

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JULY 9, 2007**

AGENDA

- | | | |
|-------|-------------|---|
| 9:00 | Done | Presentations |
| 10:00 | Done | Presentation by the Virginia Department of Environmental Quality to the Fairfax County Wastewater Management Program of the Exemplary Environmental Enterprise (E3) Designation |
| 10:10 | Done | Status of Northern Virginia Transportation Authority Implementation of HB 3202 (Transportation Funding Bill) |
| 10:30 | Done | Items Presented by the County Executive |

ADMINISTRATIVE ITEMS

- | | | |
|---|-----------------|--|
| 1 | Approved | Streets into the Secondary System (Braddock, Hunter Mill, Mason, Providence, and Sully Districts) |
| 2 | Approved | Extension of Review Periods for 2232 Review Applications (Lee and Springfield Districts) |
| 3 | Approved | Additional Time to Commence Construction for Special Exception SE 99-P-023, Inova Health Care Services (Providence District) |
| 4 | Approved | Designation of Plans Examiner Status Under the Expedited Land Development Review Program |
| 5 | Approved | Authorization to Advertise a Public Hearing to Expand the Franklin Glen Community Parking District (Sully District) |
| 6 | Approved | Authorization to Advertise a Public Hearing to Expand the Colony Park Community Parking District (Braddock District) |

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Authorization to Restructure Terms and Conditions of a Loan from the Affordable Housing Partnership Program to Wesley Coppermine Limited Partnership (Hunter Mill District) |
|---|-----------------|---|

**FAIRFAX COUNTY
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ACTION ITEMS (CONTINUED)

- | | | |
|---|-----------------|--|
| 2 | Approved | Approval to Reallocate and Authorize Disbursement from Fund 144, Housing Trust Fund as a Loan to Chesterbrook Residences, Inc. (CRI) for the Development of Chesterbrook Residences and to Change a Provision of an Affordable Housing Partnership Program Loan (Dranesville District) |
| 3 | Approved | Consolidated Community Funding Advisory Committee Recommendations for the FY 2009 and FY 2010 Funding Priorities for the Consolidated Community Funding Pool |
| 4 | Approved | Changes to the Fairfax County Purchasing Resolution |

CONSIDERATION ITEMS

- | | | |
|---|---|---|
| 1 | Chairman Connolly – Delegate Supervisor Hyland - Alternate | National Association of Counties' Annual Conference |
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INFORMATION ITEMS

- | | | |
|-------|-----------------------------|--|
| 1 | Noted with amendment | Quarterly Status Report on the Board's Four-Year Transportation Program and Other Selected Projects |
| 2 | Noted | Contract Award – Architectural/Engineering (A/E) Services for the Fire and Rescue Training Academy Expansion and Renovation - Phase I (Springfield District) |
| 3 | Noted | Contract Award – Provision of HIV/AIDS Medical Services to Indigent Fairfax County Residents |
| 11:00 | Done | Matters Presented by Board Members |
| 11:50 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|-----------------|--|
| 3:30 | Approved | Public Hearing on RZ 2006-HM-020 (Winchester Homes, Inc.) (Hunter Mill District) |
|------|-----------------|--|

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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**PUBLIC HEARINGS
(CONTINUED)**

4:00	Approved	Public Hearing on a Proposal to Vacate and Abandon Parts of the Right-of-Way of I Street (Mount Vernon District)
4:00	Approved	Public Hearing to Establish the Newington II Community Parking District (Mount Vernon District)
4:00	Approved	Public Hearing to Consider Adopting a Proposed Amendment to <i>the Code of the County of Fairfax, Virginia</i> , Section 82-5A to Implement a Temporary Residential Permit Parking District Program
4:00	Approved	Public Hearing Regarding the Conveyance of County-Owned Property to the Virginia Department of Transportation for Project 0123-029-F28-R201 (Mount Vernon District)
4:00	Approved	Public Hearing to Consider Amending Chapter 61 (Building Provisions) of <i>The Code of the County of Fairfax, Virginia</i>
4:30	Approved	Public Hearing on Spot Blight Abatement Ordinance for 3502 Paul Street (Mason District)
4:30	Approved	Public Hearing on Spot Blight Abatement Ordinance for 7831 Oak Street (Providence District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
July 9, 2007

9:00 a.m.

RECOGNITION of county staff and programs that have received a 2007 National Association of Counties Achievement Award.

PRESENTATIONS

1. PROCLAMATION – To designate August 7, 2007, as National Night Out in Fairfax County. Requested by Supervisor DuBois.
2. CERTIFICATE – To recognize Fairfax County school safety patrols who have been acknowledged by the AAA Mid-Atlantic Foundation for Safety and Education for their leadership, safety skills, school involvement and citizenship. Requested by Supervisors Bulova and Kauffman.
3. CERTIFICATE – To recognize Amber Healy for awards she has won at the Virginia Press Association's annual banquet. Requested by Supervisor Hyland.
4. CERTIFICATE – To recognize the nonprofit organizations in Fairfax County whose yearly budgets are less than \$2 million for their selection to be included in the Catalogue for Philanthropy. Requested by Chairman Connolly and Supervisors Gross, Kauffman and Smyth.
5. CERTIFICATE – To recognize the McLean Project for the Arts for its work with students in Fairfax County Public Schools. Requested by Supervisor DuBois.
6. CERTIFICATE – To recognize the Greater McLean Republican Women's Club for its sponsorship of programs for older adults. Requested by Supervisor DuBois.

STAFF:

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

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10:00 a.m.

Presentation by the Virginia Department of Environmental Quality to the Fairfax County Wastewater Management Program of the Exemplary Environmental Enterprise (E3) Designation

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Mike Murphy, Director of the Division of Environmental Enhancement
Virginia Department of Environmental Quality

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10:10 a.m.

Status of Northern Virginia Transportation Authority Implementation of HB 3202
(Transportation Funding Bill)

ENCLOSED DOCUMENTS:
None

PRESENTED BY:
Tom Biesiadny, Chief, Coordination and Funding Division, Fairfax County Department
of Transportation
(Additional Staff may be part of the Presentation)

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10:30 a.m.

Items Presented by the County Executive

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Board Agenda Item
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ADMINISTRATIVE – 1

Streets into the Secondary System (Braddock, Hunter Mill, Mason, Providence, 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>
Mallam Property	Braddock	Ox Road (Route 123) (Additional Road only)
Robert D. Pinns		New London Drive (Route 5492) Zion Drive (Route 654) (Additional Right-of-Way (ROW) only)
Weston Hills		Harrowhill Lane (Route 6159) Twinbrook Road (Route 652) (Additional ROW only)
Reston, Section 95, Block 1	Hunter Mill	Sunset Hills Road (Route 675) (Additional ROW only)
Arden Courts of Annandale	Mason	Braddock Road (Route 620) (Additional ROW only)
Parkview	Providence	Sutton Road (Route 701) (Additional ROW only)
Haines Property	Sully	Hamden Court (Route 5441) (Additional ROW only) Vale Road (Route 672) (Additional ROW 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)
James W. Patteson, Director, Land Development Services, DPWES

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ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Lee 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 application FS-S07-21 to September 7, 2007, and for applications FS-S07-27 and FS-L07-30 to September 20, 2007.

TIMING:

Board action is required on July 9, 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 the following applications, which were accepted for review by the Department of Planning and Zoning between April 10, 2007, and April 23, 2007:

FS-S07-21	Nextel Communications of the Mid-Atlantic, Inc. Rooftop antennas 12777 Fair Lakes Circle Springfield District
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- FS-S07-27 Clearwire US LLC
 Antenna colocation on existing monopole
 9501 Old Burke Lake Road
 Springfield District
- FS-L07-30 Nextel Communications of the Mid-Atlantic, Inc.
 Antenna colocation on existing transmission tower
 6209 Rose Hill Drive
 Lee District

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 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

Additional Time to Commence Construction for Special Exception SE 99-P-023, Inova Health Care Services (Providence District)

ISSUE:

Board consideration of additional time to commence construction for SE 99-P-023 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty months additional time for SE 99-P-023 to October 25, 2009.

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 October 25, 1999, the Board of Supervisors approved Special Exception SE 99-P-023, subject to development conditions, and concurrent Proffered Condition Amendment PCA 87-P-038-3, subject to proffers. The special exception application was filed in the name of Inova Health Care Services to permit a medical care facility pursuant to Section 4-304 of the Fairfax County Zoning Ordinance on the property located at Tax Map 49-3 ((1)) pt. 141 (see Locator Map in Attachment 1). The development conditions for SE 99-P-023, the proffers for PCA 87-P-038-3 and the generalized development plan amendment/special exception plat (GDPA/SE) are included as part of the Clerk to the Board's letters contained in Attachment 2. The development conditions specified that the use be established or construction be

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commenced and diligently prosecuted within thirty months of the approval date, unless the Board grants additional time.

On May 20, 2002, the Board of Supervisors approved thirty months additional time to commence construction for Special Exception SE 99-P-023 in the name of Inova Health Care Services until October 25, 2004, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance. The Clerk to the Board's letter reflecting this approval is included in Attachment 3.

On December 6, 2004, the Board of Supervisors approved thirty months additional time to commence construction for Special Exception SE 99-P-023 until April 25, 2007 (Attachment 4).

On April 23, 2007, the Department of Planning and Zoning (DPZ) received a letter dated April 18, 2007, from Timothy S. Sampson, agent for the applicant, requesting thirty months additional time to commence construction. The letter indicates that additional time is needed due to a change in market conditions and the demand for the approved medical care use, thereby delaying the development of the property. The letter of request is included as Attachment 5.

Staff has reviewed Special Exception SE 99-P-023 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a medical care facility. Further, staff knows of no change in land use circumstances which affect the compliance of SE 99-P-023 with the special exception standards applicable to this use, or which would 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 99-P-023 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 it be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated November 4, 1999, to Susan K. Yantis, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the

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conditions for approval of SE 99-P-023, and letter dated November 4, 1999, to Susan K. Yantis, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, stating the Board's approval of PCA 87-P-038-3 subject to proffers

Attachment 3: Letter dated May 30, 2002, to Timothy S. Sampson, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the Board's approval of thirty months additional time to October 25, 2004

Attachment 4: Letter dated December 10, 2004, from Nancy Vehrs, Clerk to the Board of Supervisors to Timothy S. Sampson, agent for the applicant, which sets forth the Board's approval of thirty months additional time to April 25, 2007

Attachment 5: Letter dated April 18, 2007, from Timothy S. Sampson, agent for the applicant, to Eileen M. McLane, Zoning Administrator, which requests 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

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

ISSUE:

Board action to designate two individuals as Plans Examiners to participate in the Expedited Land Development Review Program, to place 12 individuals into inactive status who have elected not to pursue their continuing education requirements, and to reinstate one individual into active status who has completed his continuing education requirements pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board.

RECOMMENDATION:

The County Executive recommends that the Board take the following actions:

- Designate the following two individuals, identified with their registration numbers, as Plans Examiners:

Aaron M. Vinson	(276)
Christopher Heiser	(277)

- Designate the following 12 individuals, identified with their registration numbers, as inactive Plans Examiners:

Mitra K. Amirhakimi	(121)
William M. Armour	(266)
Gregory J. Budnik	(8)
Ryan G. David	(234)
Kim Gallifant	(162)
Taylor Goodman	(256)
Christopher Hoppe	(185)
Wilson L. Kirby	(5)
Jorg Huckabee-Mayfield	(195)
William Missell	(141)
Shane D. Revelle	(264)
Derek Schuler	(199)

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- Reinstatement of the following individual, identified with his registration number, as a Plans Examiner:

William J. Fulton (174)

TIMING:
Routine.

BACKGROUND:

On August 7, 1989, the Board of Supervisors adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia* establishing a Plans Examiner Program under the auspices of an Advisory Plans Examiner Board (APEB). The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Office of Site Development Services, Department of Public Works and Environmental Services.

Code requires that the Board of Supervisors designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After review of their applications and credentials, the APEB has found that the above-listed candidates satisfy these requirements.

In a letter dated May 10, 2007, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., recommended to the Chairman of the Board of Supervisors, Gerald E. Connolly, designation of the candidates as Plans Examiners.

Inactive Status: Chapter 117 requires Plans Examiners to participate in the Board adopted Continuing Education Program. Consonant with the requirements of Section 117-1-3(a), and subject to Board approval, the APEB will recommend designation of inactive status for individuals electing not to pursue the continuing education program. This status designation continues until and if they wish to reactivate their Designated Plans Examiner (DPE) status by completing the continuing education requirements. Further, inactive status makes these individuals ineligible to participate in the expedited plan process procedure. At the time they are placed in inactive status, individuals are provided with information concerning requirements for reinstatement as an active DPE.

In a letter also dated May 10, 2007, from the Chairman of the APEB, 12 individuals have elected not to pursue the continuing education requirements. The APEB

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recommends that their status become inactive until and if they wish to reactivate their status as a DPE by completing their continuing education requirement.

Reinstatement of Plans Examiner Status: As noted above, individuals are provided with information concerning requirements for reinstatement as an active DPE at the time they are placed on inactive status.

As detailed in a letter from the chairman of the APEB, dated March 10, 2007, one individual has applied for reinstatement as an active DPE. Upon review of this candidate's application and finding that the continuing education requirements have been satisfied, the APEB recommends the reinstatement to active DPE status.

Staff concurs in these recommendations as being in accordance with Chapter 117 and the Board-adopted criteria.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment I – Three letters dated May 10, 2007, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:

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

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ADMINISTRATIVE - 5

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for August 6, 2007, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Franklin Glen CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on July 9, 2007, to provide sufficient time for advertisement of the public hearing on August 6, 2007, at 4:00 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$130 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Franklin Glen CPD 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
Maria Turner, Transportation Planner II, FCDOT

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Expand the Colony Park Community
Parking District (Braddock District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for August 6, 2007, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Colony Park CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on July 9, 2007, to provide sufficient time for advertisement of the public hearing on August 6, 2007, at 4:00 p.m.

BACKGROUND:

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

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such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property within the 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 Colony Park CPD expansion is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Colony Park CPD 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
Maria Turner, FCDOT

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ACTION – 1

Authorization to Restructure Terms and Conditions of a Loan from the Affordable Housing Partnership Program to Wesley Coppermine Limited Partnership (Hunter Mill District)

ISSUE:

The Board is requested to authorize the restructure of the terms and conditions of a \$794,000 loan from the Affordable Housing Partnership Program to Wesley Coppermine Limited Partnership (WCLP). The funds were loaned to WCLP for the development of Coppermine Place II, a 66-unit affordable independent elderly development in Herndon, Virginia (Coppermine II or the project). The proposed revision consists of postponing the amortization commencement date from January 1, 2006 to August 1, 2007 and adding interest due from April 2005 through July 31, 2007, to the outstanding balance due at maturity.

RECOMMENDATION:

The County Executive recommends that the Board approve the restructure of terms and conditions of a \$794,000 loan from the Affordable Housing Partnership Program to WCLP.

TIMING:

Approval to change terms and conditions of the AHPP is requested at the July 9, 2007, meeting.

BACKGROUND:

Coppermine II, a 66-unit independent elderly residence, was constructed by WCLP, an affiliate of Wesley Housing Development Corporation of Northern Virginia, Inc. (Wesley). Wesley was incorporated in 1975 and has produced more than 1,174 units of affordable housing. WCLP was formed by Wesley in order to take advantage of the Low Income Housing Tax Credits; Wesley is the Managing General Partner of WCLP. In addition to being the General Partner of WCLP, Wesley is also the property manager of the Coppermine Place II project.

On September 19, 2002, the Fairfax County Redevelopment and Housing Authority (FCRHA) approved \$794,000 be reallocated from the AHPP within the Housing Trust Fund (HTF) to WCLP for the purposes of acquisition, development and construction of the 66-units of elderly housing at Coppermine II. On October 28, 2002, the Board approved this recommendation. In November 2002, WCLP acquired the property and was to begin soils remediation on the site prior to construction commencement which was originally targeted to begin January 2003. Wesley applied for an increase in Low Income Housing Tax

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Credits in 2003 and as a result, the development timeline was modified to accommodate the new tax credit award.

On January 29, 2004, FCRHA approved revisions to the terms and conditions of the AHPP loan. The major modifications of the previously approved loan terms and conditions involved the following five items: 1) certain construction and completion dates required in the loan documents and the guarantee; 2) closing the loan in escrow; 3) the amortization period and term of the loan; 4) the timing of the repayment of the Tier One Predevelopment loan; and 5) FCRHA rights in connection with FCRHA actions to cure in case of default by WCLP under superior loans. The Board of Supervisors approved the authorization to modify loan terms on February 23, 2004. In addition, in April 2005, of the total loan amount of \$794,000, the source of a portion of the funds, in the amount of \$685,405, was changed from the HTF to Community Development Block Grant (CDBG) leaving \$108,595 funded through the HTF.

WCLP began construction of the project in March 2004 and achieved substantial completion by March 2005. On April 26, 2005, WCLP closed on the AHPP loan. In November 2005, WCLP closed on its permanent financing with VHDA. By October 2006, the project was fully occupied.

In accordance with the terms approved by the FCRHA and Board of Supervisors in 2004, and the AHPP loan entered into by WCLP, WCLP was required to make interest-only payments from the closing of the loan until December 2005 at a rate of 5% in an amount of \$3308.33 per month. At amortization commencement, in January 2006, WCLP was required to make monthly payments of principal and interest in an amount of \$4,641.64 per month. The FCRHA has not received any payments on the loan to date. The past due interest and principal as of July 30, 2007, is \$110,016.16. The amount of interest due at the time WCLP is proposed to begin to make principal and interest payments on August 1, 2007, will be \$85,147.51.

The FCRHA received a request from WCLP in April 2007 to modify the loan terms and to postpone amortization commencement until July 2007. In their request, WCLP cited the slower than anticipated lease-up period as a significant reason as to why the project was unable to make AHPP loan debt service payments as required under the AHPP loan documents. WCLP indicated that market conditions as well as the on-going construction of Coppermine Place I, an adjacent project of 20 units for disabled persons that was then being constructed by Wesley, made for difficult lease-up of Coppermine II. The Coppermine II project was anticipated to be fully occupied by December 2005, but was not fully occupied until October 2006. Based on the review of unaudited financial statements for Coppermine II for 2006, the project experienced an average annual vacancy rate of 26%, significantly larger than the projected 5% vacancy rate that was used in the underwriting of the project. Because of the high vacancy rate, the project was unable to generate sufficient income to support debt service payments on the AHPP loan. Review of the project's financial statements for both 2005 and 2006 confirm that the project was

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operating at a deficit for both years and unable to make payments on any of its debt service (including the AHPP and VHDA loans). Wesley advanced funds to make payments on the VHDA loan. As of June 30, 2007, WCLP is current on its VHDA loan.

Wesley, as the Guarantor for WCLP, has not been able to make the AHPP loan current. Wesley has already advanced the project nearly \$740,000 to fund cost overruns as well as advancing funds to ensure that WCLP is current on the VHDA debt and has advised staff that it is unable to advance other funds at this time. Staff has verified this assertion through review of Wesley's and the project's financial statements.

In response to WCLP's request for loan modification, several financing alternatives were explored. Analysis of operating data from Coppermine II shows that there is now sufficient cash flow to make the required monthly debt service payments as provided for under the original AHPP loan terms (\$4,641.64 per month). The following modifications to the AHPP loan were authorized by the FCRHA at its meeting on June 21, 2007:

1. Postpone the amortizing debt payments commencement until August 1, 2007. WCLP requested postponement until July 1, 2007. However, this would not allow time to seek FCRHA and BOS approval. Postponing commencement of the monthly debt service payments until August 1, 2007, allows time to seek the requisite approvals on June 21, 2007 from the FCRHA, and July 9, 2007 from the Board.
2. Payments on any principal due previously (from February 1, 2006 through July 31, 2007) will be deferred until August 1, 2007 effectively "restarting" the amortization of the original principal balance of the loan; consistent with the original terms, the principal amount will be amortized over a 25-year term. The loan term will mature on January 1, 2023 consistent with the original terms of the loan.
3. Require the interest due from April 26, 2005 through July 31, 2007, the "past due interest balance" to be paid with the outstanding principal balance of the loan at maturity in 2023.
4. Require the past due interest balance to be paid from the Incentive Management Fee earned by Wesley annually, if applicable. Wesley can earn up to 3% of remaining cash flow annually after payment of must pay debt, deferred fee and the investor's Asset Management Fee of \$4,500 (increasing 3% annually) in an Incentive Management Fee. If an Incentive Management Fee is earned by Wesley in any year, the fee earned is to be used to pay down the past due interest up to \$85,147.51 due to the FCRHA.
5. The impact of the actions above will increase the balloon payment due at maturity of the loan in year 2023 from \$369,743.55 to \$508,560.38.
6. Forgive any penalties, service charges or other fees that may be applicable per the loan documents for lack of payment of the loan
7. Conditions precedent for execution of modified loan documents incorporating the modifications described above, include, but are not limited to: receipt of the 2006 audited financial statements for the Coppermine II project, if available; receipt of

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written approvals of the proposed AHPP loan modifications from VHDA and the tax credit limited partner of WCLP, if required.

The past due interest balance to be added to the outstanding principal at maturity is equal to \$85,147.51. The total balloon payment including past due interest balance at maturity will be \$508,560.38.

STAFF IMPACT:

None

FISCAL IMPACT:

No new funding is requested for this item. The fiscal impact is the delay of receipt of the \$85,147.51 in interest payments due from April 26, 2005 through July 31, 2007; the loan modification, if approved, will effectively delay the receipt of these payments until maturity of the loan in 2023. However, the borrower would be required to make its scheduled payments of principal and interest starting August 1, 2007. Therefore, the FCRHA would be receiving annual payments of approximately \$55,700 which would first be applied to interest, then principal beginning on August 1, 2007.

ENCLOSED DOCUMENTS:

Attachment 1 – Revised Pro-forma
Attachment 2 – Revised Term Sheet

STAFF:

Verdia 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
Louise Milder, Associate Director, Real Estate Finance and Grants Management Division, HCD
Deepthi Jain, Senior Real Estate Finance Officer, Real Estate Finance and Grants Management Division, HCD

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ACTION – 2

Approval to Reallocate and Authorize Disbursement from Fund 144, Housing Trust Fund as a Loan to Chesterbrook Residences, Inc. (CRI) for the Development of Chesterbrook Residences and to Change a Provision of an Affordable Housing Partnership Program Loan (Dranesville District)

ISSUE:

Approval by the Fairfax County Board of Supervisors (the Board) to reallocate up to \$275,000 from Fund 144, Housing Trust Fund, as a loan to Chesterbrook Residences, Inc. for the purpose of paying for additional unanticipated costs associated with the construction of Chesterbrook Residences, a 97-unit assisted living facility. In addition, the Board is requested to approve a change to a provision in the loan documents executed by CRI on March 21, 2006, that sets aside \$100,000 for a Project Reserve so that CRI can draw down those funds to pay for unanticipated construction costs instead. This provision will be changed by amendments to the loan documents.

RECOMMENDATION:

The County Executive recommends that the Board approve the reallocation of up to \$275,000 from the Affordable Housing Partnership Program (AHPP) within Fund 144, Housing Trust Fund as a loan to Chesterbrook Residences, Inc.

TIMING:

Approval by the Board is requested on July 9, 2007, in order to close on the financing in July 2007.

BACKGROUND:

Chesterbrook Residences is a 97-unit assisted living facility being constructed on Westmoreland Street in McLean, Virginia by Chesterbrook Residences, Inc. (CRI). Incorporated in 2002, CRI is a nonprofit 501(c)(3) corporation founded by three congregations from the faith community in McLean, Virginia.

On August 1, 2005, the Board of Supervisors (the Board) approved reallocating \$600,000 in Community Development Block Grant (CDBG) funds for Chesterbrook. On November 21, 2005, the Board approved an increase to the loan amount to a total loan amount of \$1,229,000 and reallocating the funds from Fund 144, Housing Trust Fund instead of CDBG.

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CRI has also applied for Project-Based Housing Choice Vouchers for 44 units which will provide an annual rental subsidy for these units.

On March 21, 2006, CRI closed on their financing and began construction of the project. The original financing plan consisted of the following sources of funds:

Source of Funds	Amount
VHDA	\$11,000,000
AHPP (Housing Trust Funds)	\$ 1,229,000
CDBG	\$ 250,000
Equity (donations, pledges)	\$ 1,000,000
TOTAL	\$13,479,000

Currently, the VHDA loan is secured by a first lien on the property, the AHPP loan is secured by a second lien and the CDBG loan is a third lien. CRI set a goal of \$1,000,000 for its share of the project equity. CRI has raised, in pledges and donations, \$1,046,748 which exceeds that amount. Of that amount, \$977,004 has been received as of June 18, 2007, and the remaining \$69,744 is expected to be received before July 1. In addition, an unsecured Accounts Receivable line of credit from United Bank is available to CRI to be used should those funds be needed before they are received and they will be repaid when the remaining pledges are received. CRI is continuing to raise additional funds from its congregations and the corporate community to be used to pay for additional costs of the project and a Care Trust Fund to assist residents in economic need.

CRI is faced with a shortfall of approximately \$570,000 due to delays in construction and costs of work required for the stream restoration project. To make up a portion of this shortfall, CRI requested an allocation from the state legislature in the amount of \$200,000 which was approved. The FCRHA received a request from CRI to make up the remaining funds. CRI is requesting a total of \$375,000 to cover the construction costs associated with the stream bed restoration, amounting to \$277,397, and other costs not accounted for in the development budget. CRI is requesting an additional \$275,000 as a loan from the Affordable Housing Partnership Program (AHPP) for these funds. In addition, CRI is requesting that \$100,000 already loaned to the project to be used as a Project Reserve be used instead to pay for a portion of the unanticipated construction costs.

CRI has had discussions with the Dranesville District Supervisor and County officials regarding the best way to fund this deficit. After exploring other financing alternatives, it was determined that the funds in the amount of \$275,000 could come from Fund 144, Housing Trust Fund from the AHPP. The loan will be secured by a fourth priority lien

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secured by the same interests in the property as the FCRHA's second priority lien. The terms of the loan will be similar to the AHPP loan for \$1,229,000 – the interest rate will be 2% simple interest accruing for 20 years with the principal and accrued interest due and payable on January 1, 2037, which is coterminous with the second lien.

On March 21, 2006, CRI closed on an AHPP loan in the amount of \$1,229,000 for the development of Chesterbrook Residences. Of that amount, \$100,000 was set aside as a Project Reserve to be used should the project require additional operating funds during the first two years after stabilized occupancy. Any funds not used after that time would be returned to the FCRHA. CRI has requested that this \$100,000 of the loan, originally intended to be used as a Project Reserve, be used at this time instead to pay for construction costs. Therefore, \$100,000 would not be returned to the FCRHA until the loan is paid off rather than, possibly, being paid back at the end of the first two years after stabilized occupancy. In order to accomplish this, the FCRHA will change the provision stated in the loan documents executed by CRI on March 21, 2006 stating that \$100,000 of the loan must be set aside for a Project Reserve by amendments to the loan documents. However, it is understood that these funds will not be used to pay for additional development consultant fees.

FISCAL IMPACT:

Funding in the amount of \$275,000 will come from the following projects. Funding in the amount of \$150,000 was budgeted in FY 2008 within Fund 144, Housing Trust Fund to Project 014138, Chesterbrook and funding in the amount of up to \$125,000 will be reallocated within Fund 144, Housing Trust Fund from Project 014042, Tier 2 to Project 014138, Chesterbrook. As of June 15, 2007, Project 014042 within Fund 144, Housing Trust Fund has an uncommitted balance of \$215,000.

ENCLOSED DOCUMENTS:

Attachment 1: Revised Sources and Uses
Attachment 2: AHPP Summary Term Sheet

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing & Community Development, HCD
Harry Swanson, Deputy Director, Revitalization and Real Estate, HCD
Aseem K. Nigam, Director, Real Estate Finance & Grants Management Division, HCD
Louise Milder, Associate Director, REFGM Division, HCD

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ACTION – 3

Consolidated Community Funding Advisory Committee Recommendations for the FY 2009 and FY 2010 Funding Priorities for the Consolidated Community Funding Pool

ISSUE:

Board approval of the FY 2009 and FY 2010 funding Priorities for the Consolidated Community Funding Pool, as recommended by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the FY 2009 and FY 2010 Funding Priorities for the Consolidated Community Funding Pool (CCFP) as recommended by the CCFAC.

TIMING:

The decision on the funding priorities for CCFP funding is requested in July to allow time to prepare the next Request for Proposals for the CCFP for release in late September 2007.

BACKGROUND:

The Board has charged the CCFAC with the responsibility for overseeing the Consolidated Community Funding Pool. As part of that responsibility, the CCFAC recommends funding priorities for the funding pool for each funding cycle. In July 2001, the Board approved the continuation of multi-year funding, which was continued in the FY 2005-2006 and the current FY 2007-2008 cycle. Thus, the CCFAC's recommended priorities are for the FY 2009 and FY 2010 funding pool awards.

The CCFAC maintains a regular process to receive and review both data and community input to inform decisions on which funding and priority recommendations are based. Community input processes include a variety of citizen and provider input activities conducted throughout the year. The data that the CCFAC considers includes information for the County's Consolidated Plan submitted to the U.S. Department of Housing and Urban Development, studies and other analyses prepared for the county and for citizens, and information reported from CCFP providers.

Several specific activities factored into the needs assessment and development of the priority recommendations. These included the following:

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- A formal public hearing was held on November 14, 2006, to hear from providers and citizens about needs that could be addressed through the funding pool and the Consolidated Plan, and to gather input or ideas on what programs and services are needed to truly help individuals and families become self-sufficient.
- Eight focus groups were conducted among key service populations to gather input on both immediate service needs and on what people thought might help their lives to significantly improve. These focus groups involved senior citizens, persons with disabling conditions, middle and high school youth, low- and moderate-income parents with children in assisted childcare, homeless persons, and ethnic minorities (Hispanic, Asian, and Middle Eastern).
- The CCFAC received special briefings on several cross-cutting county initiatives: reducing domestic violence, preventing and ending homelessness, reducing gang membership, promoting prevention programs among youth and families, and increasing low- and moderate-income housing.
- Numerous studies, analyses, and reports have been made available over the past year, including “Anticipating the Future” and information on national human services needs, trends, and innovations that have helped place county conditions and programs in perspective.
- Based on this variety of input, the CCFAC circulated draft proposed priorities to several hundred organizations and individuals in the community. At its meeting on June 12, 2007, the CCFAC received comment and discussion from nonprofit agencies and other citizen boards which resulted in several language changes and the inclusion of additional service examples in the attached recommendation to the Board.

For the next two-year funding cycle in FY 2009 and FY 2010, the CCFAC recommends a stronger focus of funding pool priorities on human services outcomes for families and individuals, rather than categories of services or target populations. The CCFAC believes that this will encourage results focused program planning and support accountability based less on what is done for clients and more on how their lives and conditions are improved as a result of that help. The CCFAC also believes that this approach advances the Fairfax County human services goal adopted by the Board, and suggests that self-sufficiency outcomes provide the best framework for funding pool assistance that will reaffirm and strengthen the partnership and role of community-based services in achieving these outcomes.

The CCFAC is recommending four outcome-focused priorities which reflect an important and necessary continuum of stability and self-sufficiency opportunities based on the need, condition, and potential among those to be served. The CCFAC believes that these outcome-focused priorities will support a number of Board and county initiatives, and will enhance efforts to *prevent* conditions or behaviors that undermine health, stability, growth and development, or independent living in the community.

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Since the CCFAC has taken a fresh approach to formulating the priorities, there is not a direct correlation to the priority areas used in the current funding cycle. However, the staff assessment is that all of the existing CCFP funded programs would fit within the proposed priorities, and the comments received in the public discussion with the CCFAC on June 12 were generally supportive and consistent with this assessment.

In addition, to promote broader understanding of the availability of CCFP funding for nonprofit programs, staff will reach out to ethnic and language minority organizations to ensure that they are aware of the funding pool and have the opportunity for technical assistance on how to apply prior to release of the Request for Proposals.

The table that follows summarizes the CCFAC's recommended priorities and target percentage ranges for dollar allocations to each priority. The attached document provides the specific outcome and action statements for each priority and the proposed target funding percentage ranges, and includes examples of the types of services and activities that would support each priority.

Priority	Outcome Statement	Target Funding Percentages
I. PREVENTION	Families and individuals remain independent and have the tools and resources to prevent dependence	15% to 25%
II. CRISIS INTERVENTION	Individuals and families in crisis receive sufficient help to move quickly back to self-sufficiency.	5% to 15%
III. SELF-SUFFICIENCY	Individuals and families attain self-sufficiency.	55% to 65%
IV. ONGOING ASSISTANCE FOR INDEPENDENT LIVING	People who have continuing and long-term needs achieve or maintain healthy, safe, and independent lives to the maximum extent feasible.	5% to 15%

CCFAC Recommendation

Based on the review of available data and information on community needs, and in consideration of comments and input received, the CCFAC recommends that the Board of Supervisors approve the four priorities and the target percentage allocation ranges for CCFP funds as shown above and in the attachment for FY 2009 and FY 2010.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment A: Proposed Priority Recommendations for the Consolidated Community Funding Pool Funding for Fiscal Years 2009-2010.

STAFF:

Verdia L. Haywood, Deputy County Executive

Kenneth P. Disselkoen, Acting Director, Department of Systems Management for Human Services (DSMHS)

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

Dana W. Paige, Director, Department of Family Services

W. Ken Garnes, Director, Department of Administration for Human Services

William Macmillan, Service Integration Manager, DSMHS

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ACTION - 4

Changes to the Fairfax County Purchasing Resolution

ISSUE:

Board approval of changes to the Fairfax County Purchasing Resolution.

RECOMMENDATION:

The County Executive recommends that the Board approve the changes to the Fairfax County Purchasing Resolution outlined below, to become effective upon approval. This year, only administrative changes have been made to the document; there were no actions on the part of the 2007 General Assembly that affect the Purchasing Resolution.

TIMING:

Routine.

BACKGROUND:

The Board adopted the current version of the Fairfax County Purchasing Resolution on June 26, 2006. During the 2007 session of the General Assembly, 35 bills were introduced relating to procurement and/or contracts. Of this number, 14 bills passed; however, none modified a mandatory section of the Virginia Public Procurement Act (VPPA) or included changes recommended by staff. Staff recommends five procedural amendments of the Purchasing Resolution:

1. The authority to establish contracts for construction and related architectural and engineering services provided to the Department of Public Works and Environmental Services, Fairfax County Public Schools, Fairfax County Park Authority, and the Department of Housing and Community Development has been updated. This change is recommended to ensure that the exceptions provided by the Resolution are consistent with County business practices.
2. The definition for an 'independent contractor' is added to make County terminology consistent with Internal Revenue Service definitions. The definition is added in correlation with the elimination of the term 'personal services,' thus establishing consistency with Department of Finance and Department of Human Resource use of the term.
3. The deletion of text referring to Department of Human Resources review of professional and consultant services provided by an individual as a means to

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protect the Merit employment system relates to item number 2 above. The change is not intended to eliminate the process, but rather a decision to address the issue in a Countywide procedural memorandum.

4. The process for Selection, Negotiation and Approval of proposals for consultant services has been revised to establish consistency with other contracts awarded through competitive negotiations.
5. All text relating to solicitation, evaluation, and award of construction contracts was consolidated into Article 3 to provide easier reference and identification of such provisions.
6. Article 6, Supply Management was updated to clarify the authority of the Director of the Department of Purchasing and Supply Management to oversee the County's asset and surplus property program.

An "Index of Changes" summarizing all proposed modifications is attached. In addition, the text changes proposed of the Resolution are presented in track changes format are in the right margin.

These changes have been coordinated with the Department of Public Works and Environmental Services, the Department of Housing and Community Development, the Fairfax County Park Authority, the Department of Human Resources, Fairfax County Public Schools, and the Office of the County Attorney.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I - Index of Changes

Attachment II - Revised Fairfax County Purchasing Resolution

STAFF:

Edward L. Long, Jr., Deputy County Executive

Cathy A. Muse, Director, Department of Purchasing and Supply Management

Peter Schroth, Director, Department of Human Resources

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CONSIDERATION – 1

National Association of Counties' Annual Conference

ISSUE:

Board designation of a voting and alternate delegate to represent the County at the National Association of Counties' (NACo) Annual Conference.

TIMING:

NACo has requested notification of Board action by July 12, 2007.

BACKGROUND:

NACo's 72nd Annual Conference will be held in Richmond, Virginia on July 13-17, 2007. The NACo staff is preparing credentials for that conference, and the County has been requested to notify NACo of the names of the County's voting delegate and alternate voting delegate.

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant to the County Executive

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INFORMATION - 1

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

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

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

The information provided in the attached June 2007, report is an update to the March 2007, status report which was provided to the Board on April 9, 2007.

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

ENCLOSED DOCUMENTS:

Attachment 1: June 2007 Status Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program and Other Selected Projects for FY 2005 Through FY 2008

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
Ellen Gallagher, Division Chief, Capital Projects and Operations Division, FCDOT
Beth Iannetta, Capital Projects Section, FCDOT

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INFORMATION - 2

Contract Award – Architectural/Engineering (A/E) Services for the Fire and Rescue Training Academy Expansion and Renovation - Phase I (Springfield District)

Consultant services are required to provide A/E design and construction administration services for the Fire and Rescue Training Academy Expansion and Renovation, Phase I, Project 009229, in Fund 312, Public Safety Construction. This contract award will consist of an approximately 15,000 square foot burn building and repelling tower for Fire and Rescue training. The Main Academy Building expansion and renovation portion of this project will be negotiated and awarded separately. This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program. Funding was approved as part of the fall 2006 Public Safety Bond Referendum.

The architectural firm of PSA Dewberry Inc. was selected in accordance with the Professional Consultant Services Procurement Policy of Fairfax County. This Contract Award is required to provide the full design and construction administration services for the burn building/repelling tower project.

The Department of Tax Administration has verified that PSA Dewberry has the appropriate Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board, the Department of Public Works and Environmental Services will proceed to award this contract to PSA Dewberry in the amount of \$513,000.

FISCAL IMPACT:

Funding in the amount of \$513,000 is necessary to award this contract and to fund the associated contingency and other project costs. Funding in the amount of \$513,000 is available in Project 009229, F&R Training Academy Expansion and Renovation, Phase I in Fund 312, Public Safety Construction.

ENCLOSED DOCUMENTS:

Attachment 1- List of Awardee and Other Firms Interviewed
(Copy of Contract available in the Office of the Clerk to the Board)

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STAFF:

Robert A. Stalzer, Deputy County Executive

Ronald L. Mastin, Chief, Fire and Rescue Department

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 – Provision of HIV/AIDS Medical Services to Indigent Fairfax County Residents

INOVA Health System is the current provider of HIV/AIDS medical services to the indigent residents of the County through a sole source contract. The contract has been in effect since 2003 and expires on July 14, 2007. Inova Health System is the only provider of comprehensive HIV/AIDS medical services to people in all stages of HIV/AIDS in Fairfax County, through the Inova Juniper Program. These services include pharmaceuticals, physician visits, including after-hour care, and case management services. The services provided by this program are delivered by a team of infectious disease physicians, nurse practitioners, registered nurses, licensed clinical social workers, health educators and clinical support staff. The County requires a medical facility that is located in Fairfax County to provide these services due to transportation issues and the medical frailty of the clients. Following a market analysis, the County has determined that INOVA Health Systems is still the sole source provider of comprehensive HIV/AIDS medical services through the INOVA Juniper Program.

The new contract provides services for a maximum of 70 HIV-infected indigent Fairfax County residents. The term of this contract will be from July 15, 2007 through June 30, 2008, with 4 one-year renewal options. The Health Department's expenditure for the initial contract term of this contract is \$119,724.66.

The Department of Tax Administration has verified that INOVA Health Systems is exempt from Fairfax County Business Professional and Occupational License (BPOL) requirements.

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed with a contract award to INOVA Health System for \$119,724.66. The total amount of this contract is potentially \$617,724.66, inclusive of the initial contract period and four (4) one-year renewal options.

FISCAL IMPACT:

The anticipated contract amount of \$617,724.66 is as follows: \$119,724.66 for the initial contract period of 11 months and 16 days (date of award through June 30, 2008), \$124,500.00 for year two, \$124,500.00 for year three, \$124,500.00 for year four, and \$124,500.00 for year five. Funding for FY 2008 is available as part of the Health Department's FY 2008 Adopted Budget Plan and subsequent year appropriations will address future years' funding.

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ENCLOSED DOCUMENTS:
NONE

STAFF:
Edward L. Long, Jr., Deputy County Executive
Verdia L. Haywood, Deputy County Executive
Cathy A. Muse, Director, Department of Purchasing and Supply Management
Dr. Gloria Addo-Ayensu, MD, Health Department

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11:00 a.m.

Matters Presented by Board Members

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11:50 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Peerless Insurance Company and Excelsior Insurance Company v. County of Fairfax, Virginia*, Record No. 061279 (Sup. Ct. Va.)
 - 2. *Darren T. Rooney v. Fallah M. Moiwah, Fairfax County, Veolia Transportation, Inc., Veolia Transportation Services, Inc., and Fairfax Connector*, Case No. CL07001581 (Alex. Cir. Ct.)
 - 3. *Elias Serrano v. Jose C. Letona Crespin*, Case No. CL07001791 (Alex. Cir. Ct.)
 - 4. *Bennie J. Oliver v. Anthony H. Griffin, County Executive*, Case No. CL-2007-0005809 (Fx. Co. Cir. Ct.)
 - 5. *David P. Mugan v. Maria Isabel Salas Guevara and Soudy Chamanara*, Case No. CL-2007-0001899 (Fx. Co. Cir. Ct.)
 - 6. *Matthew Francis Egan v. Fairfax County Police Department*, Case No. CL-2007-0006455 (Fx. Co. Cir. Ct.)
 - 7. *Ximena Yavidesalinas by GECIO, Subrogee v. Bradley Capan*, Case No. 01-2770 (Alex. Gen. Dist. Ct.)

8. *Ximena Yavidesalinas by GECIO, Subrogee v. County of Fairfax*, Case No. 01-2774 (Alex. Gen. Dist. Ct.)
9. *Mark Boyer v. Charles Holland & Fairfax County Office of Transportation*, Case No. 2007-0010220 (Fx. Co. Gen. Dist. Ct.)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilver Galindo*, Case No. CL-2006-0008832 (Fx. Co. Cir. Ct.) (Braddock District)
11. *Jane W. Gwinn, Fairfax County Zoning Administrator v. Duane Whitney, et al.*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. A-W Corporation of Fairfax, Inc.*, Case No. CL-2007-0002780 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kenneth J. Nies*, Case No. CL-2007-0003480 (Fx. Co. Cir. Ct.) (Mason District)
14. *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)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana Caballero*, Case No. CL-2007-0001746 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victoria Y. Carbajal*, Case No. CL-2006-0012163 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Josvel Acevedo*, Case No. CL-2007-0006523 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose S. Gonzalez, et al.*, Case No. CL-2007-0006664 (Fx. Co. Cir. Ct.) (Sully District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rina Hernandez and Nelson Torrico*, Case No. CL-2007-0006824 (Fx. Co. Cir. Ct.) (Braddock)

20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Centrowood Drive Apartments, Inc.*, Case No. CL-2007-0007029 (Fx. Co. Cir. Ct.) (Sully District)
21. *Board of Supervisors of Fairfax County, Virginia v. Professional Asset Management in Virginia, Inc.*, Case No. CL-2007-0006587 (Fx. Co. Cir. Ct.) (Dranesville District)

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Board Agenda Item
July 9, 2007

3:30 p.m.

Public Hearing on RZ 2006-HM-020 (Winchester Homes, Inc.) to Rezone From R-1 to PDH-2 to Permit Residential Development at a Density of 1.80 Dwelling Units Per Acre, Located on Approximately 19.97 Acres, Hunter Mill District

The application property is located approximately 200 feet northwest of the intersection of Timber Wood Way and West Ox. Road, Tax Map 35-2 ((1)) 23 - 29.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 24, 2007, the Planning Commission voted 9-0-2 (Commissioners Hall and Sargeant abstaining; Commissioner Flanagan absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2006-HM-020, subject to the execution of proffers consistent with those dated May 18, 2007; and
- Waiver of the 600-foot maximum length requirement for private streets.

The Commission voted 9-0-2 (Commissioners Hall and Sargeant abstaining; Commissioner Flanagan absent from the meeting) to approve FDP 2006-HM-020, subject to the Development Conditions dated May 18, 2007 and subject also to Board approval of RZ 2006-HM-020.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, 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
July 9, 2007

4:00 p.m.

Public Hearing on a Proposal to Vacate and Abandon Parts of the Right-of-Way of I Street (Mount Vernon District)

ISSUE:

Public hearing on a proposal to vacate and abandon parts of the right-of-way of I Street.

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 the subject right-of-way.

TIMING:

On June 4, 2007, the Board authorized a public hearing to consider the proposed vacation and abandonment for July 9, 2007, at 4:00 p.m.

BACKGROUND:

The six applicants are requesting that portions of the right-of-way of I Street adjacent to their property be vacated and abandoned. I Street is not in the State Secondary System and the right-of-way is unimproved. A residual right-of-way will be retained for the existing drainage structure and parallel pedestrian access.

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

Traffic Circulation and Access

The vacation and abandonment will have no long-term impact on vehicle circulation and access. The subject right-of-way is surplus and is not needed for operation and maintenance of any transportation facility.

Easements

Dominion Virginia Power has identified facilities within the area to be vacated and abandoned. The Department of Public Works and Environmental Services has identified a sanitary sewer in the area of vacation and abandonment. The applicants

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have provided easement plats, deeds, or agreements in forms acceptable to these entities. No other easement needs were identified.

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification

Attachment II: Notices of Intent to Vacate and Abandon

Attachment III: Ordinance of Vacation

Attachment IV: Order of Abandonment

Attachment V: Vacation and Abandonment Plat

Attachment VI: Metes and Bounds Description

Attachment VII: Vicinity Map

STAFF:

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

Michael A. Davis, FCDOT

Donald Stephens, FCDOT

Board Agenda Item
July 9, 2007

4:00 p.m.

Public Hearing to Establish the Newington II Community Parking District (Mount Vernon District)

ISSUE:

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

TIMING:

The public hearing was authorized on June 4, 2007, for July 9, 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 Newington II 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 \$550 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 Newington II 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
Maria Turner, Transportation Planner II, FCDOT

Board Agenda Item
July 9, 2007

4:00 p.m.

Public Hearing to Consider Adopting a Proposed Amendment to *the Code of the County of Fairfax, Virginia*, Section 82-5A to Implement a Temporary Residential Permit Parking District Program

ISSUE:

Public hearing to consider adopting a proposed amendment to *the Code of the County of Fairfax, Virginia*, Section 82-5A to implement a temporary Residential Permit Parking District (RPPD) program.

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to *the Code of the County of Fairfax, Virginia*, Section 82-5A to implement a temporary Residential Permit Parking District (RPPD) program.

TIMING:

The public hearing was authorized June 4, 2007, for July 9, 2007, at 4:00 p.m.

BACKGROUND:

At the February 27, 2006, Board of Supervisors meeting, the Board directed staff of the Fairfax County Department of Transportation (FCDOT) to develop additional Code provisions for a temporary RPPD program that would address short-term situations, such as construction projects, that create temporary parking problems in adjacent residential areas. Factors considered by FCDOT staff in developing a temporary RPPD program included: (1) the minimum and maximum time needed for temporary RPPDs; (2) temporary vehicle decals/passes for residents; (3) the appropriate size of a temporary RPPD; (4) how to expedite the implementation of a temporary RPPD; (5) the process for a community to request the restrictions; and (6) the cost and staff time to implement this new program.

Due to the time required to process and obtain a Virginia Department of Transportation (VDOT) permit to install signage, to have the signs installed, and to distribute decals/passes, staff thinks that temporary RPPDs are appropriate in situations where on-street parking would be disrupted for at least six months from the date of the community's request. The temporary RPPD will be in effect until the temporary situation causing the parking problem has ended.

To more effectively respond to a community's immediate need to address a temporary parking problem, staff does not recommend using the same petition process that is required

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for permanent RPPDs. Instead, FCDOT recommends that a written request for a temporary RPPD from all affected homeowners' and/or civic associations in the identified residential area be submitted to and coordinated with the applicable Board Member's office, which will then forward the complete written request to FCDOT. In cases where there are no homeowners' or civic associations representing a residential area, the written request letter would need to be signed by eligible residents from at least 10 residences in the proposed temporary RPPD or at least 60% of all eligible residences, whichever is less. FCDOT further recommends that no fees be required to apply for a temporary RPPD.

Since the number and size of temporary RPPDs in any one year cannot be easily predicted, the distribution of the pre-printed decals for vehicles that are used for the existing RPPD program is not feasible. Instead, dashboard placards that are used for visitor and new resident passes would be more practical for temporary RPPDs. These passes would contain the temporary RPPD identification, the vehicle identification number, and the effective dates of the temporary RPPD. In addition, FCDOT recommends that one transferable visitor pass per eligible residence be allowed for temporary RPPDs as is currently done with permanent RPPDs.

FCDOT recommends that temporary RPPDs be in effect only on public roadways in residential areas where the parking problem exists or is likely to occur. Consequently, FCDOT also recommends that the initial size of the temporary RPPD include all blocks entirely or partially within 1000 feet of the identified cause of the parking problem; however, parameters can be adjusted based on residents' desires and other factors on a case-by-case basis.

In accordance with state code requirements, the Board would authorize advertisement and hold a public hearing to amend the Code to include the temporary RPPD. Similar to the permanent RPPD program, FCDOT staff would send a written notice of the time, place, and purpose of the public hearing to all residences that would be affected by the proposed temporary RPPD.

The number of temporary RPPDs and the number of residences affected in each temporary RPPD is difficult to estimate at this time. However, FCDOT has developed an estimate based on a proposed two requests for temporary RPPDs per year involving 100 residences per request, with each residence having two vehicles to register (a total of 400 vehicles) plus one visitor pass for each residence. Based on this proposed number, FCDOT staff time needed would be approximately 85 staff hours per year, in addition to the cost of printing and mailing notices, printing/mailing vehicle passes, purchasing/installing signage, and removing the signage, at an estimated cost of \$5,000 per year.

FISCAL IMPACT:

The cost to print/mail notices, print passes, purchase/install signage, remove signage, and mail out passes is approximately \$5,000. These funds will be absorbed at present within

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the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

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

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

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4:00 p.m.

Public Hearing Regarding the Conveyance of County-Owned Property to the Virginia Department of Transportation for Project 0123-029-F28-R201 (Mount Vernon District)

ISSUE:

Public hearing regarding the conveyance of County-owned property to the Virginia Department of Transportation (VDOT) for Project 0123-029-F28-R201.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached Resolution for the referenced conveyance.

TIMING:

On May 21, 2007, the Board of Supervisors authorized the advertisement of a public hearing to be held on July 9, 2007, at 4:00 p.m.

BACKGROUND:

The Board of Supervisors is the owner of four vacant parcels identified as Tax Map Numbers 106-4-01 parcels 0057 and 0058, 113-1-01 parcel 0015, and 112-2-01 parcel 0015. The subject properties were part of the former Lorton Prison now known as Laurel Hill.

Staff is coordinating with VDOT, to transfer the fee simple title of these properties which was required for construction of the Ox Road (Route 123) widening project. This project was completed in July 2006. VDOT's offer of compensation to acquire these properties for its right-of-way is \$158,244. This offer has been reviewed by staff and, based on the use of the property, the Facilities Management Department, the Land Acquisition Division, and the Department of Transportation concur with the proposed offer.

Staff recommends that VDOT's offer of monetary consideration be accepted. Pursuant to Section 15.2-1800 of the Code of Virginia, a public hearing is required for the Board to convey real property or real property interests.

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FISCAL IMPACT:

Compensation of \$158,244 from VDOT may be used to offset costs associated with the Lorton Road design project. Currently Furnace Road and Silverbrook Road, both in the Laurel Hill area, are included in the FY2007-2011 Adopted Capital Improvement Program (with Future Fiscal Years to 2016) and ranked as Priority 2 projects scheduled to begin within the next 2-3 years. Funding for these projects has not yet been identified.

ENCLOSED DOCUMENTS:

Attachment A – Resolution

Attachment B – Tax Map Numbers 106-4-01 parcels 0057 and 0058, 113-1-01 parcel 0015, and 112-2-01 parcel 0015

STAFF:

Jose A. Comayagua, Director, Facilities Management Department
Katharine Ichter, Director Department of Transportation

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4:00 p.m.

Public Hearing to Consider Amending Chapter 61 (Building Provisions) of *The Code of the County of Fairfax, Virginia*

ISSUE:

Public hearing to consider the proposed amendments to Chapter 61 of *The Code of the County of Fairfax, Virginia* (Building Provisions).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendments to Chapter 61 of *The Code of the County of Fairfax, Virginia* (Building Provisions).

TIMING:

Public hearing was authorized on June 4, 2007 for July 9, 2007, at 4:00 p.m.

BACKGROUND:

The objective of the code amendment is to align the business processes and fees with the implementation of the Fairfax Inspections Database Online (FIDO) and still meet the intent of the code.

FIDO is a shared custom-off-the-shelf software package used to manage the various business processes associated with commercial and residential construction in Fairfax County within one database. Agency participants include the Department of Public Works and Environmental Services, the Department of Planning and Zoning, the Health Department and the Fire and Rescue Department. A clear advantage of the FIDO system is the ability to manage the permits issued, plans reviewed and inspection results of each participating agency in one application. To achieve these clearly defined processes, Fire will have its own distinct permits for fire alarm and fire suppression installations and inspections rather than issuing fire permits under electrical, plumbing and mechanical disciplines. In addition, fire lanes will now have a distinct permit that will generate a revenue stream.

In order to track the payments received and fees due, the methods of collection for permits, plans review, and inspections have been streamlined to increase efficiencies and effectiveness. The ultimate goal is to be able to track each process and each

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payment in FIDO and to make that information available to the customer through the web.

FISCAL IMPACT:

The new permit types will be in addition to the electrical, mechanical and plumbing permits required to cover DPWES processing and inspections and will generate a new revenue stream. The total annual revenue stream will be approximately \$175,500.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendments to the Fire Code
Attachment II: Staff Report

STAFF:

Chief Ronald L. Mastin, Fire and Rescue Department
Pamela Pelto, Office of the County Attorney
Ray Pylant, DPWES

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4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 3502 Paul Street (Mason District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 3502 Paul Street, Alexandria, VA 22311 (Tax Map No. 061-4-((17))-0036)(Property) and approval of a blight abatement plan for Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 3502 Paul Street blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On June 4, 2007, the Board authorized advertisement of this public hearing to be held Monday, July 9, 2007, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2006) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2006) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered “blighted” under the Spot Blight Abatement Statute if they meet the definition for “Blighted property” established under Va. Code Ann. 36-3 (Supp. 2006) which defines a blighted property as “any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or

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improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

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

Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2006) and if it meets all of the following conditions:

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

The property located at 3502 Paul Street was referred to the Blight Abatement Program (BAP) on July 10, 2000. Located on the subject property is an abandoned one-story, ranch style, wood framed structure over a crawl space with brick veneer on all sides. The residential structure was constructed sometime in 1955 according to Fairfax County Tax Records. On January 25, 1999, the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Health Department Code Official. The structure has been vacant since that time and is deteriorated with several holes in the roof allowing water penetration. Due to the extreme lack of maintenance the structure is not economically feasible to repair and needs to be demolished.

On June 19, 2003, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. On July 23, 2003, after being contacted again by BAP staff, the owner advised staff via letter that there were some legal issues surrounding her property which did not allow her to remedy the situation. In March 2004, BAP staff made contact with the owner's brother-in-law who attempted to assist the owner with the issues of the property. On September 27, 2004, the owner wrote to Chairman Connolly and detailed her concerns. A response was prepared by HCD staff on October 28, 2004. To date the owner has not taken any action to abate the blighted conditions of the property.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve

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abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2006). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on June 21, 2007 and June 28, 2007.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2006) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the Property owner of the Board's action, HCD will proceed with demolition of the structure. HCD is also asking that the Board direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of June 14, 2007, is \$351,077. It is estimated that the cost of demolition of the structures will be approximately \$60,000.

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

ENCLOSED DOCUMENTS:

- Attachment 1: Property Photographs
- Attachment 2: Ordinance for 3502 Paul Street (Mason District)
- Attachment 3: Blighted Property Technical Report and Abatement Plan

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STAFF:

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

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4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 7831 Oak Street (Providence District)

ISSUE:

Public hearing by the Board of Supervisors (Board) to consider adoption of a Spot Blight Abatement Ordinance for 7831 Oak Street, Dunn Loring, VA 22027 (Tax Map No. 039-4-((01))-0171)(Property) and approval of a blight abatement plan for Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 7831 Oak Street blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On June 4, 2007, the Board authorized advertisement of this public hearing to be held Monday, July 9, 2007, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2006) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2006) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2006) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

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

Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2006) and if it meets all of the following conditions:

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

The Property located at 7831 Oak Street was referred to the Blight Abatement Program (BAP) on July 7, 1998. Located on the Property is an abandoned one-story dilapidated, residential structure with a full basement that was constructed sometime in 1950 according to Fairfax County Tax Records. The structure has been vacant since 1998, is partially collapsed and needs to be demolished.

On February 27, 2003, the Neighborhood Enhancement Task Force (NETF) found that the Property met the guidelines for blighted properties, and the Property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. On March 24, 2003, the owner sent BAP staff a letter advising that her site plan had been completed and that she was close to being able to redevelop the Property. BAP staff monitored the project and confirmed that the owner did have a plan on file according to County permit records. In 2005, an approved demolition permit was noted in County records; however, the owner never followed through with redevelopment of the Property. BAP staff continues to receive multiple complaints regarding this Property and the negative visual impact it has on the adjacent properties and the surrounding community. All attempts by BAP staff to achieve voluntary compliance with the Property owner have been unsuccessful.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2006). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on June 21, 2007 and June 28, 2007.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a

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nuisance. At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2006) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the Property owner of the Board's action, HCD will proceed with demolition of the structure. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of June 14, 2007, is \$351,077. It is estimated that the cost of demolition of the structures will be approximately \$50,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 7831 Oak Street (Providence District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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

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

Cynthia Ianni, Director, Design, Development and Construction Division, HCD

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Christina M. Sadar, Blight Abatement Program Coordinator, HCD