materials are enclosed as Attachment 1. The Department of Planning and Zoning (DPZ) coordinated the preparation of these materials, but the cover letter and comments reflect the collective efforts of the following agencies:

- Department of Planning and Zoning
- Department of Transportation
- Fairfax County Park Authority
- Department of Public Works and Environmental Services
- Health Department
- Department of Housing and Community Development
- Fairfax County Public Schools
- Police Department
- Fire and Rescue Department
- Fairfax County Environmental Coordinator
- Fairfax Water

Staff has a number of substantial concerns regarding the DEIS that are explained in the attachments to the letter. The cover letter highlights six of the major concerns:

- The lack of commitment to specific mitigation measures that will be pursued, and particularly the lack of commitment to transportation mitigation efforts.
- The implications of proposed changes to Fort Belvoir's land use plan—in staff's view, these changes go well beyond what is needed to address the BRAC relocations and would be best considered through a more comprehensive planning effort.
- Related to the above, the scope of the proposed action does not seem to staff to be consistent with what is needed to accommodate the required BRAC transfers.
- The lack of detailed information regarding the physical layout of facilities and implications to natural resources.
- The lack of identification and analysis of an alternative that would provide for a more dispersed pattern of development—all of the build alternatives would concentrate development in certain areas of the Post.
- The sufficiency of the analysis of air quality considerations (ozone and fine particulate matter).

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Again, there are many more land use, transportation, public facility, housing, park and recreation, cultural resource and environmental issues of concern, and these are detailed in the attachments to the cover letter.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Draft letter from Anthony H. Griffin, County Executive, to Colonel Brian W. Lauritzen, Commander, U.S. Army Garrison Fort Belvoir, transmitting the staff comments on the Draft Environmental Impact Statement.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Katharine D. Ichter, Director, Department of Transportation

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

Mark G. Canale, Transportation Planner III, Department of Transportation

Noel H. Kaplan, Planner III, Environment and Development Review Branch (PD), DPZ

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## ACTION - 2

### Parking Reduction for Marymount University

#### ISSUE:

Board approval of a 7.8 percent reduction in required parking for Marymount University, located at 1861 Wiehle Avenue, Reston, Virginia, Tax Map #017-4-0018-0001A, Hunter Mill District.

#### RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 7.8 percent for Marymount University located at 1861 Wiehle Avenue, Reston, Virginia, pursuant to paragraph 4(B), section 11-102 of the Fairfax County Zoning Ordinance (Zoning Ordinance), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on condition that:

1. A minimum of 307 parking spaces must be provided on site at all times;
2. A maximum of 110 students plus 12 faculty/staff are permitted for the university use, 3,300 gross square feet for the bank use, and 65,385 gross square feet for the office use. Additionally, all conditions of SE 2006-HM-022 must be met;
3. The current owners, their successors or assigns, of the parcel identified as Fairfax County Tax Map #017-4-0018-0001A, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance;
4. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of said parking utilization study submission;
5. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable

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requirements of the Zoning Ordinance and shall be subject to the Board's approval;

6. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act;
7. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on April 30, 2007.

BACKGROUND:

Marymount University established a university use at 1861 Wiehle Avenue in Reston, Virginia, a few months ago. In addition to the university use, this site has an existing office building with a bank use currently in operation. The applicant converted some of the existing office space floor area into university use floor area based on their special exception approval and the existing parking supply available on this site.

Marymount University now wishes to expand its number of students in accordance with the special exception development conditions and this expansion would require the approval of a parking code reduction of 7.8 percent, or 26 parking spaces. The hours of operation of the university use conditioned by the Board in SE 2006-HM-022, results in an hourly parking accumulation that will not conflict with the other uses on this site. Pursuant to conditions number 5 and 7 of the special exception, no more than 37 students are permitted before 4:30 p.m. without otherwise obtaining Director approval of an increase. Because the number of parking spaces on site does not meet the code requirement for all the uses, Board approval of a parking reduction for the site should be obtained prior to the Director approving an increase in the number of students. The peak hours for the proposed university use will occur between 6:00 p.m. and 9:00 p.m., when the bank use and office uses are not operating. An analysis of the parking reduction study indicates that the existing 307 parking spaces will serve the mix of uses proposed on site. Therefore, it is recommended that the Board grant a 7.8 percent reduction for on site shared parking.

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

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter of Request dated March 21, 2007, from Jason R. Rogers of Cooley Godward Kronish, LLP

Attachment II – Parking Study Dated December 11, 2006, from Wells and Associates, LLC, Traffic, Transportation, and Parking Consultants.

Attachment III – Special Exception Plat, Marymount University/Wiehle Avenue (Separate from package for Board Members only) (A copy is available at the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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ACTION – 3

Approval of 2007 Zoning Ordinance Amendment Work Program

ISSUE:

Consideration and endorsement of the 2007 Zoning Ordinance Amendment Work Program.

RECOMMENDATION:

The County Executive recommends that the Board endorse the Zoning Ordinance Amendment Work Program for 2007 as recommended by the Development Process Committee, as set forth in Attachments 2, 3 and 4.

TIMING:

Board action is requested on April 30, 2007.

BACKGROUND:

The Zoning Ordinance Amendment Work Program, originally initiated in 1983, contains requests for amendments to the Zoning Ordinance, which originate from the Board of Supervisors, the Planning Commission, the Board of Zoning Appeals, staff, citizens, and industry representatives. The requested changes range from the addition of new provisions to accommodate new concepts or types of uses to major reviews of certain portions of the Zoning Ordinance to minor clarifying revisions. The Work Program also includes revisions from the Regulatory Revision Project of the Business Process Redesign (BPR) Program, which are designed to improve both the efficiency and effectiveness of the land development review process, and these revisions are identified on the enclosed attachments by the abbreviation BPR.

Enclosed as Attachments 1 and 2 are quick reference summary charts of the status of the 2006 Priority 1 Work Program and those items proposed for the 2007 Priority 1 Work Program, respectively. Attachment 3 is the entire 2007 Priority 1 list which provides a description of the amendments that are proposed to be addressed over the next year. The 2007 Priority 2 list is enclosed as Attachment 4 and indicates proposed amendments that will not be addressed this year, but will be retained for future Priority 1 consideration. Attachment 5 contains a list of new amendment requests that have been identified since the adoption of the 2006 Work Program. The pages for these five attachments are numbered consecutively with the page number depicted on the bottom of each page.

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Set forth as Attachment 6 is the Planning Commission recommendation on the proposed 2007 Work Program. On February 28, 2007, the Planning Commission Policy and Procedures Committee and subsequently the full Planning Commission unanimously endorsed the proposed 2007 Work Program as presented by staff in the February 22, 2007 memorandum to the Committee.

By way of background, there was a total of 45 items on the 2006 Work Program, 35 were originally included and 10 were added during the course of the year. A total of 25 items have been addressed which includes 19 that have been adopted, 2 were authorized for public hearings, and 4 were addressed without requiring an amendment. The proposed 2007 Priority 1 Work Program contains 31 amendment items for consideration and review. This includes 2 items that have been authorized, 20 are carryover items from the 2006 Priority 1 Work Program, and 9 new items are being added to the 2007 Priority 1 list. The 2007 Work Program includes a number of housing initiatives dealing with ADU High Rise; ADU For-Sale Pricing; Income Eligibility; ADU and Independent Living Bedroom Mix; Workforce Housing; Affordable and Workforce Parking; and RSU (Residential Studio Units). Other items which will require major efforts include Residential Compatibility; Planned Development Districts, Open Space and Outdoor Lighting.

On April 2, 2007, the Board of Supervisors' Development Process Committee discussed and endorsed the proposed 2007 Work Program as recommended by staff with the following changes:

1. That the item pertaining to advertising on bus shelters located outside of the road right-of-way be moved from the proposed Priority 2 list to the Priority 1 list. [This item is now listed as Item #2 on the proposed Priority 1 Work Program (Page 3)].
2. That staff make a concerted effort to address components of the four part recommendation from the Tree Action Plan, listed as Item 33 on the Priority 2 list (Page 28), when working on the Priority 1 items dealing with open space and storm water management.
3. That Item #22 on the proposed Priority 2 list (Page 13) concerning a review of the definition of gross floor area as it relates to cellar space not be deleted as recommended by staff, but rather remain on the Priority 2 list for future consideration, as cellar space may generate additional trips when used for office or retail uses. [This item is now shown to remain on the Priority 2 list].
4. With regard to Item #1 on the Priority 1 list (Page 3) that deals with the regulations related to adult video stores, it was agreed that staff continue its ongoing review of the land use and legal implications concerning the regulation of adult video stores and, given that such review will take approximately a year to

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complete, that this item should remain on the Priority 1 list without projected public hearing dates.

- 5 That a timetable be established for reviewing, on a regular basis, the appropriateness of the P district recreational fee. Staff recommends that such a fee review be automatically placed on the Work Program every two years.

The Committee also requested that staff review the transportation impact fee legislation recently adopted by the State and provide the Board with an analysis of the bill and how Fairfax County might implement the legislation. The Committee further requested that staff prepare a response to a previous Board request dealing with the issue of state roads that terminate in cul-de-sacs in residential neighborhoods, as this is cause for concern for the residential parking districts. Staff is in the process of coordinating with the appropriate parties on these two items and will report back to the Board in the near future.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment 1 - Summary Chart of the Status of 2006 Priority 1 Work Program
- Attachment 2 - Summary Chart of the Proposed 2007 Priority 1 Work Program
- Attachment 3 – Proposed 2007 Priority 1 Zoning Ordinance Work Program
- Attachment 4 - Proposed 2007 Priority 2 Zoning Ordinance Work Program
- Attachment 5 - New Requests Since April 2006
- Attachment 6 – Planning Commission Recommendation

STAFF:

Robert A. Stalzer, Deputy County Executive  
James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Eileen M. McLane, Zoning Administrator, DPZ  
Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ

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ACTION - 4

Approve Resolution to Amend Virginia Railway Express Master Agreement for Subsidy Allocation Formula and Governance Changes

ISSUE:

The Virginia Railway Express (VRE) Operations Board began investigating remedies to concerns regarding its subsidy formula and its governance structure in February 2006. A VRE Operations Board Governance Subcommittee was formed to address three main problems: 1) decision making; 2) budget/funding, in particular, concerns about the local subsidy allocation formula; and 3) system growth issues. All of the problem areas have been discussed with elected officials and staff of the VRE member jurisdictions. The Governance Subcommittee developed a resolution outlining the new governance proposal and subsidy formula. VRE's member jurisdictions are now being asked to endorse this resolution.

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution agreeing to amend the VRE Master Agreement, Attachment I.

TIMING:

Action should be taken on this item on April 30, 2007, so that the portion of the amended Master Agreement associated with changes to the subsidy formula, can be reflected in VRE's and its member jurisdictions' FY 2008 budgets. The schedule for the subsidy change is listed in Attachment I.

BACKGROUND:

In late 2005, discussions began among VRE member jurisdictions regarding the fairness and equity of the subsidy allocation formula. In particular, the Fairfax County Board of Supervisors raised concerns about the portion of the formula that is based on population which has no direct relationship to ridership. The formula places an unfair financial burden on the County, since it results in Fairfax County's paying approximately 44 percent of VRE's subsidy when it only represents 23 percent of the ridership.

In order to change the subsidy formula, VRE's Master Agreement must be amended. The VRE Operations Board decided that if that were to be amended, there would need

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to be an opportunity to address at least 16 other problems related to decision making, budget and funding and growth facing VRE now and in the future.

The VRE Operations Board formally established the Governance Subcommittee at their February 17, 2006, meeting. Since then, the subcommittee worked with a jurisdictional staff working group to develop and choose the best options to address the problems. Five organizational options were reviewed. They are:

1. Status Quo. Would use policy actions to address several issues, but would not include changes to the Master Agreement.
2. Amend the Master Agreement. Would change the subsidy allocation formula and voting rights of members.
3. VRE as a State Agency. VRE would become a division of the Virginia Department of Rail and Public Transportation (DRPT).
4. VRE as an Independent Authority. VRE would become an independent district/authority similar to other commuter rail operations in the country.
5. VRE as part of a Multi-Modal Regional Authority. VRE would become part of a larger agency that includes other transit providers such as the Maryland Transit Authority (MTA), and Washington Metropolitan Area Transit Authority (WMATA).

After discussion among the staff working group, the subcommittee members, at the VRE Operations Board and Northern Virginia Transportation Commission (NVTC) and Potomac Rappahannock Transportation Commission (PRTC), Option 2, amending the Master Agreement, was chosen as the most viable approach. Option 2's formula bases a jurisdiction's subsidy solely on ridership (100 percent) with no population component. In effect, this would raise many outer jurisdictions subsidies which generate a large percentage of VRE's ridership but have low population.

In order to remain fair to these outer jurisdictions, Option 2 also provides each jurisdiction with voting rights proportional to ridership. Since the Master Agreement can only be amended with unanimous approval by all member jurisdictions, it is important that all jurisdictions endorse these changes. The VRE Operations Board approved forwarding the attached resolution, Attachment I, to NVTC and PRTC for approval at their March 16, 2007, meeting. On April 5, 2007, both commissions approved the resolution. Assuming all jurisdictions approve the resolution, VRE staff and legal counsel will develop the actual amendments to the Master Agreement. These changes will then be presented to the member jurisdictions for action.

FISCAL IMPACT:

Based on the jurisdictional allocation subsidy change incorporated in the proposed VRE Master Agreement Amendments, Fairfax County's share for FY 2008 is \$4,700,508.

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This is the first year of a four year phased reduction schedule for Fairfax's subsidy share. Fairfax County's initial subsidy for FY 2008 before the Master Agreement amendments were approved by the commissions was \$4,999,777. The new subsidy is a six percent (\$299,269) savings to the County. When the subsidy change is fully implemented, at the end of the four year phase-in period, Fairfax County's subsidy will be \$1,197,079 less than it is now, a 24% reduction, based on FY 2008 figures.

ENCLOSED DOCUMENTS:

Attachment I: VRE Resolution on Governance

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

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

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

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ACTION - 5

Approval of Proposed Consolidated Plan One-Year Action Plan for FY 2008 and Amended Citizen Participation Plan

ISSUE:

Final action by the Fairfax County Board of Supervisors on the *Proposed Consolidated Plan One-Year Action Plan for FY 2008 and amended Citizen Participation Plan* as issued by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board (1) adopt the *Proposed Consolidated Plan One-Year Action Plan for FY 2008 and amended Citizen Participation Plan* as issued by the CCFAC with funding allocations outlined below; and (2) authorize signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by the U.S. Department of Housing and Urban Development (HUD).

TIMING:

Board action is requested on April 30, 2007, in order to maintain the schedule for the Consolidated Plan process, which is included as Appendix C in the enclosed *Proposed Consolidated Plan One-Year Action Plan for FY 2008* (Attachment 1), and to ensure timely submission of the Plan to HUD.

BACKGROUND:

The *Proposed One-Year Action Plan for FY 2008* has been issued by the CCFAC for approval by the Board of Supervisors. The *Proposed Consolidated Plan One-Year Action Plan for FY 2008* contains the proposed uses of funding for programs to be implemented in the third year of the Five-Year Consolidated Plan for FY 2006-2010. An annual action plan is required by the U.S. Department of Housing and Urban Development (HUD) for four federal programs. These programs include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

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The U.S. Department of Housing and Urban Development (HUD) requires the submission of this document as part of the planning and application aspects of the four federal programs from which Fairfax County receives annual funding allocations: CDBG, HOME, ESG, and HOPWA. In addition, the document describes the Continuum of Care for homeless services and programs in the Fairfax community, and the Consolidated Community Funding Pool (CCFP). *The Proposed Consolidated Plan One-Year Action Plan for FY 2008* will include the second year of the two-year funding cycle for the Consolidated Community Funding Pool (CCFP). The CCFP was established by the Board and provides funding to community based nonprofit organizations through a competitive solicitation process.

*The Proposed Consolidated Plan One-Year Action Plan for FY 2008* also includes the public and private resources available for housing and community development activities, and the CCFP funding priorities adopted by the Board. In accordance with federal requirements, the *Proposed Consolidated Plan One-Year Action Plan for FY 2008* contains several certifications, including drug-free workplace, affirmatively furthering fair housing, prohibition of excessive force, and lobbying requirements, which will be signed by the County Executive following Board approval of the Plan.

The *Proposed Consolidated Plan One-Year Action Plan for FY 2008* includes the *Citizen Participation Plan* for the Consolidated Plan. There is proposed language in the *Citizen Participation Plan* regarding the criteria for determining what constitutes a substantial change in the planned or actual activities described in the approved Consolidated Plan which would require an amendment to the Consolidated Plan. The proposed *Citizen Participation Plan* amendment modifies the criteria for determining when the Consolidated Plan is to be amended. The revised criteria for amendment are as follows:

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

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

As required by HUD under CDBG regulations, jurisdictions must also adopt and make public its rent standards for the program. For this purpose, a new proposed “affordable rent” standard is contained in the *Proposed Consolidated Plan One Year Action Plan for FY 2008*. It is rent for housing that is no greater than 40 percent of a household’s gross

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annual income for an eligible lower income household as defined under CDBG program regulations. However, the goal shall be that lower income households, as defined under CDBG program regulations, pay rent that is no more than 30% of their gross annual income.

Federal regulations issued by HUD governing the Consolidated Plan require jurisdictions to complete an analysis of impediments to fair housing choice. In June 1997, the Board of Supervisors adopted the Fairfax County Fair Housing Analysis of Impediments. The Fairfax County Board of Supervisors adopted a Fair Housing Plan on July 26, 1999, to address impediments to fair housing choice within Fairfax County. The Board designated the Fairfax County Human Rights Commission as the agency responsible for implementation and oversight of fair housing activities initiated by Fairfax County.

Fairfax County's Human Right's Commission is in the process of amending the County's Fair Housing Plan. The proposed amended plan includes a list of past activities implemented to address barriers to fair housing. A summary of current impediments to fair housing is also proposed to be included. Upon final adoption follow-up activities will be conducted to address impediments identified in the Five-Year Fair-Housing Plan.

Funding levels incorporated in the *Proposed Consolidated Plan One-Year Action Plan for FY 2008* by the CCFAC are based on anticipated federal allocations for FY 2007. The use of funds identified in the *Proposed Consolidated Plan One-Year Action Plan for FY 2008* is summarized below. A description for each activity is provided in the attached *Proposed Consolidated Plan One-Year Action Plan for FY 2008*.

**Community Development Block Grant (CDBG)**

|  |              |
|--|--------------|
| Payments on Section 108 Loans                | \$ 1,098,656 |
| Home Repair for the Elderly Program          | \$ 178,358   |
| Relocation Program/Homeownership Initiatives | \$ 279,380   |
| Homeownership Program                        | \$ 274,257   |
| Fair Housing                                 | \$ 57,514    |
| Planning (Programs and Compliance)           | \$ 411,970   |
| General Administration                       | \$ 744,923   |
| Affordable Housing Fund                      | \$ 1,113,445 |
| Targeted Public Services                     | \$ 924,370   |
| Senior/Disabled Housing                      | \$ 300,000   |
| Accessibility Modifications/FCRHA Properties | \$ 250,000   |

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|  |                  |
|--|------------------|
| Neighborhood/Business Outreach, Reston/Lake Anne & Springfield | \$ 173,760       |
| Rehabilitation of FCRHA Properties                             | \$ 305,839       |
| Child Care Center Grant Program                                | <u>\$ 50,000</u> |

**Total CDBG Entitlement Funding: \$6,162,472**

**Home Improvement Loan Program (Est. CDBG Program Income) \$825,000**

**HOME Investment Partnerships Program (HOME)**

|  |                  |
|--|------------------|
| Tenant Based Rental Assistance         | \$ 602,764       |
| CHDO Set-Aside                         | \$ 368,608       |
| HOME Administration                    | \$ 201,524       |
| Fair Housing                           | \$ 21,928        |
| Homebuyer Equity Loan Program (HELP)   | \$ 1,200,000     |
| American Dream Down Payment Initiative | <u>\$ 44,751</u> |

**Total HOME Entitlement Funding: \$2,439,575**

**Housing Development Costs (Estimated HOME Program Income) \$53,000**

**Emergency Shelter Grant (ESG) \$ 267,065**

**Housing Opportunities for Persons with AIDS (HOPWA) \$ 180,000**

This is the ninth year that the CCFP has been included in the Proposed Consolidated Plan One-Year Action Plan. Beginning with FY 2000, the former Community Funding Pool and the CDBG Affordable Housing funds and Targeted Public Services funds were merged into a single Consolidated Community Funding Pool. The CCFP consolidates the solicitation and award processes by establishing a single application process with a common set of funding priorities and proposal evaluation criteria for programs of community based nonprofit organizations.

The funding available through the CCFP is allocated through a competitive Request for Proposal process. The County Executive appoints a Selection Advisory Committee of citizens to review and rank applications received and make funding recommendations to the Board, which makes the final project funding awards. In FY 2001, the CCFP went from a one-year to a two-year funding cycle FY 2001-2002 whereby the Board approved all CCFP projects for a two-year funding period. On July 9, 2001, the Board approved the continuation of the two-year funding cycle for the CCFP. The *Proposed Consolidated Plan One-Year Action Plan for FY 2008* will cover the second year of

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projects for the two-year funding period (FY 2007–2008). The Board will make final awards for FY 2008 in April 2007 with action on the annual County budget. The following are estimated amounts that will be available for the CCFP for FY 2008:

|  |                    |
|--|--------------------|
| CDBG Affordable Housing Funds <sup>1</sup>                                     | \$1,113,445        |
| CDBG Targeted Public Services Funds <sup>1</sup>                               | \$ 924,370         |
| Federal and State Community Services and Block Grant (CSBG) Funds <sup>2</sup> | \$ 717,700         |
| County General Funds <sup>2</sup>  | <u>\$8,004,484</u> |

**Total Proposed CCFP Funding: \$10,759,999**

<sup>1</sup>The CDBG and HOME fund amounts are based on HUD's federal FY 2007 allocation figures.

<sup>2</sup>These amounts will be revised subject to the final federal entitlement amounts for the CSBG program and the appropriation of local General Funds by the Board for FY 2008.

The One-Year Action Plan for FY 2008 was circulated for review and comment by citizens, service providers and other interested parties during the formal public comment period which ended on March 30, 2007. Following the public hearing on March 26, 2007 and the public comment period, the CCFAC considered all comments received on the *Proposed Consolidated Plan One-Year Action Plan for FY 2008*, and forwarded its recommendation to the Board for final action on April 30, 2007.

FISCAL IMPACT:

Total funding of \$9,049,112 has been recommended in this item for CDBG (\$6,162,472), HOME (\$2,439,575), ESG (\$267,065), and HOPWA (\$180,000). These funding levels are anticipated federal FY 2007 grant amounts for the four federal programs (CDBG, HOME, ESG and HOPWA).

The CDBG and HOME funding amounts are based on HUD's federal FY 2007 figures. Per notification by HUD of the actual grant amounts, adjustments will be made accordingly. The CSBG amount is subject to change based upon final federal entitlement amounts.

A reallocation of CDBG Affordable Housing and Targeted Public Services funds to specific projects will be made to reflect the distribution of funds through the Consolidated Community Funding Pool as approved by the Board of Supervisors. Upon receipt of the Federal ESG funds, an appropriate adjustment will be made to the federal revenue estimate of the Department of Family Services. The HOPWA funding is received through the Northern Virginia Regional Commission under the metropolitan

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area-wide plan developed by the District of Columbia Agency on HIV/AIDS. After the official Federal FY 2007 HOPWA funding notification is received, an allocation will be made to Fund 965, Housing Grant Fund.

ENCLOSED DOCUMENTS:

Attachment 1: *Proposed Consolidated Plan One-Year Action Plan for FY 2008*

STAFF:

Verdia L. Haywood, Deputy County Executive

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

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

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

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

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

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

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ACTION - 6

Supplemental Appropriation Resolution 07110 and Approval of a Grant Agreement for the Department of Transportation to Accept Virginia National Defense Industrial Authority (VNDIA) Funding for the Design and Advanced Land Acquisition for the Telegraph Road Project Between Beulah Street and South Kings Highway Related to the Fort Belvoir Base Realignment and Closure (BRAC) Plan (Lee, Mount Vernon, and Springfield Districts)

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 07110 and conditions necessary for the Fairfax County Department of Transportation (FCDOT) to execute a grant and accept funding from the VNDIA Virginia Military Strategic Response Fund (VMSRF) for the design and advanced land acquisition for the Telegraph Road project between Beulah Street and South Kings Highway in the amount of \$1,000,000. The required Local Cash Match of \$2,000,000 is available in Northern Virginia Transportation District (NVTD) bond funds held by the Virginia Department of Transportation for construction of the Telegraph Road widening project. The application for this grant was approved by the Board of Supervisors on October 23, 2006. The grant period for this award is from January 1, 2007 through June 30, 2009.

RECOMMENDATION:

The County Executive recommends that the Board:

- 1) Approve Supplemental Appropriation Resolution AS 07110 (Attachment 1) in the amount of \$1,000,000 for FCDOT to accept grant funds from the VNDIA for the design and advanced land acquisition for the Telegraph Road project between Beulah Street and South Kings Highway. The required Local Cash Match of \$2,000,000 is available in Northern Virginia Transportation District (NVTD) bond funds held by the Virginia Department of Transportation for construction of the Telegraph Road widening project.
- 2) Authorize the Department of Transportation to execute the agreement on behalf of the County (Attachment 2) with the VNDIA for the grant funds.
- 3) Authorize staff to take all necessary measures to ensure County compliance with the conditions of the VNDIA grant.

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TIMING:

Board approval is requested on April 30, 2007, so that the projects can proceed.

BACKGROUND:

On October 13, 2006, Governor Kaine announced the availability of \$5 million in state grants for each of the next two years to support communities impacted by the 2005 BRAC recommendations. The VMSRF will be administered by the VNDIA, a 16-member authority created by the General Assembly. The VNDIA works as an advocate for military communities as they implement BRAC recommendations and plan for future military expansions and other opportunities.

Grants were made available to eligible organizations on a competitive basis to support local efforts involved in the implementation of BRAC recommendations. Grant decisions were based on the merits of the request, degree of local support, regional impact, and overall feasibility of the project. To strengthen the County's request, the Department of Transportation proposed leveraging bond funds held by the Virginia Department of Transportation and previously identified for the Telegraph Road project between Beulah Street and South Kings Highway to use as the local match for the VNDIA funds.

The Board approved the application for these funds on October 23, 2006. The Department of Transportation submitted an application for the design and advanced land acquisition for the Telegraph Road project between Beulah Street and South Kings Highway to the VNDIA in November 2007. This project has been identified by Governor Mark R. Warner's Northern Virginia BRAC Working Group in 2005, the Army's Transportation Master Plan, the Fairfax County Department of Transportation, and the Virginia Department of Transportation as a needed transportation improvement to support the Fort Belvoir BRAC plan.

Telegraph Road serves as the northern boundary of the Fort Belvoir Military Reservation and as such is one of the principal roadways linking Fort Belvoir to other major regional roadways such as the Capital Beltway, South Van Dorn Street, Hayfield Road, Beulah Street, the Fairfax County Parkway, and Route 1. Telegraph Road was recently widened to four lanes from Route 1 northward to the Fairfax County Parkway and from the Parkway northward to Beulah Street.

The events of September 11, 2001, triggered an increase in security measures at Army installations across the United States. Locally, this resulted in the immediate closure of public roads through Fort Belvoir as a force protection measure, including Woodlawn Road and Beulah Street that extend through Fort Belvoir's North Post. In response to public pressure and to ease this traffic situation, Congress included specific language in

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the FY 2003 National Defense Authorization Act for a preliminary engineering study and environmental analysis of the feasibility of establishing a connector road between Richmond Highway and Telegraph Road. The proposed project is for a four-lane facility running from Richmond Highway (Route 1) to Telegraph Road, intersecting Telegraph Road north of the existing Telegraph Road/Beulah Street intersection. As part of this proposed new east-west connector road linking Telegraph Road to Route 1, a short segment of Telegraph Road between Beulah St. and South Kings Hwy. will be improved at the point where the new roadway intersects Telegraph Road.

With the prior improvements to Telegraph Road to the south, this will leave a short segment from Beulah Street to just south of the new connector roadway and a second segment from just north of the new connector roadway to South Van Dorn Street and South Kings Highway as only two lanes. Beulah Street, South Van Dorn Street, and South Kings Highway are all important east-west arteries delivering traffic to Telegraph Road and the Fort. The VNDIA grant funds are to complete design plans to widen these remaining two lane segments to four lanes between Beulah Street and South Kings Highway. Upon completion of the design, any remaining funds will be used to proceed with land acquisition for the project.

This project, which has been in the Fairfax County Transportation Plan for many years, is essential to accommodate traffic volume on this Fort Belvoir feeder road. With the large traffic increases anticipated with BRAC relocation at Fort Belvoir, Telegraph Road is an essential missing link in the network.

FISCAL IMPACT:

The Board of Supervisors endorsed submitting the VNDIA grant applications on October 23, 2006. The total estimated cost associated with this grant is \$3,000,000, of which \$1,000,000 is funded by VNDIA grant funding and the remaining \$2,000,000 is the required Local Cash Match, available in Northern Virginia Transportation District (NVTD) bond funds held by the Virginia Department of Transportation for construction of the Telegraph Road widening project. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2007. This grant does not allow for the recovery of indirect costs. The grant period for this award is from January 1, 2007 through June 30, 2009.

CREATION OF POSITIONS:

No positions will be created by this grant.

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ENCLOSED DOCUMENTS:

Attachment 1 – Supplemental Appropriation Resolution 07110

Attachment 2 – Agreement for Design and Advanced Land Acquisition for Telegraph Road Project between Beulah Street and South Kings Highway

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Ellen F. M. Posner, Assistant County Attorney

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

Howard J. Guba, Deputy Director, DPWES

Jay Guy, FCDOT

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**ACTION - 7**

Approval of a Grant Agreement for the Department of Transportation to Accept Virginia National Defense Industrial Authority (VNDIA) Funding for Spot Transportation Improvements and a Transportation Demand Management (TDM) Program Related to the Fort Belvoir Base Realignment and Closure (BRAC) Plan (Lee, Mount Vernon, and Springfield Districts)

ISSUE:

Board approval is requested for Fairfax County Department of Transportation (FCDOT) to execute a grant and accept funding from the VNDIA Virginia Military Strategic Response Fund (VMSRF) for spot transportation improvements and a TDM program in the Fort Belvoir area of Fairfax County in the amount of \$1,500,000. The required Local Cash Match of \$3,000,000 is available in Fund 304, Transportation Improvements. The application for this grant was approved by the Board on October 23, 2006.

RECOMMENDATION:

The County Executive recommends that the Board:

- 1) Approve that FCDOT accept grant funds from the VNDIA for spot transportation improvements and a TDM program in the Fort Belvoir area of Fairfax County. The required Local Cash Match of \$3,000,000 is available in Fund 304, Transportation Improvements.
- 2) Authorize FCDOT to execute the agreement on behalf of the County (Attachment 1) with the VNDIA for the grant funds.
- 3) Authorize staff to take all necessary measures to ensure County compliance with the conditions of the VNDIA grant.

TIMING:

Board approval is requested on April 30, 2007, so that the projects can proceed.

BACKGROUND:

On October 13, 2006, Governor Kaine announced the availability of \$5 million in state grants for each of the next two years to support communities impacted by the 2005 BRAC recommendations. The VMSRF will be administered by the VNDIA, a 16-member authority created by the General Assembly. The Authority works as an

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advocate for military communities as they implement BRAC recommendations and plan for future military expansions and other opportunities.

Grants were made available to eligible organizations on a competitive basis to support local efforts involved in the implementation of BRAC recommendations. Grant decisions were based on the merits of the request, degree of local support, regional impact, and overall feasibility of the project. To strengthen the County's request, FCDOT has proposed leveraging bond funds previously identified for the South Kings Highway at Harrison Street project to use as the local match for the VNDIA funds. This will allow multiple projects to proceed concurrently.

The Board approved the application for these funds on October 23, 2006. FCDOT submitted an application for spot transportation improvements and a TDM program in the Fort Belvoir area of Fairfax County to the VNDIA in November 2007. This group of projects has been identified by the Fort Belvoir Transportation Resolution Team in 2004, Governor Mark R. Warner's Northern Virginia Base Realignment and Closure (BRAC) Working Group in 2005, the Army's Transportation Master Plan, the Fairfax County Department of Transportation and the Virginia Department of Transportation, as needed transportation improvements for the Fort Belvoir BRAC plan. These funds, if approved, will aid the design and construction of spot transportation improvements in the Fort Belvoir area of Fairfax County and develop a TDM program. The following is a list of needed improvements which may be funded with this application in priority order:

- South Kings Highway at Harrison Lane – \$3,000,000  
Add a left turn lane on westbound Kings Highway and a right turn lane on eastbound Kings Highway.
- Transportation Demand Management (TDM) Program – \$750,000  
This project will be implemented on Fort Belvoir for all agencies to use. It includes shuttle bus service on base and from the Franconia-Springfield and Huntington Metrorail stations and the Lorton Virginia Railway Express (VRE) station to the base.
- Route 1 at Pohick Road (Tulley Gate) – \$525,000  
Increase northbound Route 1 right turn lane radius and add an additional northbound right turn lane.
- Route 1 at Sacramento Drive – \$350,000  
Extend northbound Route 1 left turn lane.
- Route 1 at Frye Road – \$350,000  
Add dedicated eastbound right turn lane on Frye Road and dedicated southbound right turn lane on Route 1.
- Route 1 at Lockheed Boulevard – \$350,000  
Add eastbound right turn lane on Lockheed.

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- John J. Kingman Road at Fairfax County Parkway – \$175,000  
Add second right turn lane on Kingman Road.

The spot intersection improvements are necessary to reduce delays and congestion along the Route 1 (Richmond Highway) corridor and within Fort Belvoir at the Fairfax County Parkway and John J. Kingman Road.

The TDM program is needed to reduce trips by single-occupant vehicles through increased transportation choices and mode shifts that will capitalize on the use of existing bus service, VRE stations and Metrorail stations in the area. By encouraging and expanding mobility options, demands on the roadway infrastructure can be reduced and environmental gains, such as improved air quality, can be enhanced.

FISCAL IMPACT:

The Board of Supervisors endorsed submitting the VNDIA grant applications on October 23, 2006. The total estimated cost associated with this grant is \$4,500,000, of which \$1,500,000 is funded by VNDIA grant funding and the remaining \$3,000,000 is the required Local Cash Match, available in Fund 304, Transportation Improvements, Project 4YP012, South Kings Highway/Harrison Lane. Grant funding from VNDIA in the amount of \$1,500,000 will be appropriated to Fund 304 at the FY 2007 Carryover Review.

CREATION OF POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Agreement for Spot Transportation Improvements and Transportation Demand Management (TDM) Program in the Fort Belvoir Area of Fairfax County.

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, FCDOT

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Ellen F. M. Posner, Assistant County Attorney

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

Howard J. Guba, Deputy Director, DPWES

Jay Guy, FCDOT

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## INFORMATION - 1

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

Consultant services are needed to provide full architectural/engineering design and construction administrative services for the renovation and expansion for Project 004843, Richard Byrd Community Library, in Fund 302, Library Construction. The project will consist of 10,000 square feet of library renovation, an approximate 8,000 square feet of library expansion, and temporary trailer facilities to keep the library services available during construction. The scope of work for the library design also includes the evaluation of a future second floor design predominantly over the library expansion area. This project is included in the FY 2007 thru FY 2011 Adopted Capital Improvement Program.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of Beery Rio Architecture was selected in July 2000, and a contract for Phase I in the amount of \$50,000 was authorized on October 20, 2000, to provide a feasibility study for this project. This contract amendment will provide the full design and construction administration services for the library project and for the design that will accommodate a future second floor. This amendment in the amount of \$826,547 increases the total contract amount from \$50,000 to \$876,547.

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

The total contract amendment value including the design contingency is \$826,547.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract amendment to Beery Rio Architecture in the amount of \$826,547.

#### FISCAL IMPACT:

Funding is available for Project 004843, Richard Byrd Community Library, in Fund 302, Library Construction to award this contract amendment in the amount of \$826,547.

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ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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## INFORMATION - 2

### International Building Safety Week

In observance of International Building Safety Week, May 6-12, 2007, the Department of Public Works and Environmental Services (DPWES) is conducting a campaign to promote public awareness of building safety in Fairfax County. This is in keeping with DPWES' mission to enforce building codes and County ordinances in order to ensure the construction of safe buildings in the County.

As has been the practice in previous years, staff is working in collaboration with local home improvement stores including Home Depot stores at Price Club Plaza, Hybla Valley, Seven Corners Center, Fairfax Circle, Alexandria, and Reston, to set up safety information booths at store entrances during Building Safety Week. Staff from neighboring local jurisdictions who participated in last year's effort have expressed their satisfaction with last year's joint effort, and have again indicated their desire to continue it. On May 5 and 6, in another regional collaborative effort, the booths will be staffed jointly by engineers and inspectors from Fairfax County DPWES and Code Enforcement Agencies from Arlington County, the City of Fairfax, the Town of Herndon, the City of Alexandria, and the City of Falls Church.

Customers and visitors will have the opportunity to learn about building code requirements. Building equipment and safety appliances, such as carbon monoxide alarms, smoke detectors, fire extinguishers, and radon test kits, will be displayed. Information brochures on building and elevator safety, as well as permit process information, will be available to all visitors.

This outreach program is designed to educate County residents on the provisions of the building codes, increase the level of awareness on building safety, and save lives. Since initiating the community outreach visits over ten years ago, citizen response has continued to be very positive, and there has been an increasing level of interest from customers shopping at these stores.

As part of the ceremony recognizing Building Safety Week, DPWES will also present its Building Safety Community Partnership Award. This award recognizes private or corporate citizens for their contributions toward the advancement of DPWES' mission of ensuring building and construction safety in Fairfax County. This is the award's tenth year, and the recipient this year is Mr. William Sutton, in recognition of his 18 years of service as the liaison between Fairfax County and the Northern Virginia Building Industry Association (NVBIA), a cooperative arrangement wherein the parties have met every other month to discuss and resolve building code issues of mutual concern.

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Issues such as fire-retardant lumber and proper foundation wall backfill techniques have been discussed in this forum, and policies have been developed and implemented smoothly with the skilled assistance of Mr. Sutton. Mr. Sutton is an architect and a partner at Sutton & Yantis Associates, a member of NVBIA.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Resolution

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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### INFORMATION - 3

#### Contract Award – Elevator Rehabilitation at the Noman M. Cole, Jr., Pollution Control Plant (Mount Vernon District)

Two sealed bids were received and opened on Tuesday, April 3, 2007, for the construction of the Elevator Rehabilitation, Project X00910, Replacement and Renewal, in Fund 402, Sewer Construction Improvements. This contract will rehabilitate the structural, architectural, mechanical, and electrical system for the existing freight elevator serving Building K3 within the Noman M. Cole, Jr., Pollution Control Plant. The remaining facility will be fully operational during the rehabilitation of the freight elevator. This project is included in the FY 2007 - FY 2011 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is W.M. Schlosser Company, Incorporated. The bid of \$644,000 is \$154,540 or 19.3% lower than the engineer's estimate of \$798,540. The second and the highest bid of \$699,524 is \$55,524 or 7.9% above the lowest bid.

The Department of Public Works and Environmental Services (DPWES) has analyzed the bids received on the referenced project. Both bids were below the engineer's estimate due to a competitive market among the elevator manufacturers. The lowest bidder was able to reduce his administrative and mobilization costs even further due to his other ongoing contract work at the Noman M. Cole, Jr., Pollution Control Plant. In conjunction, these items make this a favorable below estimate bid.

W.M. Schlosser Company, Incorporated has satisfactorily completed construction projects for Fairfax County and is considered a responsible contractor. The Department of Tax Administration has verified that W.M. Schlosser Company, Incorporated has the appropriate Fairfax County Business, Professional and Occupational License

This bid may be withdrawn after May 18, 2007.

Unless otherwise directed by the Board of Supervisors, DPWES will proceed to award this contract to W.M. Schlosser Company, Incorporated in the amount of \$644,000.

#### FISCAL IMPACT:

Funding in the amount of \$772,272.50 is necessary to award this contract and to fund

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the associated contingency and other project costs. Funds are currently available in Fund 402, Sewer Construction Improvements, Project X00910, Replacement and Renewal in the amount of \$1,468,820.00 to award this construction contract and to fund the associated contingency and other project costs. The remaining funding will stay within this project to fund the other scheduled Replacement and Renewal projects.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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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. *Sheets v. Board of Supervisors*, Case No. CL-2006-0013714 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  - 2. *Board of Supervisors of Fairfax County, Virginia, v. Mohammad Aliabadi, et al.*, At Law No. CL-2004-0227289 (Fx. Co. Cir. Ct.) (Springfield District)
  - 3. *Citizens to Preserve and Expand Fitness Facilities, Seymour Schneider, Truett Degeare, Kevin Ritter, Joseph Stewart, Sidney Sachs, Glen Dixon, Suzanne Ritter, and Robert Cook v. Fairfax County Park Authority, Fairfax County Department of Public Works and Environmental Services, and Fairfax County Board of Supervisors*, Case No. CL-2007-0003492 (Fx. Co. Cir. Ct.) (Springfield District)
  - 4. *John Reed v. John W. Scaman, III*, Case No. CL-2006-0005658; (Fx. Co. Cir. Ct.)
  - 5. *Ernst B. Sprinckmoller v. Ronald K. Haas*, Case No. CL-2007-0002364 (Fx. Co. Cir. Ct.)
  - 6. *Robert Lepelletier, Jr. v. Robert L. Mears, Director of the Department of Finance*, Case No. GV07008814-00 (Fx. Co. Gen. Dist. Ct.)

7. *Potential Claims for Damage to Properties in Huntington Park Resulting from Flooding in 2006* (Mount Vernon District)
8. *In re: The Grievance of William Vazquez; Fairfax County Civil Service Commission*
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilver Galindo, Case No. CL-2006-0008832* (Fx. Co. Cir. Ct.) (Braddock District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. The 5408 Oakwood Road, LLC, Case No. CL-2007-0001709* (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Woo Dong Han and Young Nam Han, Case No. CL-2007-0003552* (Fx. Co. Cir. Ct.) (Braddock District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Anthony Eller and Barbara D. Eller, Case No. CL-2006-0014177* (Fx. Co. Cir. Ct.) (Providence District)
13. *William E. Shoup, Fairfax County Zoning Administrator v. Enrique Lopez, Case No. CL-2006-0004984* (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Richard William Horner and Margaret Draffin Horner v. Board of Zoning Appeals of Fairfax County, et al., Case No. CL-2006-0007696* (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Motiva Enterprises, LLC, Case No. CL-2007-0004128* (Fx. Co. Cir. Ct.) (Sully District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simon V. Ortiz, Ronald Ortiz, and Ruth A. Ortiz, Case No. CL-2007-0003736* (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christine A. Bucierka, Case No. CL-2007-0004195* (Fx. Co. Cir. Ct.) (Sully District)

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3:00 p.m.

Public Hearing on PCA 1998-DR-049-04 (Hampstead Village LLC) to Amend the Proffers for RZ 1998-DR-049 Previously Approved for Residential Development at a Density of 5.92 Dwelling Units Per Acre to Permit the Resubdivision of a Single Lot Into 2 Lots (Lots 8A and 9A) as Originally Approved Pursuant to RZ 1998-DR-049 Resulting in an Overall Density of 5.96 Dwelling Units Per Acre, Located on Approximately 15,648 Square Feet, Zoned PDH-5, Dranesville District

The application property is located on the S. side of Addington Dr. and E. of Evans Farm Dr. Tax Map 30-1 ((30)) 8A and 9A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 19, 2007, the Planning Commission voted unanimously (Commissioners Harsel, Koch, and Murphy absent from the meeting) to recommend that the Board of Supervisors approve PCA 1998-DR-049-04, subject to the executed proffers dated April 3, 2007.

The Commission then voted unanimously (Commissioners Harsel, Koch, and Murphy absent from the meeting) to approve FDPA 1998-DR-049-04, subject to Board approval of PCA 1998-DR-049-04 and subject also to the executed proffers dated April 3, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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

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3:30 p.m.

Public Hearing on RZ 2006-LE-026 (Eastwood Properties, Inc.) to Rezone from R-1 to PDH-2 to Permit Residential Development at a Density of 1.94 Dwelling Units Per Acre, Located on Approximately 4.13 Acres, Lee District

The application property is located in the southeast quadrant of the intersection of Lackawanna Drive and Dudrow Road, Tax Map 90-3 ((3)) 6, 7 and 8.

PLANNING COMMISSION RECOMMENDATION:

On March 22, 2007, the Planning Commission voted 10-0-1 (Commissioner Harsel abstaining; Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2006-LE-026 and the Conceptual Development Plan, subject to the execution of proffers consistent with those dated March 16, 2007;
- Modification of Section 6-0202.2A of the Public Facilities Manual (PFM) in order to permit diversion of the natural drainage divide; and
- Modification of Section 7-0902 of the PFM to permit a 30-foot radius turnaround in lieu of the minimum requirement of 45 feet for cul-de-sacs.

The Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend that the Board approve modification of Section 7-05303 of the PFM to permit a 10-foot wide planting strip in the center of the pipestem driveway.

The Planning Commission voted 10-0-1 (Commissioner Harsel abstaining; Commissioner Hall absent from the meeting) to approve FDP 2006-LE-026, subject to Board approval of RZ 2006-LE-026 and the Conceptual Development Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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

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Board Agenda Item  
April 30, 2007

3:30 p.m.

Public Hearing on RZ 2006-LE-018 (Fleet Drive LLC) to Rezone from R-1 and R-3 to R-12 to Permit Residential Development at a Density of 8.31 Dwelling Units Per Acre Located on Approximately 5.90 Acres, Lee District

The application property is on the west side of Beulah Street and the east side of Fleet Drive at its intersection with Gravel Ave Tax Map 91-1 ((1)) 58, 59A, 59B and 60; 91-1 ((5)) 2-6.

PLANNING COMMISSION RECOMMENDATION:

On March 22, 2007, the Planning Commission voted 9-0-2 (Commissioners Harsel and Hart abstaining; Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2006-LE-018, subject to the execution of proffers consistent with those dated March 21, 2007;
- Waiver of the 600-foot maximum length requirement for a private street;
- Waiver of the trail requirement along Fleet Drive in lieu of the 600 foot concrete sidewalk as shown on the Generalized Development Plan; and
- Waiver of the barrier requirement to the existing single-family detached dwelling on abutting parcel 7.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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

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Board Agenda Item  
April 30, 2007

3:30 p.m.

Public Hearing on RZ 2006-PR-012 (CB Companies, LLC) to Rezone from R-1 to R-3 to Permit Residential Development at a Density of 2.0 Dwelling Units Per Acre, Located on Approximately 1.00 Acre, Providence District

The application property is located in the southeast quadrant of the intersection of Providence Street and Helena Drive, Tax Map 39-4 ((1)) 219.

PLANNING COMMISSION RECOMMENDATION:

On March 15, 2007, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Denial of the request to rezone the property to the R-3 District; and
- Approval of the revised request to rezone the property to the R-2 District, subject to execution of proffers consistent with those dated March 15, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Carrie Lee, Staff Coordinator, Zoning Evaluation Division, DPZ

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3:30 p.m.

Public Hearing on SE 2006-MA-029 (Petroleum Marketing Group, Inc.) to Permit a Service Station and Car Wash, Located on Approximately 34,239 Square Feet, Zoned C-5, Mason District

The application property is located at 6464 Edsall Road, Tax Map 80-2 ((3)) 22.

PLANNING COMMISSION RECOMMENDATION:

On April 18, 2007, the Planning Commission voted unanimously (Commissioner Hart not present for the vote; Commissioners Harsel and Murphy absent from the meeting) to recommend that the Board of Supervisors approve SE 2006-MA-029, subject to the Development Conditions dated April 14, 2007, with the following correction:

--in Condition #4, add the word "approval" following "Urban Forest Management".

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
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3:30 p.m.

Public Hearing on SE 2006-MA-028 (Petroleum Marketing Group, Inc.) to Permit a Car Wash and a Service Station in a Highway Corridor Overlay District. Located on Approximately 22,835 Square Feet Zoned C-5, CRD, HC and SC, Mason District

The application property is located at 6014 Leesburg Pike, Tax Map 61-2 ((1)) 7.

PLANNING COMMISSION RECOMMENDATION:

On April 18, 2007, the Planning Commission voted unanimously (Commissioner Hart not present for the vote; Commissioners Harsel and Murphy absent from the meeting) to recommend that the Board of Supervisors approve SE 2006-MA-028, subject to the Development Conditions dated April 13, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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

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Board Agenda Item  
April 30, 2007

3:30 p.m.

Public Hearing on SEA 81-M-097-04 (CCP Shirley Highway, Inc. and Petroleum Marketing Group, Inc.) to Amend SE 81-M-097 Previously Approved for a Service Station and Quick Service Food Store to Permit an Increase in Land Area, a Drive-In Bank, Service Station, Car Wash, Quick Service Food Store, Fast Food Restaurant, and Associated Modifications to Development Conditions and Site Design, Located on Approximately 1.9 Acres Zoned C-6, Mason District

The application property is located at 5550 Bloomfield Drive, Tax Map 81-1 ((1)) 7H pt.

PLANNING COMMISSION RECOMMENDATION:

On April 18, 2007, the Planning Commission voted unanimously (Commissioner Hart abstaining; Commissioners Harsel and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Partial approval of SEA 81-M-097-4, with denial of the requested carwash, subject to the Development Conditions dated April 17, 2007, supplemented as follows:
  - All public telephones will be located inside the gas station facility; and
  - The Development Conditions will be prominently displayed.
- Modification of the transitional screening requirements and waiver of the barrier requirements along the eastern, southern, and western boundaries in favor of that shown on the Special Exception Plat and as modified by the Development Conditions.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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

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Board Agenda Item  
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4:00 p.m.

Public Hearing on a Proposal to Vacate and Abandon Bent Willow Drive (Lee District)

ISSUE:

Public hearing to consider the vacation and abandonment of Bent Willow Drive.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached ordinance (Attachment III) and the attached order (Attachment IV) for vacation and abandonment of Bent Willow Drive.

TIMING:

On March 26, 2007, the Board authorized a public hearing to consider the proposed vacation and abandonment for April 30, 2007, at 4:00 p.m.

BACKGROUND:

The applicant, the Willow Creek Community Association, is requesting vacation and abandonment of Bent Willow Drive between South Van Dorn Street and the existing terminus approximately 340 feet to the northeast within the Willow Creek Subdivision. This road is in the Virginia Department of Transportation (VDOT) Secondary Highway System (Route 8109).

The Willow Creek Community Association, as the adjacent HOA, wishes to privatize Bent Willow Drive in order to undertake maintenance and operation of the roadway as a private community street. On November 20, 2006, the Board approved PCA-82-L-087-2 deleting the proffered requirement for a public street and permitting this application to go forward (Attachment VIII). The PCA conditions future development on the property on approval of this vacation and abandonment application.

Traffic Circulation and Access

The vacation and abandonment will have no long-term impact on vehicle circulation and access. Bent Willow Drive will be maintained as a private street by the Willow Creek Community Association. The ingress-egress easement will provide access to the parcel to the north for County maintenance purposes.

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Easements

Dominion Virginia Power, the Fairfax County Water Authority, and the Fairfax County Department of Public Works and Environmental Services have all identified facilities within the areas 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 and abandon 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 and Abandon  
Attachment III: Ordinance of Vacation  
Attachment IV: Order of Abandonment  
Attachment V: Vacation and Abandonment Plat  
Attachment VI: Metes and Bounds Descriptions  
Attachment VII: Vicinity Map  
Attachment VIII: PCA-82-L-087-2 including indemnity agreements

STAFF:

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

Board Agenda Item  
April 30, 2007

4:00 p.m.

Public Hearing for the Enlargement/De-Creation/ Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling, and/or Vacuum Leaf Collection Service (Dranesville and Providence Districts)

ISSUE:

Board approval of the enlargement/de-creation/re-creation of small and local sanitary districts for refuse/recycling and/or vacuum leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed petitions within Dranesville and Providence Districts in accordance with the Board's adopted criteria for the creation/ enlargement/withdrawal of small or local sanitary districts.

The actions listed below will result in a net increase of 57 leaf customers and 1 new refuse and recycling customer.

| <u>Sanitary District</u>  | <u>Action</u>                   | <u>Service</u>              | <u>Recommendation</u> |
|---|---------------------------------|-----------------------------|-----------------------|
| Local District 1A6<br>Within Small District 1<br>Within Dranesville District<br>(1868 Kirby Road) | Enlarge<br>1 Unit               | Refuse<br>& Recycling       | Approve               |
| Small District 7<br>Within Dranesville District<br>(2124 Powhatan Street)                         | DeCreate/<br>ReCreate<br>1 Unit | Refuse, Recycling<br>& Leaf | Approve               |
| Small District 2<br>Within Providence District<br>(Pine Ridge)                                    | Enlarge<br>55 Units             | Leaf                        | Approve               |
| Small District 2<br>Within Providence District<br>(8956, 8958 and 8960<br>Colesbury Place)        | Enlarge<br>3 Units              | Leaf                        | Approve               |

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TIMING:

The Board authorized to advertise on April 9, 2007, for a Public Hearing on April 30, 2007, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the creation/enlargement/de-creation/re-creation of small and local sanitary districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board at public hearings. Prior to any action by the Board on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board's adopted criteria for the creation/enlargement/de-creation/re-creation of small and local sanitary districts.

Residents within the proposed sanitary districts have been sent letters by the County outlining the sanitary district petition process. This communication is to insure that residents are aware that the process is ongoing while advising them of their rights and referring them to sources of information should they have any questions. The letter also provides residents within the proposed sanitary district area with details of the refuse, recyclables and/or leaf collection service that will be provided should the sanitary district be approved. If approved, refuse and recycling collection will begin in July 2007 with vacuum leaf collection to start in the fall of 2007.

The submitted petitions have been reviewed, and it has been determined that the petitions meet the Board's adopted criteria. Staff recommends that the authorization to advertise a public hearing for the enlargement/de-creation/re-creation of small and local sanitary districts for refuse, recycling and/or leaf collection areas be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheets with Proposed Resolutions and Maps

STAFF:

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

Board Agenda Item  
April 30,2007

4:00 p.m.

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Powhatan Street and Freedom Lane as Part of the Residential Traffic Administration Program (Dranesville District)

ISSUE:

Public hearing for the purpose of endorsing the following roads to be included in the Residential Traffic Administration Program (R-TAP) for a through truck traffic restriction:

- Powhatan Street between Kirby Road and the Arlington County Line
- Freedom Lane between Kirby Road and Powhatan Street

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution endorsing these roads to be included in the R-TAP for a through truck traffic restriction.

TIMING:

On April 9, 2007, the Board authorized advertisement of a public hearing scheduled for April 30, 2007, 4:00 p.m.

BACKGROUND:

On July 12, 2006, Supervisor DuBois, on behalf of the Marlborough-Nantucket Citizens Association, requested the Virginia Department of Transportation (VDOT) to consider the referenced through truck restriction. The Supervisor and residents are concerned that general truck traffic, including construction-related traffic, are routinely cutting through the neighborhood. Staff has performed a preliminary review of Powhatan Street and Freedom Lane and determined that the roads would be eligible for further consideration of a through truck traffic restriction as part of the R-TAP. A possible alternate route is via Kirby Road to Westmoreland Street to Williamsburg Boulevard (Attachment II). Staff contacted personnel from the Arlington County Department of Environmental Services, Division of Transportation, concerning the proposed through truck restriction and proposed alternate route. They have stated that Powhatan Street on the Arlington County side would not qualify for a through truck restriction according to their criteria, and are concerned that a through truck restriction on the Fairfax County side would cause confusion in diverting only a small number of trucks to other routes.

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Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on these roads (Attachment I) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the through truck restriction request.

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:  
Attachment I: Proposed Resolution to Restrict Through Truck Traffic on Powhatan Street and Freedom Lane  
Attachment II: Area Map of Proposed Through Truck Traffic Restriction

STAFF:  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Karyn Moreland, Chief, Traffic Operations Section, FCDOT  
Douglas W. Hansen, Senior Transportation Planner, FCDOT

Board Agenda Item  
April 30, 2007

5:00 p.m.

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

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