



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MAY 7, 2007**

**ACTION ITEMS  
(CONTINUED)**

- |   |                 |  |
|---|-----------------|--|
| 4 | <b>Approved</b> | Authorization to File Testimony in Application of Verizon Virginia Inc. and Verizon South Inc. for a Determination that Retail Services are Competitive and Deregulating and Detariffing of the Same |
| 5 | <b>Approved</b> | 2007 School and Transportation Bond Referendums  |
| 6 | <b>Approved</b> | Revisions to the County's Standard Development Agreement and Performance Bond  |

**INFORMATION ITEMS**

- |       |              |  |
|-------|--------------|--|
| 1     | <b>Noted</b> | Contract Award for Engineering Design Services for Poplar Tree Road Widening (Sully District)  |
| 2     | <b>Noted</b> | Contract Award - South Run District Park, RECenter Fitness Center Addition (Springfield District)  |
| 3     | <b>Noted</b> | Contract Award for the Rehabilitation of Cedar Ridge Apartments (Hunter Mill District)   |
| 4     | <b>Noted</b> | Contract Award – Annual Contract for Storm Sewer Repairs Using Cured-In-Place Point Repairs (CIPPR), Pressure Testing and Chemical Sealing Methods |
| 10:30 | <b>Done</b>  | Matters Presented by Board Members   |
| 11:20 | <b>Done</b>  | Closed Session   |

**PUBLIC HEARINGS**

- |      |  |   |
|------|--|---|
| 3:30 | <b>Approved</b>  | Public Hearing on RZ 2005-LE-021 (Michael V. Curtiss and Joanne M. Curtiss) (Lee District)  |
| 3:30 | <b>Public hearing deferred to 5/21/07 at 3:30 p.m.</b> | Public Hearing on PCA 2003-MV-045 (Gunston Cove Homeowners Association, A Non-Stock Virginia Corporation) (Mount Vernon District) |
| 3:30 | <b>Approved</b>  | Public Hearing on PCA 85-S-013-04 (Sully Station, LLC) (Sully District)   |
| 3:30 | <b>Approved</b>  | Public Hearing on PCA 84-S-027-07 (Sully Station, LLC) (Sully District)   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MAY 7, 2007**

**PUBLIC HEARINGS  
(CONTINUED)**

3:30	<b>Approved</b>	Public Hearing on SEA 01-Y-040 (Sully Station, LLC) (Sully District)
3:30	<b>Approved</b>	Public Hearing on SE 2006-SU-024 (Wolseley Investments, Inc.) (Sully District)
4:00	<b>Approved</b>	Public Hearing to Establish the Compton Village Community Parking District (Sully District)
4:30	<b>Approved</b>	Public Hearing to Establish the North Lake Village Community Parking District (Springfield District)
4:30	<b>Approved</b>	Public Hearing to Consider Proposed Amendments to Address January 2006 Revisions to Appendix B of the Virginia Department of Transportation Road Design Manual
4:30	<b>Approved</b>	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Planned Development District Recreational Fees



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

**Monday**  
**May 7, 2007**

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9:00 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize Diamond Jim, also known as “James,” an English springer spaniel from Fairfax County, for being named Best In Show at this year’s Westminster Dog Show in New York. Requested by Supervisor Frey.
2. PROCLAMATION – To designate May14-18, 2007, as Police Week in Fairfax County. Requested by Supervisor Frey.
3. CERTIFICATE – To recognize the organizers of the Detective Vicky Armel and Master Police Officer Michael Garbarino trust funds. Requested by Chairman Connolly.
4. CERTIFICATE – To recognize Dr. Judith Jackson, principal of Franconia Elementary School, for her years of service. Requested by Supervisor Kauffman
5. CERTIFICATE – To recognize the Reston Children’s Center on the occasion of its 40th anniversary of preschool and after-school care for children. Requested by Supervisor Hudgins.
6. CERTIFICATE – To recognize Iona Levin for her service on the Community Action Advisory Board. Requested by Supervisor Bulova.
7. CERTIFICATE – To recognize James Lafley for his service on the Board of Equalization of Real Estate Assessments. Requested by Supervisor Hyland.
8. CERTIFICATE – To recognize Wendell Byrd for his years of service as the basketball coach of South Lakes High School. Requested by Supervisor Hudgins.

STAFF:

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

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10:00 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE – 1

Streets into the Secondary System (Dranesville, Hunter Mill 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.

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
North Point Glen	Dranesville	Heather Down Drive (Route 7440) Northpoint Glen Court
The Bridges of Oakton	Hunter Mill	Bridge Hill Lane Foxclove Road Donns Way Yonder Hills Way Foxcroft Way (Route 5314) Stuart Mill Road (Route 669) (Additional Right-of-Way Only)
The Schnider Family Partnership	Sully	Lee Road (Route 661) (Additional Right-of-Way Only)

TIMING:

Routine.

BACKGROUND:

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

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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  
James W. Patteson, Land Development Services, DPWES

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ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Hunter Mill, Providence, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-Y07-5 to July 9, 2007; applications FS-P07-14 and FS-MD07-16 to September 24, 2007; and application 2232-Y07-5 to October 15, 2007.

TIMING:

Board action is required on May 7, 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 2232-Y07-5, FS-P07-14 and FS-MD07-16, which were accepted for review by the Department of Planning and Zoning (DPZ) between March 9, 2007, and March 15, 2007. These applications are for public utility facilities and thus are not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board also should extend the review period for application FS-Y07-5, which was accepted for review by DPZ on February 9, 2007. This application is for a telecommunications facility. Therefore, in accordance with State Code requirements, the

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Board may extend the time required for the Planning Commission to act on this application by no more than sixty additional days.

The review periods for the following applications should be extended:

- |            |   |
|------------|---|
| 2232-Y07-5 | Fairfax Water<br>Three water storage tanks<br>3663 West Ox Road<br>Sully District   |
| FS-Y07-5   | Verizon Wireless<br>Antenna colocation on existing monopole (treepole)<br>10922 Vale Road<br>Sully District   |
| FS-P07-14  | Fairfax Water<br>2,300 feet of 24-inch diameter water main<br>Spring Hill Road, between Leesburg Pike and International Drive<br>Providence District  |
| FS-MD07-16 | Fairfax Water<br>6,200 feet of 24-inch diameter water main<br>Leesburg Pike, between Chain Bridge Road and Dulles<br>International Airport Access Highway<br>Hunter Mill and Providence Districts |

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 - 3

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)

ISSUE:

Board authorization to advertise a public hearing for Monday, June 4, 2007, at 4:00 p.m., to consider a proposed amendment to Appendix G, of *the Code of the County of Fairfax, Virginia*, to expand the Robinson Residential Permit Parking District (RPPD), District 17.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, June 4, 2007, at 4:00 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Robinson RPPD, District 17.

TIMING:

The Board should take action on May 7, 2007, to advertise a public hearing for June 4, 2007, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances of a high school if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Petitions requesting expansion of the RPPD were received on February 23, 2007, and March 14, 2007. The proposed District expansion includes the following street blocks:

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Collingham Drive (Route 5480) from Commonwealth Boulevard (Route 4801) to Nottingham Lane (Route 5485), Ashcroft Way (Route 5481) from Collingham Drive to the end, and Ashcroft Court (Route 5482) from Ashcroft Way to the end.

The signatures on the petitions represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on February 23, 2007 and March 14, 2007, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board authorize the proposed advertisement (Attachment III) of a public hearing to consider expanding the Robinson RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$1900. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *the Code of the County of Fairfax, Virginia*

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

Attachment III: Notice of Public Hearing

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

Hamid Majdi, FCDOT

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ADMINISTRATIVE - 4

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Restoration of Damaged or Destroyed Nonconformities

ISSUE:

The proposed amendment is mandated by House Bill 78, which was adopted by the 2006 Virginia General Assembly and allows nonconforming buildings destroyed or damaged by natural disaster or other act of God to be rebuilt or replaced, regardless of the amount of destruction, within two years of the date of the natural disaster or within four years if the building is located in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration.

RECOMMENDATION:

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

TIMING:

Board action is requested on May 7, 2007, to provide sufficient time to advertise the proposed Planning Commission public hearing on June 14, 2007, and the proposed Board of Supervisors' public hearing on July 23, 2007, at 4:00 p.m.

BACKGROUND:

The proposed Zoning Ordinance amendment is on the 2006 Priority 1 Zoning Ordinance Amendment Work Program and is mandated by House Bill 78, which was adopted by the 2006 Virginia General Assembly and amended Sect. 15.2-2307 of the *Code of Virginia*. The purpose of the legislation is to facilitate the reconstruction of nonconforming buildings that are destroyed or damaged by a natural disaster or other act of God to their original nonconformity or to a reduced nonconforming condition.

The proposed amendment applies only to nonconforming buildings and would not apply to nonconforming uses or those uses or buildings that are not deemed to be nonconforming. Examples of nonconforming buildings that could benefit from this amendment are those buildings that existed prior to the current Zoning Ordinance and do not meet the current building height and/or floor area ratio (FAR) limitations and there is no current special permit or special exception provision that would allow such

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building to conform to the current height and/or FAR requirements. It should be noted that this amendment would not apply to properties where the current setback or lot size requirements are not met as such properties are not deemed nonconforming under the Zoning Ordinance. Taking these parameters into consideration it is believed that only a small number of structures that would be destroyed or damaged by a natural disaster or an act of God are affected by this amendment.

The proposed amendment adds a new Par. 7 to Sect. 15-103 of the Zoning Ordinance which provides, in accordance with §15.2-2307 of the *Code of Virginia*, that a nonconforming building destroyed or damaged by a natural disaster or other act of God may be repaired, rebuilt or replaced to its original nonconformity or to a reduced nonconforming condition within two years of the date of the natural disaster or other act of God. However, if the nonconforming building is located in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the building may be restored to its original condition or to a reduced nonconforming condition within four years of the disaster. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

This amendment allows nonconforming buildings destroyed or damaged by a natural disaster or act of God regardless of the extent of the damage to be reconstructed within a specified timeframe.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

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

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ADMINISTRATIVE - 5

Formal Offer to Dedicate to the Fairfax County Board of Supervisors a 507-Square-Foot Strip of Common Open Space Located in the Cassel Glen Subdivision (Lee District)

ISSUE:

Board acceptance of the dedication of a 507-square-foot strip of common open space located in the Cassel Glen Subdivision, Tax Map #082-1-04-0070, 082-1-04-0070-A and 082-1-01-0005-A.

RECOMMENDATION:

The County Executive recommends that the Board decline the offer of the dedication of a 507-square-foot strip of common open space located in the Cassel Glen Subdivision pursuant to Section 2-702(4) of the Fairfax County Zoning Ordinance.

TIMING:

Routine.

BACKGROUND:

The developer/owner (McShay Cassel Glen, LLC) for the Cassel Glen Subdivision, and the homeowners association (Cassel Glen Community Association, Inc.) are formally offering to dedicate to the Board a 507-square-foot strip of common open space, such that the developer can proceed with a planned resubdivision that would enlarge Lot 6, Cassel Glen Subdivision, by reducing the size of common open space known as Parcel A. This resubdivision is necessary in order to accommodate a five foot engineering error that was made on the house grading plan. In accordance with Section 2-702(4) of the Zoning Ordinance the disposal of common open space is not allowed unless such property is first offered for dedication to the Board. By declining this dedication by the Board, this 507-square-foot strip of land will be consolidated with Lot #6 and this will bring the lot in conformance with Section 3-307.2A(1)(c) of the Zoning Ordinance.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1: Formal letter of dedication from Frederick R. Taylor, Bean, Kinney & Korman, P.C., dated September 5, 2006

Attachment 2: Minor Lot Line Adjustment Plat entitled, Parcel "A" and Lot 6 Cassel Glen Subdivision, prepared by Apex Surveys, dated September 1, 2004, and revised November 13, 2006

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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ACTION - 1

Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the Northern Virginia HIDTA Gang Task Force

ISSUE:

Board approval of a Memorandum of Understanding between the Fairfax County Police and the Northern Virginia High Intensity Drug Traffic Areas (HIDTA) Gang Task Force authorizing the assignment of one second lieutenant and one detective to the HIDTA Gang Task Force.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to sign the Memorandum of Understanding between the Police Department and the Northern Virginia HIDTA Gang Task Force.

TIMING:

Board action is requested on May 7, 2007.

BACKGROUND:

In supporting the regional effort toward intervention and suppression of criminal street gangs and their activities, the Fairfax County Police Department recognizes the need to continue to be a lead agency within the Northern Virginia Regional Gang Task Force. The Northern Virginia Regional Gang Task Force was created in 2003 with initial funding from the federal government. Participating in a partnership with HIDTA will allow the Northern Virginia HIDTA Gang Task Force to meet some fixed expenses such as rental vehicles, radios and some overtime.

Under this agreement, the Northern Virginia HIDTA Gang Task Force and the Fairfax County Police will work to facilitate sharing information in an effort to suppress criminal street gang crime and protect the region against the acts of violence that are associated with the culture of criminal street gangs.

The assigned Fairfax County Police personnel will be members of the Northern Virginia HIDTA Gang Task Force engaged in specific, directed investigations and intelligence gathering designed to support the prosecution and disruption of gang related crime in the Northern Virginia area.

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FISCAL IMPACT:  
None

ENCLOSED:  
Attachment 1: Memorandum of Understanding between the Fairfax County Police Department and the Northern Virginia HIDTA Gang Task Force

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

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ACTION – 2

Authorization for the County Executive to Sign a Synthetic Turf Field Agreement on Behalf of the Board of Supervisors

ISSUE:

Authorization by the Board for the County Executive to sign on behalf of the Board a Synthetic Turf Field Agreement.

RECOMMENDATION:

The County Executive recommends that the Board authorize the County Executive to sign an agreement on behalf of the Board.

TIMING:

Board action is requested on May 7, 2007, because a contract for field construction must be awarded shortly to allow for a summer construction schedule and minimal disruption to school activities.

BACKGROUND:

The 2006 Park Authority bond included funding to develop synthetic turf athletic fields at 12 locations, three of which are located on School Board Property. Representatives of the Department of Community and Recreation Services (CRS), the Fairfax County Public Schools (FCPS), and the Fairfax County Park Authority (FCPA) met over the course of several months to create an agreement that would provide for the development and use of such fields. The resulting agreement, which is included as Attachment 1, was unanimously approved by the School Board at its meeting on April 12, 2007. The Park Authority Board approved the agreement at its meeting on April 25, 2007.

The key points of the agreement are as follows:

- The FCPA will transfer the necessary funds from the 2006 FCPA bond to the FCPS for the development of the fields.
- The FCPS will manage all aspects of the field construction. The fields will remain the property of the FCPS.
- The FCPA will be responsible for the maintenance of the fields.

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- The fields will remain in CRS's inventory of fields available for community use and will be scheduled by CRS in accordance with the Field Allocation Policy, which is included as Attachment 2.

FISCAL IMPACT:

All necessary funds will be provided by the 2006 FCPA bond.

ENCLOSED DOCUMENTS:

Attachment 1 – Synthetic Turf Field Agreement

Attachment 2 – CRS Field Allocation Policy

STAFF:

Verdia L. Haywood, Deputy County Executive

Patricia D. Franckewitz, Director, Department of Community and Recreation Services

Timothy White, Acting Director, Fairfax County Park Authority

Dean Tistadt, Chief Operating Officer, Fairfax County Public Schools

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ACTION – 3

Approval of a Memorandum of Understanding Between Fairfax County and Fairfax County School Board Regarding the Installation of a Synthetic Turf Field at Madison High School (Providence and Hunter Mill Districts)

ISSUE:

Fairfax County and the Fairfax County School Board desire to enter into an agreement to install a synthetic turf athletic field at the Madison High School stadium. The agreement specifies the financial, scheduling, maintenance, and legal aspects surrounding the field. The field development is funded by money proffered to the County for development of the Merrifield area.

RECOMMENDATION:

The County Executive recommends that the Board approve a Memorandum of Understanding (MOU) between Fairfax County and the Fairfax County School Board regarding the installation of a synthetic turf athletic field at Madison High School.

TIMING:

Board action is requested on May 7, 2007, since a contract for field construction must be awarded shortly to allow for a summer construction schedule and minimal disruption to school activities.

BACKGROUND:

The County will receive proffered funds for the installation of a synthetic turf playing surface that will be used at the Madison High School stadium. Representatives of the Providence District Supervisor, the Department of Community and Recreation Services (CRS), Fairfax County Public Schools (FCPS), and Vienna-area youth athletic groups met over the course of several months to create an agreement on the development and use of the field. The resulting MOU, included as Attachment 1, was unanimously approved by the School Board at its meeting on April 12, 2007.

The key points of the MOU are as follows:

- The Board of Supervisors (BOS) will provide \$500,000 in proffer funds, and community users (i.e., athletic groups) will provide \$350,000. If the field costs less than \$850,000 to build, the BOS and the community users will receive equal percentages of their money back.

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- FCPS will manage all aspects of the field construction and maintenance. The field will remain the property of the School Board.
- FCPS will provide to CRS guaranteed minimum allocations of the synthetic turf field for community use scheduling year-round. This field, as a high school stadium field, has not been available for community use in the past. CRS, members of the athletic community, and FCPS have agreed on the minimum allocation.
- FCPS will cease scheduling high school sports practices on five area middle and elementary schools. These practices will be relocated to the synthetic turf field, freeing up space at the other local fields for community use.
- Community use at all locations identified in the MOU will be scheduled by CRS in accordance with the Field Allocation Policy, which is included as Attachment 2.

It is anticipated that this MOU will serve as a template for future agreements between the BOS and FCPS to develop synthetic turf fields at high school locations.

FISCAL IMPACT:

None. This project will be funded by money proffered through to the County and transferred to the School Board.

ENCLOSED DOCUMENTS:

Attachment 1 – Memorandum of Understanding

Attachment 2 – CRS Field Allocation Policy

STAFF:

Verdia L. Haywood, Deputy County Executive

Patricia D. Franckewitz, Director, Department of Community and Recreation Services

Dean Tistadt, Chief Operating Officer, Fairfax County Public Schools

Board Agenda Item  
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ACTION - 4

Authorization to File Testimony in Application of Verizon Virginia Inc. and Verizon South Inc. for a Determination that Retail Services are Competitive and Deregulating and Detariffing of the Same

ISSUE:

Board authorization to file testimony in the application of Verizon Virginia Inc. and Verizon South Inc. for a determination that retail services are competitive and deregulating and detariffing of the same.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Cable Communications and Consumer Protection (“DCCCP”) to file testimony in SCC Case No. PUC-2007-00008.

TIMING:

The deadline for filing testimony is Friday, May 18, 2007. The County Attorney has filed a Notice of Participation so that the County can preserve its right to appear in the case. If the Board does not approve the testimony, the County will withdraw from the case.

BACKGROUND:

On March 26, 2007, the Board approved the filing of a Notice of Participation in the Application of Verizon Virginia Inc. and Verizon South Inc. (collectively, “Verizon” or “the Company”) for a determination that its retail services are competitive and deregulating and detariffing the same. The Notice of Participation was filed with the State Corporation Commission (“SCC”) on April 4, 2007.

On January 17, 2007, Verizon filed an Application with the SCC for the purposes of deregulating its Basic Local Exchange Telephone Services (“BLETS”), Other Local Exchange Telephone Services, and Bundled Services. Verizon does not seek to deregulate its E-911, Lifeline, switched access, or special access services. To partially protect consumers and competitors if its Application is granted, Verizon agrees to comply with selected SCC rules and to cap rate increases for a single BLETS service – residential unlimited usage local dial-tone service (“local flat-rate service”) – by \$1.00/year for three years.

Staff has prepared and is recommending approval of testimony that addresses: (1) the

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need to identify markets in both geographic and product terms in assessing competition; (2) the appropriate market test for assessing current levels of competition; (3) the attributes of effective competitors; (4) the merits of a measured regulatory response that establishes a regulatory framework designed for the present market, which is transitional in nature, and not for the fully competitive market that may ultimately develop; and (5) appropriate consumer and competitor safeguards.

Staff's testimony concludes that Verizon's requested relief lacks the safeguards necessary to protect competitors and Fairfax County consumers in a deregulated environment, and that Verizon's requested relief appears premature.

Staff's testimony recommends that the SCC deny Verizon's Application, particularly as it pertains to BLETs, calling features and services provided in conjunction with BLETs, bundled services that include BLETs, and directory and operator services.

If the SCC adopts staff's recommendation regarding the continued regulation of residential local flat-rate service, then local flat-rate service will remain regulated and it is unlikely that Verizon will be able to increase rates annually over the next three-year period, as it proposes. This recommendation, if adopted, will save Verizon's residential customers more than \$5.83 million over the next three years, with Fairfax County households saving more than \$775,000.

Testimony in the case is due May 18, 2007. The public hearing is scheduled to commence on July 23, 2007, at the State Corporation Commission in Richmond, Virginia.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed testimony of Stephen Sinclair and Susan Hafeli in SCC Case No. PUC-2007-00008.

STAFF:

David J. Molchany, Deputy County Executive

Michael Liberman, Acting Director, Department of Cable Communications and Consumer Protection (DCCCP)

Dennis R. Bates, Senior Assistant County Attorney

Steve Sinclair, Chief, Utilities Branch, DCCCP

Susan Hafeli, Utility Analyst, Utilities Branch, DCCCP

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ACTION - 5

### 2007 School and Transportation Bond Referendums

#### ISSUE:

Board approval of the 1) Fairfax County Public Schools Referendum totaling \$365,200,000, as requested by the School Board and 2) a Transportation Referendum totaling \$110,000,000, as approved by the Board of Supervisors on February 26, 2007, and adoption of the enclosed resolutions requesting the Circuit Court to order a special election on the issuance of such bonds on November 6, 2007. A schedule of events is included as Attachment I.

#### RECOMMENDATION:

The County Executive recommends that the Board adopt each of the enclosed referendum resolutions:

- 1) School Bond Resolution (Attachment II)
- 2) Transportation Bond Resolution (Attachment III)

#### TIMING:

Adoption of the resolutions (Schools, Attachment II and Transportation, Attachment III) is required prior to the filing of a petition with the Circuit Court to request the election. After the petition is filed and the order for a special election is entered, this special election will be submitted for pre-clearance in accordance with Section 5 of the federal Voting Rights Act of 1965, as amended. Board action on May 7, 2007, will allow staff adequate time to complete the necessary procedures.

#### BACKGROUND:

On April 26, 2007, the School Board approved a resolution for a School Referendum in the amount of \$365,200,000 (Attachment IV). Details of the projects expected to be funded are included in Attachment V. As was previously discussed with the Board of Supervisors at the April 2, 2007 Budget Committee meeting on the Capital Improvement Program, \$50.0 million is included in the School's infrastructure requirements for the renewal of the Newington garage. This garage primarily services school buses and school vehicles as well as other large County vehicles. It should be noted that as the bond sale dollars associated with the Newington garage are sold, these funds will not be counted against the Schools total allocation for bond sales. This bond sale money will be reflected against the County's bond sale allocation limits.

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On February 26, 2007, the Board authorized the Department of Transportation to begin preparations for a transportation bond referendum in the amount of \$110.0 million. A list of the transportation referendum bond projects is shown in Attachment VI.

The referendum amounts are consistent with the FY 2008 - FY 2012 Capital Improvement Program (With Future Years to FY 2017) (CIP) as approved by the Board of Supervisors on April 30, 2007.

FISCAL IMPACT:

The cash flow presented to the Board during its consideration and approval of the CIP included sufficient funds to support bond sales for County and School purposes of \$275.0 million annually with \$155.0 million allocated to Schools and \$120.0 million for County requirements. Sales of the bonds approved in the 2007 School Referendum and Transportation Referendum will occur as needed to meet projected cash flow requirements.

ENCLOSED DOCUMENTS:

Attachment I – Schedule of Events

Attachment II – Board of Supervisors Resolution Requesting an Order for Election on the Issuance of Bonds in the amount of \$365,200,000 for Schools.

Attachment III – Board of Supervisors Resolution Requesting an Order for Election on the Issuance of Bonds in the amount of \$110,000,000 for Transportation

Attachment IV – Resolution Adopted by School Board on April 26, 2007 Requesting Bond Referendum

Attachment V – 2007 School Referendum Bond Project List

Attachment VI – Transportation Projects for 2007 Bond Referendum

STAFF:

Anthony H. Griffin, County Executive

Jack D. Dale, Superintendent of Schools

Edward L. Long, Jr., Deputy County Executive

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director Fairfax County Department of Transportation

Leonard P. Wales, County Debt Manager, Department of Management and Budget

Dean Tistadt, Assistant Superintendent, Fairfax County Public Schools

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ACTION - 6

Revisions to the County's Standard Development Agreement and Performance Bond

ISSUE:

Board approval of revisions to the County's standard Development Agreement and Performance Bond as shown on Attachments 1 and 2.

RECOMMENDATION:

The County Executive recommends Board approval of proposed revisions to the County's standard Development Agreement and Performance Bond which are shown on Attachments 1 and 2.

TIMING:

Board action is requested on May 7, 2007, so that the recommended revisions can be incorporated immediately into all new and replacement Development Agreements and Performance Bonds that are provided to developers and executed by the County.

BACKGROUND:

Staff has determined that revisions should be made to the County's standard Development Agreement and Performance Bond to clarify existing responsibilities and better ensure that developers comply with their responsibilities. These responsibilities include the maintenance and completion of obligations such as applicable proffers, snow removal, and emergency work to avoid or correct a health or safety hazard. The revisions also strengthen the County's ability to successfully prosecute bond default cases and to acquire necessary funds needed to perform this work or complete the project in the event of a developer default. Also, many of the revisions are needed to reflect the current organizational structure of the Department of Public Works and Environmental Services (DPWES).

The standard Development Agreement has not been revised since December 1983, and the standard Performance Bond has not been modified since November 1999. Many of the names of agencies referred to in these documents, such as the Department of Environmental Management, have been changed since that time. It is proposed that paragraphs 2, 3, 4, 5, and 8 of the standard Development Agreement and paragraphs 4A, 6 and 8 of the standard Performance Bond be revised to reflect current agency names.

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In addition, it is proposed that language be added to paragraph 2 of the standard Development Agreement to clarify that developers must comply with applicable proffers during the development process. It is also proposed that language be added to paragraphs 2 and 3 of the Development Agreement to clarify that the developer is obligated to obtain approval of all revisions to all development plans that are needed to ensure adequate drainage and conformance with applicable County and state code requirements.

It is proposed that language be added to paragraph 5 to the Development Agreement to ensure that a developer ceases work and removes equipment from areas under County or state control if directed to do so after failing to complete the project within the timeframe defined in the agreement. The word "dedicated" was added to paragraph 5 to more accurately reflect the right-of-way and property that is under state or County control. The words "County easements" were added in paragraph 5 to more accurately reflect other areas under County control.

It is also proposed that language be added to paragraph 6 of the Development Agreement to clarify that it is the developers' responsibility to remove snow and ice from public streets until the streets are accepted for maintenance by VDOT and from private streets until the bond is released. The proposed revisions to paragraph 6 also clarify that the County may withhold permits for the project while the project is in default, provide snow and ice removal if the developer fails to do so, and to clarify that the developers are liable for the costs related to this work.

New paragraph 7 is proposed to be added to the Development Agreement to ensure that the developer is fully aware of the responsibility for costs that are incurred by the County to prevent or eliminate a health or safety hazard as a result of the developer's activities associated with the project.

Language is also proposed for paragraph 8 to clarify the developers' responsibility to obtain VDOT acceptance of all rights-of-way that are depicted on the plan or plat.

Paragraph 9 has been revised to clarify that the developer is responsible for maintenance of all improvements until they are accepted by the government entity that ultimately will maintain the improvements or until such time as the bond is released.

The amount of public liability insurance that the developer must obtain was increased from \$500,000 to \$1,000,000 in paragraph 10.

Paragraph 11 has been revised to state that the "Agreement shall not be amended or modified without written consent of the parties."

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Paragraph 12 has been revised to eliminate the ten percent cap on damages recoverable by the County for administration and supervisory costs. The proposed revision also clarifies that damages arising from a developer default may include but are not limited to costs for construction, engineering, surveying, and reasonable attorney's fees, in addition to costs for construction, maintenance, deterioration, administration, and supervision. A corresponding revision was incorporated in paragraph 5 of the Performance Bond as well as the deletion of subparagraph C.

In conformance with recent amendments to the Public Facilities Manual, revisions have been made to paragraph 13 of the Development Agreement and paragraph 12 was added to the Performance Bond to require the Director of DPWES to be notified if the Best Key rating for the surety that is provided as security for the development agreement falls below the County's minimum standard of A-VI. The revisions to paragraph 13 of the Development Agreement also require the developer to replace the surety if the Best Key rating falls below B-XV.

The proposed changes were developed in collaboration with and have been endorsed by the Northern Virginia Building Industry Association.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Development Agreement (with recommended revisions)

Attachment 2: Performance Bond (with recommended revisions)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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INFORMATION - 1

Contract Award for Engineering Design Services for Poplar Tree Road Widening (Sully District)

Consultant services are needed to provide engineering design services for the widening of Poplar Tree Road, Project 008804, in Fund 301, Contributed Roadway Improvement Fund. The project will consist of widening Poplar Tree Road to a 4-lane divided section including sidewalk, trail, and a raised median. This project is included in the FY 2008 thru FY 2012 Adopted Capital Improvement Program.

The engineering firm of Whitman, Requardt and Associates, LLP (WR&A) was selected in accordance with the guidelines contained in the Fairfax County Purchasing Resolution.

The contract award is for the amount of \$314,000 to provide design services for the preliminary, intermediate, and final design of the project.

The Department of Tax Administration has verified that WR&A has the appropriate Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to WR&A in the amount of \$314,000.

FISCAL IMPACT:

Funding in the approximate amount of \$60,000 is currently available in Project 008804, Poplar Tree Road in Fund 301, Contributed Roadway Improvement Fund. Funding of \$400,000 will be reallocated from Project 008800, Centreville Reserve, to award this contract and fund other design related costs. Construction funding to complete the Poplar Tree Road project is anticipated to be included in the Fall 2007 Transportation Bond Referendum.

ENCLOSED DOCUMENTS:

Attachment 1- List of Awardee and Other Firms Interviewed  
(Copy of Contract 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

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## INFORMATION - 2

### Contract Award - South Run District Park, RECenter Fitness Center Addition (Springfield District)

Four sealed bids were received and opened on Wednesday, March 21, 2007, for the construction of Project 476204-666, South Run District Park, RECenter Fitness Center Addition, in Fund 370, Park Authority Bond Construction. This contract award will provide for a two story addition of approximately 7,000 square feet to the existing South Run District Park RECenter; a 68 space parking lot with lighting and a new stormwater detention pond to replace the existing pond. The existing facility will remain fully operational during the construction of the addition.

The lowest responsive and responsible bidder is Falls Church Construction Corporation. Their bid of \$2,252,000 is \$578,829 or 20.4% below the Engineer's Estimate of \$2,830,829. The second lowest bid of \$2,674,000 is \$422,000 or 18.7% above the low bid, and the highest bid of \$2,999,969 is \$747,969 or 33.2% above the low bid. The contractor's experience in this type of work and a competitive bidding environment are reflected in the lowest responsive and responsible bid.

Falls Church Construction Corporation was one of 11 contractors pre-qualified to bid on the project. The Department of Tax Administration has verified that Falls Church Construction Corporation has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after June 3, 2007.

On April 25, 2007, the Fairfax County Park Authority Board reviewed and approved the Contract Award.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Falls Church Construction Corporation in the amount of \$2,252,000.

#### FISCAL IMPACT:

Funding in the amount of \$2,964,960 is necessary to award this construction contract, and to fund the associated construction contingencies and other project costs including utilities, contract administration, and inspection. Funding is currently available in the

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amount of \$490,893 in Project 475898, Building Renovations, and in the amount of \$2,474,067 in Project 476204, Building New Construction, both in Fund 370, Park Authority Bond Construction for a total of \$2,964,960 to award this contract, and fund the associated contingency, administrative cost and other project related cost. As a result of this construction contract award, the total project estimate has decreased from \$4,300,000 to \$3,593,558. The total project estimate of \$3,593,558 includes all prior and estimated future project costs including; design, land acquisition, contract administration, inspection, contract construction, and utilities.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders  
Attachment 2 – Vicinity Map

STAFF:

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

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INFORMATION - 3

Contract Award for the Rehabilitation of Cedar Ridge Apartments (Hunter Mill District)

On July 31, 2006, the Board approved the issuance of tax-exempt and taxable bonds by the Fairfax County Redevelopment and Housing Authority (FCRHA) for acquisition and rehabilitation of Cedar Ridge Apartments by an FCRHA related entity. Cedar Ridge Apartments is a 198-unit property located in Reston that was initially acquired by the FCRHA in 1995 with minimal rehabilitation conducted at the time of acquisition.

The rehabilitation of the project will be funded through new bond proceeds and raising equity through participation in the federal Low Income Housing Tax Credit program and will include replacement of light poles, trash enclosures and fascia repairs. Interior rehabilitation will include kitchen and bathroom renovations, balcony repairs, and hot water heater upgrade. The kitchen renovations will include cabinet and counter top replacement and new appliances, floor covering and light fixtures. The bathroom renovations will include new plumbing fixtures, lighting and floor covering. No permanent tenant relocation is expected to occur in the renovation process. As part of the rehabilitation plan, eight of the units will conform with Universal Design standards to the extent possible. All units will receive new interior doors with levered hardware and all new plumbing will be levered handles.

Bid documents were advertised in January 2007. As a result of advertising and direct calls made to pre-qualified contractors, five contractors picked up bid packages. Proposals were opened on March 14, 2007. Three of the bidders withdrew due to bonding capacity. The following are the two bids received.

<u>Contractor</u>	<u>Bid Amount</u>
Gibraltar Contraction	\$3,770,000
Whitener and Jackson	\$4,160,000

The Department of Housing and Community Development has completed its review of the bid proposals for compliance with all applicable requirements and has requested a financial review by the County's Office of Internal Audit. The award of contract will be based on the lowest bid price of \$3,770,000 and a 15 percent contingency fund of \$565,500.

Unless directed otherwise by the Board, the FCRHA will enter into a contract not to exceed \$4,335,500 for these improvements to Cedar Ridge Apartments with Gibraltar Construction Company, Inc.

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FISCAL IMPACT:

The award of contract will be based on the lowest bid price of \$3,770,000 and a 15 percent contingency fund of \$565,500, totaling \$4,335,500. Funding for this activity will be provided from proceeds from the refinancing, which are being held by The Bank of New York, as trustee.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive

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

Mary A. Stevens, Deputy Director, Revitalization and Real Estate, HCD

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

Russel Boothby, Capital Fund Program Manager, PIMD

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#### INFORMATION - 4

#### Contract Award – Annual Contract for Storm Sewer Repairs Using Cured-In-Place Point Repairs (CIPPR), Pressure Testing and Chemical Sealing Methods

Two sealed bids were received and opened on Tuesday, March 6, 2007, for the rehabilitation of storm sewer lines using the CIPPR method. This annual contract will enable the Department of Public Works and Environmental Services (DPWES) to begin rehabilitation of the aging storm sewer infrastructure and respond quickly to repair storm sewer lines where work must be performed promptly. This project is part of the overall stormwater management program which is included in the FY 2008 – FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Video Pipe Services, Inc., a subsidiary of Mobile Dredging and Pumping Company. The bid of \$795,000 is \$59,947.56 or 7.01% is lower than the Engineer's Estimate of \$854,947.56. The second and the highest bid of \$925,875 is \$130,875 or 16.46% above the low bid.

Although Video Pipe Services, Inc. has not completed any projects with Fairfax County, the company has satisfactorily completed several projects in the Commonwealth of Virginia and is considered a responsible contractor. The Department of Tax Administration has verified that Video Pipe Services, Inc. and its parent company, Mobile Dredging and Pumping Company, have the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after May 30, 2007.

Unless otherwise directed by the Board of Supervisors, the DPWES will proceed to award this contract to Video Pipe Services, Inc., a subsidiary of Mobile Dredging and Pumping Company, in the amount of \$795,000.

#### FISCAL IMPACT:

Funding for work under this annual contract will be provided by Fund 318, Stormwater Management Program, in Project FX6000, Infrastructure Reinvestment Program, for individual capital construction projects as required work is identified by the Maintenance and Stormwater Management Division (MSMD). The specific scope and amount of funding per task order will be determined prior to authorizing individual task orders. The MSMD will authorize individual task orders as they are identified.

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ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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10:30 a.m.

Matters Presented by Board Members

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11:20 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. *Fairfax County Redevelopment and Housing Authority v. Nectar Projects, Inc., Tigor Title Insurance Company of Florida, Mortgage Electronic Registration Systems, Inc., and First Magnus Financial Corporation*, Case No. CL-2007-0004369 (Fx. Co. Cir. Ct.) (Mason District)
  - 2. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dui C. Ly and Tuyet-Mai Truong*, Case No. CL-2007-0004578 (Fx. Co. Cir. Ct.) (Braddock District)
  - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. William R. Rogerson and Barbara E. Rogerson*, Case No. CL-2007-0001824 (Fx. Co. Cir. Ct.) (Mount Vernon District)
  - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Collins*, Case No. 07-0009929 (Fx. Co. Gen. Dist. Ct.) (Mason District)
  - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yun Yi C. Ahn*, Case No. 07-0009930 (Fx. Co. Gen. Dist. Ct.) (Lee District)
  - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joseph E. Yates*, Case No. 07-0009942 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

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Board Agenda Item  
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3:30 p.m.

Public Hearing on RZ 2005-LE-021 (Michael V. Curtiss And Joanne M. Curtiss) to Rezone from R-3 to PDH-8 to Permit Residential Development at a Density of 7.2 Dwelling Units Per Acre, Located on Approximately 2.37 Acres, Lee District

The application property is on the east side of South Van Dorn Street opposite its intersection with Crown Royal Dr. Tax Map 81-4 ((1)) 37, 38 and 39.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 29, 2007, the Planning Commission voted unanimously (Commissioner Harsel not present for the vote; Commissioner Hopkins absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2005-LE-021 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those dated March 27, 2007;
- Direct that the Director of the Department of Public Works and Environmental Services approve modification of the Public Facilities Manual minimum width requirement for a private street; and
- Modification of the height limitation of fences to permit the height of the noise barrier to exceed seven feet, with an eight foot maximum, as shown on the Conceptual Development Plan/Final Development Plan.

The Planning Commission voted 9-1 (Commissioner Hall opposed; Commissioner Harsel not present for the vote; Commissioner Hopkins absent from the meeting) to recommend that the Board waive the 200 square foot privacy yard requirement for single family attached dwelling units.

The Commission voted unanimously (Commissioner Harsel not present for the vote; Commissioner Hopkins absent from the meeting) to approve FDP-2005-LE-021, subject to the Development Conditions dated March 29, 2007 and subject also to Board approval of RZ 2005-LE-021 and the Conceptual Development Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

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STAFF:

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

John Thompson, Staff Coordinator, Zoning Evaluation Division, DPZ

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3:30 p.m.

Public Hearing on PCA 2003-MV-045 (Gunston Cove Homeowners Association, A Non-Stock Virginia Corporation) to Amend the Proffers for RZ 2003-MV-045 Previously Approved for Residential Development at a Density of 3.86 Dwelling Units Per Acre to Permit Modifications to Approved Proffers and Relocation of Previously Approved Noise Wall, Located on Approximately 1.48 Acres Zoned PDH-5, Mount Vernon District

The application property is between Richmond Highway and Cranford Street, south of the intersection of Richmond Highway and Gunston Cove Road, Tax Map 113-2 ((9)) A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 4, 2007, the Planning Commission voted unanimously to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2003-MV-045, subject to the execution of proffers consistent with those dated March 29, 2007, and
- Waiver of the limitation on fence height to permit the proposed noise wall along the eastern boundary of the site to have a maximum height of 15 feet.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

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3:30 p.m.

Public Hearing on PCA 85-S-013-04 (Sully Station, LLC) to Amend the Proffers for RZ 85-S-013 Previously Approved for Commercial Development to Permit a Drive-In Bank with Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio (FAR) of 0.24, Located on Approximately 1.26 Acres Zoned C-5 and WS, Sully District

and

Public Hearing on PCA 84-S-027-07 (Sully Station, LLC) to Amend the Proffers for RZ 84-S-027 Previously Approved for Residential Development with Accessory Retail to Permit the Addition of a Drive-In Bank with Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio (FAR) of 0.24, Located on Approximately 13.1 Acres Zoned PDH-3 and WS, Sully District

and

Public Hearing on SEA 01-Y-040 (Sully Station, LLC) to Amend SE 01-Y-040 Previously Approved for a Fast Food Restaurant to Permit Addition of a Drive-In Bank Within Sully Station Shopping Center, Located on Approximately 1.26 Acres Zoned C-5 and WS, Sully District

The application property is east of Westfields Boulevard, approximately 400 feet south of its intersection with Stonecroft Boulevard, Tax Map 44-3 ((7)) B3 pt.

**PLANNING COMMISSION RECOMMENDATION:**

On Wednesday, April 4, 2007, the Planning Commission voted 10-0-1 (Commissioner Hall abstaining; Commissioner Hart not present for the votes) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 84-S-027-07, subject to the execution of proffers consistent with those dated March 15, 2007;
- Approval of PCA 85-S-013-4, subject to the execution of proffers consistent with those dated March 15, 2007;
- Approval of SEA 01-Y-040, subject to the Development Conditions dated April 4, 2007, with Condition 10 revised to read:

“Monday through Friday, the bank lobby and drive-through hours will be 9 a.m. to 7 p.m. On Saturdays, the lobby and drive-through will be open 9 am to 4 pm. Should the market demand Sunday hours in the future, only the drive-through will

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be open from 12 noon to 3 p.m. The ATM drive-through will be open 24 hours a day, seven days of the week.”

- Modification of the transitional screening and barrier requirements along the western boundary in favor of the existing vegetation.

The Commission voted 10-0-1 (Commissioner Hall abstaining; Commissioner Hart not present for the vote) to approve FDPA 84-S-027-5, subject to Board approval of PCA 84-S-027-07 and subject also to the Development Conditions dated April 4, 2007, with Condition 8 revised to read:

“Monday through Friday, the bank lobby and drive-through hours will be 9 a.m. to 7 p.m. On Saturdays, the lobby and drive-through will be open 9 am to 4 pm. Should the market demand Sunday hours in the future, only the drive-through will be open from 12 noon to 3 p.m. The ATM drive-through will be open 24 hours a day, seven days of the week.”

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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3:30 p.m.

Public Hearing on SE 2006-SU-024 (Wolseley Investments, Inc.) to Permit Outdoor Storage in Association with a Warehousing Establishment in the Sully Historic Overlay District, Located on Approximately 4.6 Acres Zoned I-5, HD and WS, Sully District

The application property is located at 13890 Lowe Street, Tax Map 34-2 ((1)) 17E pt.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 4, 2007, the Planning Commission voted 11-0-1 (Commissioner Hall abstaining) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2006-SU-024, subject to the Development Conditions consistent with those dated April 4, 2007; and
- Modification of the transitional yard requirement along the southern boundary and modification of the barrier requirement along the southern and western boundaries, in favor of that shown on the SE Plat and as conditioned.

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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4:00 p.m.

Public Hearing to Establish the Compton Village Community Parking District (Sully District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on April 9, 2007, for May 7, 2007, at 4:00 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$700 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item  
May 7, 2007

4:30 p.m.

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

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on April 9, 2007, for May 7, 2007, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Proposed North Lake Village CPD Establishment

STAFF:

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

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4:30 p.m.

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

ISSUE:

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

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 19, 2007, the Planning Commission voted 7-0-2 (Commissioners Hall and Hopkins abstaining; Commissioners Harsel, Koch, and Murphy absent from the meeting) to recommend that the Board of Supervisors adopt the proposed amendments to the Public Facilities Manual, which revise Appendix B of the Virginia Department of Transportation Road Design Manual, as set forth in the staff report dated January 8, 2007, with the changes to Section 7-0406.14 F, as set forth in the memorandum from Ms. Cronauer dated April 13, 2007.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments.

TIMING:

The Board is requested to take action on May 7, 2007. If approved, these amendments shall become effective at 12:01 a.m. on May 8, 2007. The public hearing was authorized for advertisement on February 5, 2007.

BACKGROUND:

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

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Manual still requires a public hearing process and the Board's approval. It would be impossible to keep the PFM current with the VDOT standards, which may result in conflicting design criteria and confusion for the land development design community.

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

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

These amendments have been coordinated with VDOT.

REGULATORY IMPACT:

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Staff Report Dated February 5, 2007

Attachment 2: Planning Commission Verbatim

STAFF:

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

Howard Guba, Deputy Director, DPWES

James Patteson, Director, Land Development Services, DPWES

Judith A. Cronauer, Engineer III, Land Development Services, DPWES

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4:30 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Planned Development District Recreational Fees

ISSUE:

The proposed Zoning Ordinance amendment increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC and PRM Districts from \$955 to \$1500.

PLANNING COMMISSION RECOMMENDATION:

On April 19, 2007, the Planning Commission held a public hearing on this amendment and deferred decision to April 26, 2007 and then to May 2, 2007. The Planning Commission recommendation will be forwarded to the Board prior to the Board's public hearing.

RECOMMENDATION:

The County Executive recommendation will be forwarded to the Board prior to the Board's public hearing.

TIMING:

Board of Supervisors' authorization to advertise – March 12, 2007; Planning Commission public hearing – April 19, 2006; Deferred Planning Commission decision – April 26, 2007; Board of Supervisors' public hearing - May 7, 2007 at 4:30 p.m.

BACKGROUND:

The proposed amendment revises the recreational facility provisions in the PDH, PDC and PRM Districts and is in response to a March 27, 2006, request by the Board of Supervisors. The current Zoning Ordinance provisions require developed recreational facilities as part of the open space requirement to be provided in all PDH, PDC and PRM Districts which contain a residential component. The developed recreational facility component is based on a minimum expenditure of \$955 per dwelling unit. The \$955 expenditure has been in effect since 1997 and was last adjusted based on the Construction Cost Index (CCI) increase between 1975, the year the recreational facility expenditure was first required, and 1997. According to *Architects Contractors Engineers Guide to Construction Costs, 2007 Edition, Volume XXXVIII*, the CCI has increased by 59% since 1997. Given the 59% increase in construction costs since 1997, it is appropriate to adjust the current \$955 fee accordingly. As such, the proposed amendment

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increases the per dwelling unit recreational facilities expenditure from \$955 to \$1500 in the PDH, PDC and PRM Districts.

It is highly likely that construction costs will continue to rise and it may be desirable to incorporate an escalation clause into the Zoning Ordinance so that the recreation expenditure can be adjusted whenever there is a change in the CCI. However, the exact amount of the recreational facility expenditure must be listed in the Zoning Ordinance and an escalation clause can not be incorporated. In response, the per unit recreational expenditure will be placed on the Zoning Ordinance Amendment Work Program for consideration every two years. If an increase is warranted based on the CCI, staff would recommend that the Board consider amending the Zoning Ordinance accordingly.

The final issue that the Board requested staff to consider was whether the recreational expenditure should be based on a per person basis rather than on a per unit basis. Given that household sizes vary by unit type and location within the County and given that household size may change over time, staff is recommending that the recreational expenditure continue to be based on a per unit basis.

A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

The proposed amendment increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC and PRM District from \$955 to \$1500.

FISCAL IMPACT:

If the P district recreation amenity contribution amount is increased, it could result in additional on-site and/or off-site recreational facilities being provided to serve the recreational needs of a P district development.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission Recommendation (Delivered under separate cover)

STAFF:

Michael A. Kane, Director, Fairfax County Park Authority (FCPA)

Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning (DPZ)

Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ

Andrea L. Dorlester, Senior Park Planner, Park Planning Branch, FCPA