

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
SEPTEMBER 24, 2007**

AGENDA

- | | | |
|-------|-------------|---|
| 9:00 | Done | Presentations |
| 10:00 | Done | Presentation of Fairfax County Gang Prevention – 2005-2006 Status Report |
| 10:15 | Done | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 10:15 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|---------------------------------|--|
| 1 | Approved | Extension of Review Periods for 2232 Review Applications (Mason and Sully Districts) |
| 2 | Approved | Authorization to Advertise a Public Hearing Regarding the Conveyance of County-Owned Property to the Fairfax County Park Authority and Authorization for the County Executive to Sign on Behalf of the Board a Land Bank Agreement |
| 3 | Approved | Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program (Springfield District) |
| 4 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Implement Cut-Through Measures on Morningside Lane as Part of the Residential Traffic Administration Program (Mount Vernon District) |
| 5 | Approved | Streets into the Secondary System (Lee and Sully Districts) |
| 6 | Denied | Additional Time to Commence Construction for Special Exception Amendment SEA 84-V-009-2, Khan International, LLC (Mount Vernon District) |
| 7 | Approved | Authorization for the Department of Transportation to Apply for FY 2009 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds |
| 8 | Approved
w/amendment | Authorization to Advertise a Public Hearing Regarding Proposed Amendments to <i>The Code of the County of Fairfax, Virginia</i> , to Add a New Chapter, Chapter 120 (Tree Conservation Ordinance) RE: Conservation of Heritage, Memorial, Specimen, and Street Trees |

**FAIRFAX COUNTY
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ACTION ITEMS

- | | | |
|----|---------------------------------|---|
| 1 | Approved | Approval of Contract Agreements – 800MHz Rebanding Frequency Reconfiguration Agreements with Sprint-Nextel |
| 2 | Approved | Approval of Final Community Improvement Program Assessments for Mount Vernon Manor (Mount Vernon District) |
| 3 | Approved | Authorization for the County Executive to Sign on Behalf of the Board of Supervisors a Replacement Interim Use Agreement Between the Board and the Fairfax County Park Authority for Certain Properties Recently Conveyed to the Board by the Fairfax County School Board |
| 4 | Approved | Approval of a Resolution to Affirm Cooperation Between the Board of Supervisors and the School Board to Coordinate Planning and Delivery of Space for Public and School Services in Their Respective Facilities |
| 5 | Approved | Approval of Memorandum of Understanding (MOU) Between the Northern Virginia Transportation Authority (NVTA) and Fairfax County for the Collection of NVTA's Transient Occupancy Tax |
| 6 | Approved | Adjustment of the Land Development Services Comprehensive Unit Price Schedule That is Used to Determine Development Agreement Bond Amounts |
| 7 | Approved
w/amendment | Endorsement of FY 2009 Virginia Department of Transportation's Enhancement Program Project Applications |
| 8 | Approved | Approval of the FY 2008 State Performance Contract Between the Fairfax-Falls Church Community Services Board and the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services |
| 9 | Approved | Adjustment to Fairfax Center Road Fund Contribution Rate and Authorization of Corresponding Rate Adjustments in the Centreville and Tysons Corner Fund Areas (Providence, Springfield, and Sully Districts) |
| 10 | Approved | Expansion of the Approved Sewer Service Area (ASSA) to Include a Portion of the West Ox Community Planning Sector (Sully District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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INFORMATION ITEMS

- | | | |
|-------|--------------|--|
| 1 | Noted | Contract Award - Annual Contract for Heating Ventilating and Air Conditioning Engineering Services |
| 2 | Noted | Transition of Non-Regional Metrobus Route 2W, Line 12 Routes, and Line 20 Routes to FAIRFAX CONNECTOR (Providence, Springfield, and Sully Districts) |
| 3 | Noted | Agreement Between Covanta Fairfax, Inc. and the County to Provide Supplemental Power for Critical County Infrastructure |
| 10:45 | Done | Matters Presented by Board Members |
| 11:35 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|---|---|
| 3:00 | Approved | Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Wiehle Avenue Trail Project (Hunter Mill District) |
| 3:00 | Approved | Public Hearing on RZ 2007-SU-003 (Fair Ridge, LLC) (Sully District) |
| 3:00 | Approved | Public Hearing on SE 2007-SU-002 (Fair Ridge, LLC) (Sully District) |
| 3:00 | Approved | Public Hearing on PCA 1998-SU-009-02 (Fair Ridge, LLC) (Sully District) |
| 3:30 | Approved | Public Hearing on PCA 92-P-001-06 (West*Group Properties LLC) (Providence District) |
| 3:30 | Approved | Public Hearing on PCA 88-D-005-06 (West*Group Properties LLC) (Providence District) |
| 3:30 | Public hearing deferred indefinitely | Public Hearing on RZ 2007-MA-010 (Eastwood Properties, Inc.) (Mason District) |
| 3:30 | Approved | Public Hearing on PCA 2003-HM-004 (Dulles Center, LLC) (Hunter Mill District) |
| 3:30 | Approved | Public Hearing on PRC 87-C-088 (Four Seasons Development, LLC) (Hunter Mill District) |

**FAIRFAX COUNTY
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**PUBLIC HEARINGS
(CONTINUED)**

3:30	Approved	Public Hearing on SE 2007-SP-008 (Springfield Golf and Country Club, Inc.) (Springfield District)
4:00	Approved	Public Hearing on SEA 2005-SU-007 (Trustees of Korean Central Presbyterian Church) (Sully District)
4:00	Approved	Public Hearing on PCA 87-S-039-06 (Fairfax Corner Retail L.C.) (Springfield District)
4:00	Approved	Public Hearing on SE 2007-SU-010 (Cort Business Services Corp.) (Sully District)
4:00	Approved	Public Hearing on SE 2007-SU-006 (Montessori School of Fairfax, Inc.) (Sully District)
4:30	Approved	Public Hearing on Proposed Plan Amendment S07-IV-RH1, Bounded by Manchester Boulevard, Beulah Street and Silver Lake Boulevard (Lee District)
4:30	Approved	Public Hearing on Proposed Plan Amendment S07-CW-2CP Regarding Revisions to the Glossary and Housing Section of Policy Plan to Add and/or Amend Definitions, Policies and Guidelines Related to Workforce Housing_



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
Sept. 24, 2007

9:00 a.m.

PRESENTATION to the Fairfax County Board of Supervisors by the Green Globe Initiative of Portland, Oregon, of a Green Globe Award recognizing the Katherine K. Hanley Family Shelter for its environmentally friendly construction.

PRESENTATIONS

1. PROCLAMATION – To designate Oct. 1-7, 2007, as Mental Illness Awareness Week in Fairfax County. Requested by Chairman Connolly.
2. PROCLAMATION – To designate Oct. 7-13, 2007, as Fire Prevention Week in Fairfax County. Requested by Chairman Connolly.
3. CERTIFICATE – To recognize Emanuel Hershkowitz for his community involvement and active lifestyle as an older adult. Requested by Supervisor Hudgins.
4. CERTIFICATE – To recognize the Falls Hill-Poplar Heights Stormwater Action Committee for its efforts. Requested by Supervisor Smyth.
5. CERTIFICATE – To recognize Coleen and Randy Bevans, Jenifer Joy Madden and Reed Black for their efforts to make the Beulah Road Trail a reality. Requested by Supervisor Hudgins.
6. CERTIFICATE – To recognize Inova Health System and the Fairfax County Commission on Organ and Tissue Donation and Transplantation for their efforts to formulate an organ donation policy for county employees. Requested by Supervisor Gross.

- more -

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7. RESOLUTION – To recognize Fairfax Water on the occasion of its 50th anniversary. Requested by Supervisor Gross.
8. RESOLUTION – To recognize the Northern Virginia Nursery and Landscape Association on the occasion of its 50th anniversary. Requested by Supervisor Bulova.

STAFF:

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

Board Agenda Item
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10:00 a.m.

Presentation of Fairfax County Gang Prevention – 2005-2006 Status Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Bob Bermingham, Fairfax County Gang Prevention Coordinator

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10:15 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard September 24, 2007

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item
September 24, 2007

ADMINISTRATIVE – 1

Extension of Review Periods for 2232 Review Applications (Mason and Sully Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for application FS-M07-49 to November 23, 2007, and for application FSA-Y06-88-1 to December 3, 2007.

TIMING:

Board action is required on September 24, 2007, to extend the review periods of the applications noted above before their expiration.

BACKGROUND:

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

The Board should extend the review periods for applications FS-M07-49 and FSA-Y06-88-1, which were accepted for review by the Department of Planning and Zoning on June 26, 2007, and July 6, 2007, respectively. 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 these extensions may not be necessary, and is not intended to set dates for final action. The review periods for the following applications should be extended:

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FS-M07-49 Sprint PCS
 Antenna colocation on existing treepole monopole
 3435 Sleepy Hollow Road
 Mason District

FSA-Y06-88-1 Sprint/Nextel Communication
 Relocate equipment cabinet
 5858 Old Centreville Road
 Sully District

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

Board Agenda Item
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ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing Regarding the Conveyance of County-Owned Property to the Fairfax County Park Authority and Authorization for the County Executive to Sign on Behalf of the Board a Land Bank Agreement

ISSUE:

Authorization to advertise a public hearing regarding the conveyance of County-owned property to the Fairfax County Park Authority (Park Authority) and authorization for the County Executive to sign on behalf of the Board the attached Land Bank Agreement.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing regarding the proposed conveyance of County-owned property to the Park Authority, waive County policy requiring notification of adjacent property owners of the public hearing by certified mail, and authorize and direct the County Executive to sign on behalf of the Board the attached Land Bank Agreement.

TIMING:

Board action is requested on September 24, 2007, to provide sufficient time to advertise the proposed public hearing on October 15, 2007, at 4:30 p.m.

BACKGROUND:

On May 21, 2007, the Board of Supervisors made a motion to direct the County Executive to work with the Park Authority to determine which County-owned parcels of land would be suitable for transfer from the Board to the Park Authority and report back to the Board with a recommendation.

Staff reviewed the County Real Estate Inventory and examined the parcels as to their suitability for other purposes such as affordable housing and public facilities. Ultimately, 39 parcels comprising a total of approximately 184.8781 acres were identified as suitable for transfer to the Park Authority. The list of potential parcels was shared with the Park Authority, the Department of Planning and Zoning, and the Department of Transportation for further review. All parties have agreed to proceed with a recommendation to the Board of Supervisors to transfer the 39 parcels to the Park Authority. It is the Board's goal to set aside 10 percent of the County's land mass as Park Authority parkland. After the transfer, approximately 9.5537 percent of the

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County's land mass will be held by the Park Authority, and an additional 1,128.3111 acres will need to be acquired by the Park Authority to achieve the 10 percent goal.

Concurrent with the transfer of the 39 parcels, it is recommended that the Board authorize and direct the County Executive to sign on behalf of the Board the attached "Land Bank Agreement" with the Park Authority. The Land Bank Agreement was approved by the Fairfax County Park Authority Board on September 12, 2007. The purpose of the Land Bank Agreement is to ensure that the Board and thereby Fairfax County taxpayers will not have to pay for the same parcel of land twice. The reason this is a potential problem is because the Park Authority is recognized as a separate entity under the Code of Virginia. The Code of Virginia does not authorize the Park Authority to make gifts, and it therefore cannot convey property to the Board without receiving fair market value for the property. As a result, if the Board were to pay fair market value for a parcel of property and then convey it to the Park Authority for free, and if the property were later conveyed back to the Board by the Park Authority, in such a case, the Board would have to pay the Park Authority the fair market value of the property, and the Board would thereby pay for the same property twice. The Land Bank Agreement would solve this problem. Under the Land Bank Agreement, the Board would receive a credit equal to the current tax-assessed value of certain properties the Board conveys to the Park Authority if the conveyance is made for little or no consideration. This credit could then be used, if the Park Authority agrees, as consideration for any future conveyance of real property from the Park Authority to the Board. This would enable the Board to receive conveyances of real property from the Park Authority without having to pay money to the Park Authority for the conveyance. All real property conveyed to the Park Authority by the Board will be included in the Land Bank except for those parcels obtained by the Board by proffer, special exception condition, subdivision, site plan, or other means for parks, recreation, or open space and restricted by deed to parks, recreation, or open space uses. Actions taken by the Park Authority in connection with the transfer of properties will be conducted in a manner consistent with Park Authority policies existing at the time of transfer. Of the 39 parcels that are recommended to be conveyed to the Park Authority, 9 parcels (or 8.5980 acres) would be included in the Land Bank. The remaining 30 parcels (or 176.2801 acres) would not be included in the Land Bank because they have been obtained by the Board for park, recreation, or open space and restricted by deed to parks.

Staff recommends that the conveyance of the properties to the Park Authority be subject to the condition that the parcels must be used for public park purposes. Staff further recommends that the conveyances be made subject to the County's reserving onto itself and having the right to assign to public entities, public utilities, or telecommunications or cable television providers the right to design, lay out, construct, utilize and maintain anywhere on the parcels, rights-of-way, streets, sidewalks and trails, utility lines, conduits, poles, facilities, and other improvements for the purpose of

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providing for, including but not limited to, sanitary sewer, storm sewer, water, telephone, gas, electric, cable, television service and other utilities. Staff recommends that any public utilities located on these properties that are owned and maintained by County agencies, such as sanitary sewers and storm water management facilities and structures, continue to be owned and maintained by the County.

After the parcels are transferred, the Park Authority will include the properties in their inventory and maintain them in accordance with the adopted Park Authority Maintenance Standards.

In accordance with Board Policy and section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the disposition of County-owned property.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment A - Advertisement

Attachment B - List of properties to be conveyed by Supervisor District

Attachment C - Location Maps

Attachment D - Land Bank Agreement

STAFF:

Edward L. Long, Deputy County Executive

Jose A. Comayagua, Director, Facilities Management Department

Timothy K. White, Acting Director, Fairfax County Park Authority

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ADMINISTRATIVE - 3

Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program (Springfield District)

ISSUE:

Board endorsement of a “Watch for Children” sign as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachment I) for a “Watch for Children” sign on the following street:

- One Penny Drive (Springfield District)

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

TIMING:

Board action is requested on September 24, 2007.

BACKGROUND:

The R-TAP allows for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On August 8, 2007, the Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced “Watch for Children” sign on One Penny Drive.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENT:

Attachment I: Resolution for "Watch for Children" Signs

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Douglas W. Hansen, FCDOT

Steven K. Knudsen, FCDOT

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on a Proposal to Implement Cut-Through Measures on Morningside Lane as Part of the Residential Traffic Administration Program (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to be held on Monday, October 15, 2007, 4:30 p.m. on a proposal to implement cut-through measures on Morningside Lane as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Morningside Lane for cut-through measures as part of the R-TAP. The proposed cut-through plan includes the installation of one speed hump.

TIMING:

The Board should take action on September 24, 2007, to provide sufficient time for advertisement of the proposed public hearing scheduled for October 15, 2007, 4:30 p.m. (Attachment I).

BACKGROUND:

On August 1, 2005, the Board of Supervisors adopted a resolution requesting the Virginia Department of Transportation (VDOT) to consider cut-through measures for Morningside Lane. This action was based on a previous request of the Mount Vernon Council of Citizens Associations and the Wellington Heights Civic Association for traffic calming measures on Morningside Lane. Since Morningside Lane exceeded the 4,000 vehicle per day limit for the traffic calming program, the request was transferred into the R-TAP for cut-through traffic mitigation. Subsequently a task force was formed to develop a cut-through plan. Due to the fact that Morningside Lane is a collector street, no access restrictions are being considered, but only traffic calming type measures. The proposed cut-through plan consists of the installation of one speed hump.

In order for cut-through measures to be implemented as part of the R-TAP, a public hearing must be held pursuant to the policies and procedures adopted by the Commonwealth Transportation Board contained in the "Policy and Procedures, Control

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of Residential Cut-Through Traffic” dated May 9, 1996. In addition, a resolution (Attachment III) must be forwarded to the VDOT requesting implementation of cut-through measures.

FISCAL IMPACT:

The estimated cost of \$6,000 for the implementation of cut-through measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Notice of Public Hearing for Cut-Through Measures on Morningside Lane

Attachment II: Area Map of Proposed Cut-Through Measures on Morningside Lane

Attachment III: Proposed Resolution for Cut-Through Measures on Morningside Lane

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

Douglas W. Hansen, FCDOT

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ADMINISTRATIVE – 5

Streets into the Secondary System (Lee 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>
Piney Glen	Lee	Piney Woods Lane
		Piney Woods Court
		Telegraph Road (Route 611) (Additional Right-of-Way (ROW) only)
Old Centreville Townes	Sully	Old Centreville Road (Route 898) (Additional ROW only)

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 - Street Acceptance Form

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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ADMINISTRATIVE -6

Additional Time to Commence Construction for Special Exception Amendment SEA 84-V-009-2, Khan International, LLC (Mount Vernon District)

ISSUE:

Board consideration of additional time to commence construction for SEA 84-V-009-2, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six months additional time for SEA 84-V-009-2 to December 5, 2007.

TIMING:

Routine.

BACKGROUND:

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

On December 5, 2005, the Board of Supervisors approved Special Exception Amendment SEA 84-V-009-2, subject to development conditions. This approval was concurrent with the Board's approval of PCA 79-L-147, subject to proffers. The Special Exception Amendment application was filed in the name of Khan International, LLC, to amend SE 84-V-009, previously approved for a service station and quick service food store, to permit construction of a freestanding car wash, as well as building and site modifications, generally located on the east side of Gunston Cove Road, south of Lorton Road, pursuant to Section 4-807 of the Fairfax County Zoning Ordinance, for the property located at Tax Map 107-4 ((1)) 11A (see the Locator Map in Attachment 1). SEA 84-V-009-2 was approved with a condition that the use be established or construction be commenced and diligently prosecuted within 18 months of the approval date, unless the Board granted additional time. The development conditions for SEA 84-V-009-2, and the proffers for PCA 79-L-147, are contained in Attachment 2.

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On May 8, 2007, the Department of Planning and Zoning (DPZ) received a letter dated May 2, 2007, from Abdul G. Khan of Khan International, LLC, requesting eighteen months additional time to commence construction for this project (Attachment 3). According to the letter, personal reasons, as well as the need to prepare a geotechnical investigation of the property are cited by the applicant as reasons that have delayed implementation. A Minor Site Plan 5774-MSP-001-1 for the project was submitted to the Department of Public Works and Environmental Services (DPWES) on March 20, 2007, and was returned with comments on June 5, 2007. According to the DPWES site reviewer, the comments reflect outstanding issues that are of a minor nature (including the provision of a sidewalk ramp, stormwater outfall narrative, lights, egress and traffic flow), which need to be addressed by the applicant with a resubmission of the MSP. The submitted soils report has been approved. The MSP revision can only be submitted if additional time is granted by the Board. Following the approval of the Minor Site Plan, the applicant would then need to proceed with obtaining a building permit in order to commence construction.

Staff has reviewed Special Exception Amendment SEA 84-V-009-2 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. Further, staff knows of no change in land use circumstances which affect the compliance of SEA 84-V-009-2 with the Special Exception Standards applicable to the use and which should cause the filing of a new Special Exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed since the SEA was approved. Finally, the conditions associated with the Board's approval of SEA 84-V-009-2 are still appropriate and remain in full force and effect. Staff recommends that six months of additional time be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated January 9, 2006, to David N. Hunter, from Nancy Vehrs, Clerk to the Board of Supervisors which sets forth the Board of Supervisors' approval of SEA 84-V-009-2. Letter dated December 28, 2005, to David N. Hunter, from Nancy Vehrs, Clerk to the Board of Supervisors which sets forth the Board of Supervisors' approval of PCA 79-L-147.

Attachment 3: Letter dated May 2, 2007, from Abdul G. Khan, to Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning, requesting additional time.

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

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

Fred Selden, Director, Planning Division, DPZ

Cathy Belgin, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE – 7

Authorization for the Department of Transportation to Apply for FY 2009 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds

ISSUE:

Board authorization is requested for the Department of Transportation to apply for FY 2009 Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality Program (CMAQ) Funds. These funds would be used to advance the projects listed below and described in Attachment I. There is no Local Cash Match required for these funds. Beginning with applications submitted in FY 2005, the Virginia Department of Transportation (VDOT) has been providing the Local Cash Match for RSTP and CMAQ projects. After RSTP and CMAQ allocations have been determined, staff will return to the Board for concurrence with specific grant agreements for projects administered by Fairfax County.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Transportation to apply for FY 2009 RSTP and CMAQ Funds. There is no Local Cash Match required for these funds.

TIMING:

Board authorization is requested on September 24, 2007, in order to meet the Northern Virginia Transportation Authority's (NVTA) September 28, 2007, submission deadline.

BACKGROUND:

The RSTP and CMAQ programs provide funds for regions that are designated non-attainment areas to assist them in complying with Clean Air Act requirements. For FY 2009, VDOT estimates that in Northern Virginia, \$34,125,085 million will be available for distribution in the RSTP program and \$29,965,541 million will be available in the CMAQ Program.

The NVTA is requesting that jurisdictions submit all RSTP and CMAQ project requests by September 28, 2007. The Commonwealth Transportation Board will subsequently consider the NVTA-approved list of projects in May or June 2008.

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Staff has prepared a prioritized list of projects for each program to submit to the NVTA Jurisdiction and Agency Coordinating Committee by the September 28, 2007, deadline. These projects are shown in the table below. More detailed information is provided in Attachment I.

Staff primarily considered projects included in the Board of Supervisors' Four Year Transportation Program, the TransAction 2030 Plan, the VDOT Six-Year Program, and prior year submissions. Fairfax County staff recommends requesting \$22,292,000 in RSTP projects and \$14,813,000 in CMAQ projects.

<u>Regional Surface Transportation Program</u> U.S. Route 29/Gallows Road Intersection Improvements Fairfax County Parkway - Fair Lakes/Monument Drive Interchange U.S. Route 1 - South of Lorton/Armistead Location Study Recommendation Improvements Enhanced Bicycle Amenities at Vienna Metrorail Station Bike Amenities: Lockers and Racks (Countywide) TOTAL	<u>Request</u> \$ 7.000 million \$10.292 million \$ 3.000 million \$ 1.000 million <u>\$ 0.200 million</u> \$22.292 million
<u>Congestion Mitigation and Air Quality Program</u> Dulles Congestion Mitigation Projects I-66/Vienna Access Ramp VRE Platform Extensions – (Lorton or Rolling Road) Franconia-Springfield Station Canopies over Bus Bays Springfield Mall Transit Store Operating Cost (FY 2009) TOTAL	<u>Request</u> \$ 4.063 million \$ 6.000 million \$ 1.000 million \$ 2.500 million <u>\$ 0.300 million</u> \$ 14.813 million

Unless otherwise directed by the Board of Supervisors, staff will assume endorsement of these projects by the Board and will pursue funding for FY 2009.

FISCAL IMPACT:

None at this time. Beginning with applications submitted in FY 2005, both the RSTP and CMAQ projects have not required a Local Cash Match from the County, because it

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is be provided by VDOT. As part of the annual budget process and quarterly budget reviews, staff reviews anticipated funds and requirements, based on projects approved and project schedules, to determine the appropriate level of funding required in the upcoming fiscal year.

ENCLOSED DOCUMENTS:

Attachment I: Prioritized List of Projects

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Jay Guy, FCDOT

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September 24, 2007



ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing Regarding Proposed Amendments to *The Code of the County of Fairfax, Virginia*, to Add a New Chapter, Chapter 120 (Tree Conservation Ordinance) RE: Conservation of Heritage, Memorial, Specimen, and Street Trees

ISSUE:

Board authorization to Advertise Proposed Amendments to *The Code of the County of Fairfax, Virginia*, to add a new chapter, Chapter 120 (Tree Conservation Ordinance) RE: Conservation of Heritage, Memorial, Specimen, and Street Trees.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments to *The Code of the County of Fairfax, Virginia*, as set forth in the Staff Report dated September 24, 2007.

TIMING:

Board action is requested on September 24, 2007, to provide sufficient time to advertise a public hearing on October 15, 2007, at 3:00 p.m. before the Board.

BACKGROUND:

Section 10.1-1127.1 of the *Code of Virginia* provides authority to localities for adoption of ordinances to regulate the preservation and removal of heritage, specimen, memorial, and street trees. Heritage trees are trees that have notable historic or cultural interest. Memorial trees are trees that are special commemorating memorials. Specimen trees are trees that are notable by virtue of their outstanding size and quality for their species. Street trees are trees that have been planted by local governments in the right-of-way or on adjoining private property with the permission of the owner. Trees must be individually designated by an arborist or urban forester and adopted by ordinance of the local governing body. Property owners may request compensation for any taking of private property resulting from the designation of heritage, specimen, memorial, and street trees under local ordinances. The following activities are exempt from local ordinances; a) work conducted on federal or state property; b) emergency work to protect life, limb, or property; c) routine installation, maintenance, and repair of cable and wires used to provide cable television, electric, gas or telephone service; d) activities with minor effects on trees, including but not limited to, home gardening and landscaping or individual homes; and e) commercial silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

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Because the designation of trees may result in compensating property owners, the County has not previously taken advantage of the existing State Code provisions for tree preservation. Despite the inherent limitations in the existing State Code provisions and because the County's repeated efforts to persuade the General Assembly to enact more comprehensive tree preservation legislation have been unsuccessful, it is appropriate that the County take advantage of the limited authority available to it at this time to support the goals and objectives of the following initiatives:

- The Board's Environmental Vision, *Environmental Excellence for Fairfax County: A 20-Year Vision*, 2004
- The Board's Environmental Agenda, 2004
- The Tree Action Plan (Core Recommendation #10), 2006
- Fairfax County's 30-year Tree Canopy Goal of 45%

The proposed ordinance has been prepared in response to a directive from the Board at the June 5, 2006, Board meeting. It incorporates all of the limited authority granted to localities in the State Code and will be administered by the Director of the Department of Public Works and Environmental Services.

PROPOSED AMENDMENT:

The proposed amendment adds a new chapter, Chapter 120 (Tree Conservation Ordinance), and a new appendix, Appendix N (Heritage, Specimen, Memorial, and Street Trees Ordinances), to *The Code of the County of Fairfax, Virginia*. The identification of trees for potential designation under the ordinance may be made by the Urban Forester (defined as the Director of Urban Forest Management in the ordinance) or by citizens, citizen's groups, and organizations. Designation of a tree under the ordinance may require easements to protect the natural vegetation, topography, and other natural features within the tree's critical root zone. The County will be responsible for the preparation of all necessary easement agreements and plats. The identification of trees by citizens, citizen's groups, and organizations will be through the submission of a report to DPWES for evaluation by the Urban Forester. The report will describe the tree or trees in question and their significance in needing protection or designation under the ordinance. DPWES will provide an application package for citizens, citizen's groups, and organizations to use in proposing trees for designation under the ordinance. Individuals or groups proposing trees for designation will be required to notify owners of property on which such trees are proposed for designation by certified mail of their intent to submit an application and provide the owners a copy of the report.

Staff anticipates that the designation of trees for preservation under the ordinance will occur primarily with the consent of the owner without compensation. Staff also anticipates that the majority of trees designated under the ordinance will be specimen trees. The designation of street trees under the ordinance is very limited because the definition of

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street trees requires that they be planted by the County in the right-of-way or on adjoining private property with the permission of the owner. Designation of trees for preservation requires a public hearing and adoption of an ordinance by the Board. Where designation of trees occurs with the consent of the owner and without compensation, trees proposed for designation may be bundled in groups for a single public hearing.

Subsequent to designation, trees preserved under the ordinance may only be removed with permission of the Board and the Board may require replacement of trees approved for removal. Property owners must undertake reasonable efforts to preserve and protect designated trees, including the critical root zone, and advise the Urban Forester of any trees that appear to be damaged, diseased, or dying. A civil penalty of \$2,500 may be assessed for violations of the ordinance that cause, contribute to, or permit injury to, removal, or destruction of a tree designated for preservation under the ordinance. Provisions also have been included in the ordinance to prohibit property owners from destroying any tree proposed for designation pending a recommendation by the Director, Urban Forester, and/or decision by the Board. In addition to the exemptions provided for in the state code, the proposed amendment also exempts the maintenance and repair of water lines and sewer lines from the requirements.

REGULATORY IMPACT:

This is a new ordinance. It is anticipated that the designation of trees for preservation under the ordinance will occur primarily with the consent of the owners without compensation. However, there is the possibility that trees will be designated without the consent of the owner. In either case, a public hearing is required.

FISCAL IMPACT:

For FY2008, the program will be handled with existing staff resources. Depending on the volume of trees proposed for designation, additional staff may be needed in the future for maximum effectiveness of the program and funding may be required for preparing and recording the necessary easement documents. When trees are designated for preservation without the consent of the owner, there will be costs for compensating the owners. Funds for compensation may need to be included in the FY2009 budget.

ENCLOSED DOCUMENTS:

Attachment - Staff Report Dated September 24, 2007

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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ACTION - 1

Approval of Contract Agreements – 800MHz Rebanding Frequency Reconfiguration Agreements with Sprint-Nextel

ISSUE:

Pursuant to the Federal Communications Commission (“FCC”) Order 04-168, as amended (“Rebanding Order”), contract negotiations are completed between the County and Sprint-Nextel for the rebanding of the County’s Public Safety and Public Service radio systems, and the Frequency Reconfiguration Agreement for each system (Attachments I and II, respectively) are ready for execution.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached Frequency Reconfiguration Agreements with Sprint-Nextel and authorize the County Executive to execute the agreements.

TIMING:

Board action is requested on September 24, 2007, in order to meet rebanding scheduling obligations for the National Capitol Region (“NCR”).

BACKGROUND:

On July 8, 2004, the FCC approved a Rebanding Order to reassign the radio frequency spectrum used by Sprint-Nextel and local governments, including public safety and public service frequencies used by the County. This Rebanding Order establishes two steps for each rebanding effort, a planning step resulting in a Planning Funding Agreement (“PFA”), and an implementation step resulting in a Frequency Reconfiguration Agreement (“FRA”). The Rebanding Order further directs the County to have mandatory negotiations with Sprint-Nextel and reach agreements that will provide the County comparable facilities and the same levels of service. Sprint-Nextel is required to pay all reasonable County costs that result from the Rebanding Order.

The PFA was approved by the Board on June 26, 2006, and formally executed on July 17, 2006. As a result, Sprint-Nextel agreed to pay \$619,534.32 for the County’s PFA. The terms of the PFA include Sprint-Nextel’s direct payment to Motorola for its development of a Rebanding Implementation Plan. Subsequently, the County received Motorola’s Rebanding Implementation Plan, and the County and Sprint-Nextel began

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cost negotiations for the Frequency Reconfiguration Agreements (“FRAs”). These negotiations between the parties were recently concluded, and Sprint-Nextel has agreed to pay \$4,304,902 for the reimbursement of County staff time and consultant costs, and in direct payments to Motorola.

Additionally, these FRAs commit the County to reband in conjunction with other jurisdictions and public safety agencies in the NCR in a coordinated fashion. Other NCR jurisdiction’s FRAs will contain similar language, thus maintaining NCR public safety interoperability during the rebanding process. A Regional Master Schedule will be developed by a Regional Project Team (consisting of vendors and of representatives from each impacted NCR jurisdiction). Fairfax County is identified as the Regional Coordinator, and will lead this effort for the NCR. The regional agreement establishing these terms is under development, and is scheduled to be brought before the Board for its consideration in October 2007.

As the Board will recall, the County filed a Petition for Waiver with the FCC on May 24, 2007, asking for an extension to the Rebanding Order completion date of June 26, 2008. Based on discussions between County and FCC staff, and with the resulting approval of FRA contract language establishing regional coordination, County staff will ask the FCC to delay action on the County’s Petition until the publication of a Regional Master Schedule that establishes realistic deadlines and maintains NCR public safety interoperability during the rebanding process.

FISCAL IMPACT:

The agreements between the County and Sprint-Nextel represent reimbursement of County costs (\$1,056,877) and direct payment by Sprint-Nextel to County vendors (\$3,248,025). Additional costs above the agreed-to amount must be jointly negotiated by a Change Order process. Authorized funds not obligated or spent upon completion of the reconfiguration process will be handled between the County and Sprint-Nextel via a true-up process.

ENCLOSED DOCUMENTS:

Attachment 1: Frequency Reconfiguration Agreement between the County of Fairfax and Sprint-Nextel – Public Safety Radio System, without Exhibits (Full copy of the agreement available in the Office of the Clerk to the Board)

Attachment 2: Frequency Reconfiguration Agreement between the County of Fairfax and Sprint-Nextel – Public Service Radio System, without Exhibits (Full copy of the agreement available in the Office of the Clerk to the Board)

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Attachment 3: Transition Administrator Approval of the Frequency Reconfiguration Agreement between the County of Fairfax and Sprint-Nextel – Public Safety Radio, dated September 6, 2007

Attachment 4: Transition Administrator Approval of the Frequency Reconfiguration Agreement between the County of Fairfax and Sprint-Nextel – Public Service Radio, dated September 6, 2007

STAFF:

David Molchany, Deputy County Executive

Wanda M. Gibson, Director, Department of Information Technology

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

Michael Long, Senior Assistant County Attorney

Erin Ward, Assistant County Attorney

Skip Munster, Program Director, Department of Information Technology

David J. Barney, Program Manager, Department of Information Technology

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September 24, 2007

ACTION - 2

Approval of Final Community Improvement Program Assessments for Mount Vernon Manor (Mount Vernon District)

ISSUE:

Adoption by the Board of resolutions establishing the final amount to be assessed against each property in the Mount Vernon Manor Community Improvement Program project.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolutions establishing the final assessments for Mount Vernon Manor.

TIMING:

Action by the Board is requested at its meeting on September 24, 2007.

BACKGROUND:

Construction has been completed in the Mount Vernon Manor Community Improvement Program, and all outstanding items have been addressed. At this time, final resolutions must be adopted establishing the exact amount to be billed to each property owner. The Board of Supervisors originally approved the estimated assessments on September 13, 1993, following a public hearing. Since that time, modifications to two driveway entrances were requested by some of the property owners and were completed, thus changing the amounts to be billed. The changes were made at the request of and with full knowledge of the property owners. Therefore, a new resolution must be adopted changing the assessments for those two properties. All other assessments are the same as originally estimated. This action is required by Section 15.1-239 et seq. of the Code of Virginia.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Resolution Amending the Original Estimated Assessments for the Mount Vernon Manor Community Improvement Program

Attachment 2 - Resolution Establishing the Final Assessments for All Properties in the Mount Vernon Manor Community Improvement Program

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STAFF:

Verdia L. Haywood, Deputy County Executive

Robert A. Stalzer, Deputy County Executive

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

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

Howard J. Guba, Deputy Director, DPWES

Susanne Sotirchos, Special Projects' Manager (HCD)

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ACTION - 3

Authorization for the County Executive to Sign on Behalf of the Board of Supervisors a Replacement Interim Use Agreement Between the Board and the Fairfax County Park Authority for Certain Properties Recently Conveyed to the Board by the Fairfax County School Board

ISSUE:

Authorization for the County Executive to Sign on Behalf of the Board of Supervisors (Board) a Replacement Interim Use Agreement (Replacement Agreement) Between the Board and the Fairfax County Park Authority (Park Authority) for Certain Properties Recently Conveyed to the Board by the Fairfax County School Board (School Board)

RECOMMENDATION:

The County Executive recommends that the Board authorize and direct him to sign on behalf of the Board the attached Replacement Agreement (Attachment A) that would allow the Park Authority to continue using eight sites identified in Exhibit A of the Replacement Agreement for park purposes and to require the Park Authority to maintain the facilities located on such sites.

TIMING:

Board action is requested on September 24, 2007, as the Interim Use Agreement assigned to the Board when the parcels were acquired has expired.

BACKGROUND:

In FY 2007, the School Board declared twelve former school sites as surplus property and conveyed them to the Board. Eight of the twelve sites were subject to an Interim Use Agreement between the School Board and the Park Authority. At the time of transfer, the Board assumed the obligations set forth in the Interim Use Agreement, which has since expired. The sites that were subject to the Interim Use Agreement are shown on Exhibit A of the Replacement Agreement (Attachment A).

The Interim Use Agreement, Attachment B, authorized the Park Authority to use specific sites for park purposes and improve the sites with the prior approval of the School Board. Under this agreement, the Park Authority was obligated to maintain, consistent with Park Authority maintenance standards, all of the sites and the facilities located thereon.

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The Replacement Agreement would, like the prior Interim Use Agreement, allow the Park Authority to use the specific sites that were subject to the Interim Use Agreement and require the Park Authority to maintain, consistent with Park Authority maintenance standards, all of the sites and the athletic facilities located on such sites. The Replacement Agreement contains substantially the same terms and conditions as the Interim Use Agreement. The term of the Replacement Agreement expires on March 7, 2017, unless renewed or terminated pursuant to the terms of the Replacement Agreement.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment A – Proposed Replacement Interim Use Agreement

Attachment B - Interim Use Agreement (Expired; Without Exhibits B and C)

Attachment C - Tax Map of Parcels subject of the Agreement

STAFF:

Edward L. Long, Deputy County Executive

Jose A. Comayagua, Director, Facilities Management Department

Timothy K. White, Acting Director, Fairfax County Park Authority

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ACTION – 4

Approval of a Resolution to Affirm Cooperation Between the Board of Supervisors and the School Board to Coordinate Planning and Delivery of Space for Public and School Services in Their Respective Facilities

ISSUE:

Approval of a joint resolution for the Board of Supervisors and the School Board to work together to determine opportunities for the shared delivery of services to citizens in County and School facilities.

RECOMMENDATION:

The County Executive recommends approval.

TIMING:

Board action is requested on September 24, 2007, in response to a request by the Board of Supervisors and the School Board made during their joint meeting of July 30, 2007.

BACKGROUND:

The School Board and the County each own and construct numerous facilities. The collocation of services within these facilities brings the potential to reduce administrative, construction and maintenance costs. County and School staff will establish processes and procedures to ensure that appropriate information and needs are shared between both organizations. At the joint meeting of the Board of Supervisors and the School Board on July 30, 2007, the Boards considered a draft resolution to require cooperation between the staffs for planning and delivery of space for public and school services in their respective facilities. After discussion, changes to the draft resolution were requested to include a reference to shared use for recreational activities, the inclusion of the Park Authority, and other edits. These changes are reflected in the attached revised draft resolution for consideration.

The School Board is scheduled to adopt a concurrent resolution on September 27th. It should be noted that any changes made by either Board during the course of their deliberations will need to return to the other for consideration and approval.

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FISCAL IMPACT:

None at this time. Future fiscal impact relating to the cost and source of funding for agreed upon additions, modifications or revisions to individual projects will be addressed during staff negotiations on each project and recommendations returned to the Boards as appropriate in the course of the capital planning and budgetary cycles.

ENCLOSED DOCUMENTS:

Attachment 1: Draft Resolution

STAFF:

Edward L. Long, Jr., Deputy County Executive

Dean A. Tistadt, Chief Operating Officer, Facilities and Transportation Services, Fairfax County Public Schools



ACTION – 5

Approval of Memorandum of Understanding (MOU) Between the Northern Virginia Transportation Authority (NVTA) and Fairfax County for the Collection of NVTA's Transient Occupancy Tax

ISSUE:

Board authorization for the County Executive and the Director of the Department of Tax Administration (DTA) to enter into an MOU to serve as an agent in the collection of the NVTA's new Transient Occupancy Tax.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to sign the MOU provided in Attachment 1.

TIMING:

The NVTA approved imposition of a new, regional Transient Occupancy Tax on July 12, 2007. Collection of this tax will begin as of January 1, 2008. Board authorization on September 24, 2007, will ensure clarity of communication to the NVTA at its next regularly scheduled meeting on September 27, 2007.

BACKGROUND:

As part of HB 3202 (Chapter 896, Acts of Assembly), the Governor and the 2006 session of the Virginia General Assembly authorized the NVTA to adopt seven new taxes and fees to help fund transportation projects and services. Authority for similar taxes was also granted to the Hampton Roads Transportation Authority.

On July 12, 2007, the NVTA approved all seven taxes, to be collected beginning in calendar year 2008. In the interest of efficiency and effectiveness, the NVTA has opted to partner with state and local governments to capitalize on existing expertise in the collection of these taxes and fees. This will help avoid additional layers of bureaucracy and maximize the amount of dollars spent directly on transportation needs.

The attached MOU will implement this strategy in Fairfax County, relative to NVTA's 2% Transient Occupancy Tax. The NVTA tax will be in addition to the County's local Transient Occupancy Taxes. The MOU proposes to utilize the Department of Tax Administration (DTA) as the agent for collecting this tax for the NVTA in Fairfax County.

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DTA has reviewed the MOU and is satisfied that it can collect the NVTA tax with no material impact on its own operations or on County revenue. The NVTA funds are not Board appropriated funds and they will not impact or be reflected on the County's General Fund statement. DTA will collect, deposit and remit the funds directly to the NVTA.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Letter from the Honorable Christopher Zimmerman, Chairman, NVTA to Anthony H. Griffin, and Memorandum of Understanding Between NVTA and Fairfax County

STAFF:
Edward L. Long, Jr., Deputy County Executive
Kevin C. Greenlief, Director, Department of Tax Administration
Kathy Ichter, Director, Department of Transportation
Tom Biesiadny, Chief, Coordination & Funding Division, Department of Transportation
Ellen F.M. Posner, Assistant County Attorney

Board Agenda Item
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ACTION – 6

Adjustment of the Land Development Services Comprehensive Unit Price Schedule That is Used to Determine Development Agreement Bond Amounts

ISSUE:

Board approval of the 2008 Comprehensive U.S. and Metric Unit Price Schedule (UPS) and the timing of periodic reviews and adjustments.

RECOMMENDATION:

The County Executive recommends Board approval of the proposed UPS effective January 1, 2008, with an annual adjustment based on the most current Construction Cost Index as reported by *Engineering News Record* (ENR). It also is recommended that a complete review of the entire UPS be performed by an independent construction cost estimating consultant every five years.

TIMING:

Routine.

BACKGROUND:

The Public Facilities Manual requires developers to provide the County with an agreement supported by a bond or other security to cover the construction costs of all required improvements that are shown on the approved plan. The cost to construct required improvements is based on a schedule of prices for individual items that are defined in the UPS.

An independent construction cost estimating firm was retained to prepare the proposed UPS. The consultant established the proposed unit prices on actual bid or annual County construction contract values to the greatest extent possible. They also obtained and utilized local construction costs for line items of work that are listed in the County's Unit Price Schedule where existing County contract or bid prices were not available.

The proposed UPS was coordinated with the Northern Virginia Building Industry Association and the Engineer's and Surveyor's Institute/Fairfax. In addition, internal County agencies typically involved in capital construction projects and in completing defaulted development projects reviewed the proposed UPS.

The proposed UPS will increase the security requirement an average of 18.7 percent over the 2001 Unit Price Schedule. The increase in the amount of security is attributable to

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increases in production, labor, material, and equipment costs. During this same period the ENR Construction Cost Index increased 22 percent. The ENR Construction Cost Index is a compilation of data from 20 cities across the United States. The consultants' unit prices are reflective of construction costs in the Washington Metropolitan Area.

Maintaining current unit prices will help ensure that sufficient security is available for the completion of outstanding required improvements in the event a developer defaults on a development agreement. In order to ensure the bond amounts obtained by the County remain consistent with market rate construction costs, it is recommended that the UPS be adjusted on an annual basis using the most current Construction Cost Index as reported by ENR. It also is recommended that a complete review of the entire UPS be performed by an independent construction cost estimating consultant every five years. The results of the consultant's work would be coordinated with industry and other appropriate County agencies before being presented to the Board for approval. Under this proposal, effective January 1, for each of the intervening years, prices in the UPS will be automatically adjusted based on the most current ENR Construction Cost Index. A letter will be sent to industry at least one month in advance notifying them of the effective date of the change.

If approved, by November 1, 2007, staff will distribute a Letter to Industry providing notice of the 2008 UPS and its effective date. The 2008 UPS also will be distributed to industry developers and builders and posted on the County's website prior to the January 1, 2008, effective date. All new development agreements, surety replacements, reduction applications, and extension requests submitted to the County after December 31, 2007, will be subject to the new pricing schedule.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed 2008 Comprehensive U.S. and Metric Unit Price Schedule

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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September 24, 2007



ACTION – 7

Endorsement of FY 2009 Virginia Department of Transportation's Enhancement Program Project Applications

ISSUE:

Board endorsement of proposed transportation enhancement projects to be submitted to the Commonwealth Transportation Board (CTB) for FY 2009 funding.

RECOMMENDATION:

The County Executive recommends the Board take the following actions:

1. Endorse the enhancement projects for which applicants have identified a source for the required minimum 20 percent match (Attachment I).
2. Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board (Attachment II).

The Board should be aware that any approved funds will be distributed through the jurisdiction endorsing the project and that jurisdictions endorsing enhancement projects will be responsible for any cost overruns. Although the Project Endorsement Resolution indicates Fairfax County agrees to pay 20 percent of the total cost of a project, staff has advised each applicant that they alone will be completely responsible for the 20 percent match and any cost overruns.

TIMING:

Action should be taken on this item on September 24, 2007. Staff will notify each applicant of the Board's action, so applicants can complete the applications and submit them to VDOT before November 1, 2007.

BACKGROUND:

Transportation Enhancement Program grant applications can be submitted by a group or individual but are subject to a public hearing and endorsement by the local jurisdiction. Up to 80 percent of a transportation enhancement project can be financed with Federal Surface Transportation Program (STP) funds. A minimum of 20 percent must come from other public or private sources.

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The Board held a public hearing and solicited proposals for FY 2009 transportation enhancement projects on August 6, 2007.

For the FY 2009 Enhancement Program, staff recommends that the Board endorse the following seven projects:

- Mason Neck Trail \$ 250,000
- Rochambeau 1781 Army Camp at Colchester Ferry \$ 58,750
- Reston Parkway Pathway \$ 41,375
- Steeplechase Bike Lanes \$ 150,000
- Pathway connection across Reston Executive Center \$ 131,000
- Pathway connection between Town Center Parkway and Washington and Old Dominion Trail \$ 65,000
- Phase I of North Vienna Trail Network, Segment D \$ 125,000

FISCAL IMPACT:

None at this time. The Board should note that all applicants will be required to provide the 20 percent local match.

ENCLOSED DOCUMENTS:

Attachment I: List of Projects with Matching Funds Identified

Attachment II: Project Endorsement Resolutions

Attachment III: Enhancement Project Update Spreadsheet

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, FCDOT

Carl Winstead, FCDOT

Board Agenda Item
September 24, 2007

ACTION - 8

Approval of the FY 2008 State Performance Contract Between the Fairfax-Falls Church Community Services Board and the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services

ISSUE:

Board of Supervisors approval for the Fairfax-Falls Church Community Services Board's acceptance of funds and approval of the FY 2008 State Performance Contract with the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.

RECOMMENDATION:

The County Executive recommends that the Board approve the FY 2008 State Performance Contract between the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services and the associated acceptance of funds.

TIMING:

Immediate.

BACKGROUND:

By law, the Fairfax-Falls Church Community Services Board (CSB) must make its proposed State Performance Contract available for public review prior to the CSB Board's final recommendations and approval and prior to the CSB submitting the State Performance Contract for review and approval by Fairfax County and the Cities of Fairfax and Falls Church.

The proposed FY 2008 State Performance Contract was available for thirty days for public review and comment. Copies of the FY 2008 State Performance Contract were disseminated to County Regional Libraries, two City Councils, the CSB, CSB outpatient treatment sites and Board of Supervisors District Offices. Notices were sent to the CSB distribution list and posted on the CSB's Web page. Comments were received until July 25, 2007.

On July 25, 2007, the CSB Board approved the FY 2008 State Performance Contract, following which the FY 2008 State Performance Contract is being presented for review and approval by Fairfax County and the Cities of Fairfax and Falls Church.

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The contract transfers \$36,663,831 in state-controlled funds to the CSB, which is the total estimate of \$18,534,488 in State funds, \$4,876,725 in Federal funds, \$1,675,748 in Part C funds, \$10,043,284 in Medicaid State Plan Option funds and \$1,533,586 in MR Waiver funds.

FISCAL IMPACT:

This is the contractual mechanism used by the State to receive \$36,663,831 in state-controlled funds to the CSB. This is \$2.7 million more than the revised amount of state-controlled funds in FY 2007 primarily attributable to the increase of \$1.4 million in Personnel Services associated with the establishment of 18/17.5 SYE grant positions to provide services to Medicaid eligible consumers.

ENCLOSED DOCUMENT:

Attachment A: FY 2008 Community Services Performance Contract
(This document can be found in the Office of the Clerk to the Board and online at <http://www.fairfaxcounty.gov/csb/performance/pc08/08pcontract.pdf>)

STAFF:

Verdia L. Haywood, Deputy County Executive for Human Services
James A. Thur, MPH, MSW, Executive Director

Board Agenda Item
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ACTION - 9

Adjustment to Fairfax Center Road Fund Contribution Rate and Authorization of Corresponding Rate Adjustments in the Centreville and Tysons Corner Fund Areas (Providence, Springfield, and Sully Districts)

ISSUE:

Adjustment of Fairfax Center Area Road Fund contribution rates and corresponding adjustments in the Centreville and Tysons Corner Fund areas. The proposed revisions to the Procedural Guidelines adopted by the Board of Supervisors in 1982 are necessary in order to reflect increases in highway construction costs.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors:

- a) Adopt the attached revised Procedural Guidelines for the Annual Review Process including 3.2% adjustment of the existing contribution rate in the Fairfax Center Area from \$4.91 to \$5.07 per gross square foot on non-residential building structures and from \$1,089.00 to \$1,124.00 per residential unit, with the new rate effective September 24, 2007.
- b) Increase the rates used in other areas of the County for similar purposes (e.g. Centreville and Tysons) by 3.2%, also to become effective September 24, 2007. For Centreville, the rate will be adjusted from \$5.28 to \$5.45 per gross square foot on non-residential building structures and from \$2,086.00 to \$2,153.00 per residential unit. For Tysons, the rate will be adjusted from \$3.62 to \$3.74 per gross square foot on non-residential building structures and from \$804.00 to \$830.00 per residential unit.

TIMING:

The Board should act on this item on September 24, 2007.

BACKGROUND:

One of the principles of the Comprehensive Plan for the Fairfax Center area is that development above the Baseline level established in the Plan may be approved only if the developer contributes to a fund for the provision of off-site road improvements.

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The enclosed attachments (Attachments I and II) reflect the growth in highway construction costs and the 3.2% increase necessary to pace inflationary increases. In January 2001, the Board authorized several projects to be funded with monies available in Fund 301. Work on these projects has been initiated. Attachment III lists those projects approved by the Board in January 2001.

FISCAL IMPACT:

Adoption of the revised rates will increase the funds contributed by developers to Subfund 301 by approximately 3.2% over previously anticipated amounts. However, the Procedural Guidelines for the Fairfax Center Area specifically stipulate that the contribution amount is determined by the effective rate at the time of development approval by the Board and that such amounts are fixed for site plans submitted for that approved development during a two-year period. Thus, the primary effects of this increase will be felt in future fiscal years.

ENCLOSED DOCUMENTS:

Attachment I – Calculation of Revised Contribution Rate – 2007

Attachment II – Procedural Guidelines for Annual Review Process; Fairfax Center Area

Attachment III – Projects Approved by the Board in January 2001

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, FCDOT

Carl Winstead, FCDOT

Board Agenda Item
September 24, 2007

ACTION - 10

Expansion of the Approved Sewer Service Area (ASSA) to Include a Portion of the West Ox Community Planning Sector (Sully District)

ISSUE:

Expansion of the ASSA to include all or a portion of Tax Map Nos. 35-4 ((1)) parcels 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62 and 63 which are located to the east of West Ox Road, south of its intersection with Bennett Road, and generally centered around Colewood Street, in the Difficult Run sewer shed and the West Ox (UP8) Community Planning Sector, Planning Area III, as shown in Attachment 1.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors expand the ASSA to include the portion of the West Ox (UP8) Community Planning Sector as shown in Attachment 1.

TIMING:

Board action is requested on September 24, 2007.

BACKGROUND:

The Department of Public Works and Environmental Services (DPWES) has received a petition from the households along Colewood Street requesting that the County provide public sanitary sewer service to their community. Based upon a preliminary evaluation and design developed by DPWES, a combination of gravity flow and force main public sanitary sewer system would be extended along Colewood Street and connect to an existing public sewer line in West Ox Road to the west. The expansion area includes a total of 16 parcels, although the line to serve the Colewood Street properties, which would be eligible for an Extension and Improvement (E&I) project, would be designed to serve 8 parcels. Three of these eight parcels have septic systems that are categorized by the Health Department as either Class I or Class II. Parcel 35-4 ((1)) 56 has a septic system categorized as Class I which is defined as malfunctioning and an immediate hazard to the community. Parcels 35-4 ((1)) 48 and 57 have systems categorized as Class II which is defined as having a history of failure, occasionally malfunctions, and is a potential hazard to the community.

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Fifteen of the sixteen parcels within the proposed expansion area are occupied by structures constructed prior to 1968. This area is adjacent to parcels containing newer houses and septic systems mostly constructed in the mid- to late 1990's. Eight of the parcels within the proposed expansion area are outside the ASSA boundary but are eligible for sewer service under the "400-foot Rule". The other eight parcels are more than 400 feet from existing sewer lines and the ASSA must be expanded to provide them with public sewer service.

All of the parcels within the proposed expansion area are zoned R-1 (Residential, One Dwelling Unit/Acre). Parcel 46 is designated in the Comprehensive Plan for .5 -1 dwelling unit per acre and private open space. Parcels 47, 48 and 58 are designated in the Comprehensive Plan for .2 - .5 dwelling unit per acre and private open space. Parcel 59 is designated in the Comprehensive Plan for private open space. All other parcels are designated for .2 - .5 dwelling unit per acre. The Comprehensive Plan does not prohibit sewer to the area in question. The proposed expansion is consistent with Policy Plan recommendations that expansion of the ASSA be limited to areas that are planned for uses that require such infrastructure and are contiguous to the existing ASSA. Areas outside of the ASSA and the proposed area delineated on Attachment 1 shall not have access to public sewer service by gravity flow or any other means and the County's 400-foot Rule shall not apply to this expansion of the ASSA.

FISCAL IMPACT:

The extension of public sewer is estimated to cost \$450,000 and will be accomplished with sewer system funds through the County's Extension and Improvement Program with no impact on the County's General Fund.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Approved Sewer Service Area Expansion

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

David B. Marshall, Chief, Facilities Planning Branch, PD, DPZ

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

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

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INFORMATION - 1

Contract Award - Annual Contract for Heating Ventilating and Air Conditioning Engineering Services

Consultant services are needed to provide Heating, Ventilating and Air Conditioning Engineering Services for various buildings throughout the County. These services are required to provide commissioning/retro commissioning, peer review of system designs by others, trouble shooting and providing recommendations for existing systems, and miscellaneous design services.

It is proposed that the County enter into a contractual agreement with the firm of Sebesta Blomberg and Associates, Inc. (SBA), to provide professional services for such projects when authorized by the County. This initial contract will be for one year, but the contract may be renewed for two additional one year terms, at the County's option, with a value of \$150,000 limit per year.

SBA was selected in accordance with the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that Sebesta Blomberg and Associates, Inc. is not required to possess a Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to SBA, in the amount of \$150,000.

FISCAL IMPACT:

Funding for this contract will be available from the applicable projects for which the Heating Ventilating and Air Conditioning Engineering Services are required. The amount of funding and the funding source will be identified prior to authorizing each task order. The Department of Public Works and Environmental Services will authorize individual task orders as they are identified.

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

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

Howard J. Guba, Deputy Director, DPWES



INFORMATION – 2

Transition of Non-Regional Metrobus Route 2W, Line 12 Routes, and Line 20 Routes to FAIRFAX CONNECTOR (Providence, Springfield, and Sully Districts)

This is to notify the Board that the Transit Services Division of the Department of Transportation has initiated the planning process for transitioning Metrobus Route 2W, Line 12 routes, and Line 20 routes to the FAIRFAX CONNECTOR. Transition of these Metrobus routes to the FAIRFAX CONNECTOR was authorized by the Board at its February 27, 2006 meeting. The schedule for planning and implementing the transition is shown in the following table.

Planning/Implementation Schedule

Timeline	Activity
April-June 2007	Collect and analyze operating, ridership, and running time data of current service.
July 2007	Officially notify the Washington Metropolitan Area Transit Authority (WMATA) of the County's intent to absorb the affected routes into the FAIRFAX CONNECTOR.
July-December 2007	Develop routing, schedule, and operating options and determine their resource requirements.
August-September 2007	Review planning/implementation process with affected Supervisors.
September 2007	Present Information Item to Board.
October 2007	Conduct two meetings to gain public input on desired vs. current service.
November 2007	Conduct two meetings to gain public input on staff service proposals.
December-January 2007	Finalize service plan.
February 2008	Present service plan to Board for action.
March-September 2008	Prepare public information and operations materials.
October-December 2008	Conduct public information campaign and operations preparation activities.
January 2009	Implement service plan.

Route 2W operates entirely within Providence District. The Line 12 and Line 20 routes operate almost entirely within Sully District. Short segments of four Line 12 routes also operate within Springfield District. At this time, analysis indicates that Route 2W should

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be continued without change, and that service provided by the 12 and 20 lines can be enhanced with minor routing and schedule changes.

Unless otherwise directed by the Board of Supervisors, the Department of Transportation will proceed to plan for transitioning the referenced Metrobus routes and lines into the FAIRFAX CONNECTOR in accordance with the schedule provided above.

FISCAL IMPACT:

There is no fiscal impact associated with this Information Item. The February 27, 2006, Board Item discussed the operation and capital costs associated with the transition of the routes to the Fairfax Connector.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Rollo Axton, Chief, Transit Services Division, FCDOT
Jim Carrell, Transit Services Division, FCDOT

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INFORMATION - 3

Agreement Between Covanta Fairfax, Inc. and the County to Provide Supplemental Power for Critical County Infrastructure

Work continues on the Lorton Supplemental Power Project (SPP), which will install underground electrical supply lines between Covanta's Energy/Resource Recovery Facility (E/RRF) and drinking water supply and sewage treatment facilities located nearby. The project is being developed as a partnership between Fairfax Water and the County, in close cooperation with Covanta.

Because of the critical role the E/RRF plays in the overall project concept (effectively, it will be the alternate source of power for the two other plants); Covanta will design, build and operate the SPP under an amendment to its existing Service Agreement with the County. A letter agreement authorizing up to \$550,000 is needed for Phase I of the project, which will result in the development of a detailed scope for the construction and operation phases of the project.

Given the exigency of this project, Phase I work was negotiated with Covanta. Phase I will be prepared assuming an aggressive schedule to allow construction of the supply lines in 2008. Funding for the County project that the SPP replaces has already been appropriated. These Phase I costs are to be equally shared by the County and Fairfax Water. Covanta's deliverables are due in December 2007.

The total capital construction cost is estimated to be between \$13 million and \$22 million, depending on whether backup generators are included. These Phase II costs will also be shared with Fairfax Water, and the total cost to either party should be less than if each did a stand-alone project.

Unless otherwise directed by the Board, the County Executive will approve a letter agreement for the development of the SPP Phase I on behalf of Fairfax County.

FISCAL IMPACT:

Funding to construct an independent emergency power supply at the Noman M. Cole plant has already been appropriated in Project N00322, "Lower Potomac 67 MGD", and Project X00911, "Noman M. Cole, Jr. Plant Renovations", in Fund 408.

ENCLOSED DOCUMENTS:

None

Board Agenda Item
September 24, 2007

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, DPWES

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

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10:45 a.m.

Matters Presented by Board Members

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11:35 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *James D. Clark v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2007-0010142 (Fx. Co. Cir. Ct.) (Providence District)
 - 2. *Ryan Herold v. Richard Perl*, Case No. CL-2007-0001041 (Fx. Co. Cir. Ct.)
 - 3. *Eugenia B. White v. Fairfax County Department of Family Services*, Court No. 1:07cv696 (E.D. Va.)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County and Nutley Street, L.L.C.*, Case No. CL-2007-0010307 (Fx. Co. Cir. Ct.) (Providence District)
 - 5. *Richard William Horner and Margaret Draffin Horner v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, Case No. CL-2006-0007696 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aqela Hashimi and Haroon M. Wardak*, Case No. CL-2007-0008418 (Fx. Co. Cir. Ct.) (Sully District)

7. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County v. Sonia Montecinos and Ruben Perez*, Case No. CL-2007-0007570 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilder S. Soto, a/k/a Soto Wilder*, Case No. CL-2007-0008830 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farmville Group, LLC*, Case No. CL-2007-0008623 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Rivas*, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Mason District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro E. Gonzalez*, Case No. CL-2007-0009990 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Syung D. Han and Young J. Byun*, Case No. CL-2007-0010842 (Fx. Co. Cir. Ct.) (Providence District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Douglas L. Card*, Case No. CL-2007-0010592 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Andrea Ventura and Isabel Blanco*, Case No. CL-2007-0010664 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. George Davis and Donna Davis*, Case No. CL-2007-0010981 (Fx. Co. Cir. Ct.) (Lee District)

Board Agenda Item
September 24, 2007

3:00p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Wiehle Avenue Trail Project (Hunter Mill District)

ISSUE:

Public hearing on the acquisition of certain land rights necessary for the construction of Project W00300 (W3040), Wiehle Avenue Trail, Fund 307, Pedestrian Walkway Improvements.

RECOMMENDATION:

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

TIMING:

On August 6, 2007, the Board authorized advertisement of a public hearing to be held on September 24, 2007, commencing at 3:00 p.m.

BACKGROUND:

This project, Wiehle Avenue Trail, consists of approximately 1,200 linear feet of 5-foot-wide concrete sidewalk, including 170 linear feet of concrete retaining wall along the west side of Wiehle Avenue (Route 828) between North Shore Drive (Route 4726) and Baron Cameron Avenue (Route 606). This project is important because it will complete a critical segment of the countywide trail system in the Reston area.

The construction of this project requires the acquisition of Sidewalk, Retaining Wall, and Grading Agreement and Temporary Construction Easements on two contiguous parcels, Tax Maps 011-4-08-CONDO and 017-2-35-CONDO, owned by one property owner in the Hunter Mill District. Although the Land Acquisition Division has been negotiating to acquire these land rights since August 26, 2002, as of this date, the required land rights are still outstanding. Therefore, condemnation is necessary.

Pursuant to state statute, namely, VA. Code Ann. Section 15.2-1903 (Supp. 2006), a public hearing is required before property interests can be acquired by eminent domain.

FISCAL IMPACT:

Funding for this project is available in Project W00300 (W3040), Wiehle Avenue Trail, Fund 307, Pedestrian Walkway Improvements, and Project 009470 (WT001), Wiehle

Board Agenda Item
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Avenue Trail, Fund 303, County Construction. No additional funding is being requested from the Board of Supervisors for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

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

STAFF:

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

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
September 24, 2007

3:00 p.m.

Public Hearing on RZ 2007-SU-003 (Fair Ridge, LLC) to Rezone from PDC, HC and WS to R-8, HC and WS to Permit Residential Development at a Density of 28.82 Dwelling Units Per Acre, Located on Approx. 6.94 Acres Sully District

and

Public Hearing on SE 2007-SU-002 (Fair Ridge, LLC) to Permit an Independent Living Facility, Located on Approx. 6.94 Acres Zoned R-8, HC and WS, Sully District

and

Public Hearing on PCA 1998-SU-009-02 (Fair Ridge, LLC) PCA Appl. to Amend the Proffers and Conceptual Development Plan for RZ 1998-SU-009 to Delete Land Area to be Incorporated with RZ 2007-SU-003, Located on Approximately 6.94 Acres Zoned PDC, HC and WS, Sully District

The application property is located on the N. side of Fair Ridge Dr. and S. side of Ox Hill Road. Tax Map 46-3 ((1)) 14C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 19, 2007, the Planning Commission voted 9-0-2 (Commissioners Alcorn and Harsel abstaining; Commissioner Lusk absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 1998-SU-009-02;
- Approval of RZ 2007-SU-003, subject to the execution of proffers consistent with those dated July 19, 2007;
- Approval of SE 2007-SU-002, subject to the proposed Development Conditions dated June 27, 2007;
- Modification of the transitional screening requirement in favor of the use of existing vegetation; as shown on the GDP/SE Plat;
- Modification of the barrier requirements to the north in favor of that proffered; and
- Modification of Additional Standard 9 of Sect. 9-306 to allow a 19.8-foot setback instead of 30 feet on the eastern boundary, as shown on the GDP/SE Plat.

Board Agenda Item
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ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

Board Agenda Item
September 24, 2007

3:30 p.m.

Public Hearing on PCA 92-P-001-06 (West*Group Properties LLC) to Amend the Proffers for RZ 92-P-001 Previously Approved for Office Development to Permit Modification to Approved Plan Tabulations (Create New Land Bays) With No New Construction with an Overall Floor Area Ratio of 0.65, Located on Approximately 31.25 Acres Zoned C-3 and HC, Providence District

The application property is located on the south side of Dolley Madison Boulevard, east and west sides of Old Meadow Road, Tax Map 29-4 ((6)) 95C, 96A, 97C, 99B, 101A, 102, 105, 106 and 107.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 11, 2007, the Planning Commission voted unanimously (Commissioners Alcorn and Harsel absent from the meeting) to recommend that the Board of Supervisors approve PCA 92-P-001-6, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item
September 24, 2007

3:30 p.m.

Public Hearing on PCA 88-D-005-06 (West*Group Properties LLC) to Amend the Proffers for RZ 88-D-005 Previously Approved for Office Development to Permit Modification to Approved Plan Tabulations (Create A New Land bay) With No New Construction with an Overall Floor Area Ratio of 0.58, Located on Approximately 97.58 Acres Zoned C-3 and SC, Providence District

The application property is located on the south side of Dulles Airport Access Road, southeast and southwest quadrants of the intersection of Jones Branch Drive and West Branch Drive, Tax Map 29-2 ((15)) A6 and B2; 29-4 ((7)) A5, C1, C2, 1, 1A1, 1A2, 2, 3, 4, 6, 7A1, 7B, 8, 9, 10 and 11A

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 11, 2007, the Planning Commission voted unanimously (Commissioners Alcorn and Harsel absent from the meeting) to recommend that the Board of Supervisors approve PCA 88-D-005-6, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item
September 24, 2007

3:30 p.m.

Public Hearing on RZ 2007-MA-010 (Eastwood Properties, Inc.) to rezone from R-2 to PDH-8 to Permit Residential Development at a Density of 6.94 Dwelling Units Per Acre, Expand an Existing Cemetery as a Secondary Use and Approval of the Conceptual and Final Development Plans, Located on Approximately 2.25 Acres, Mason District

The application property is located approximately 400 feet north of the intersection of Lincolnia Road and North Chambliss Street, Tax Map 72-2 ((1)) 35, 38 and 39.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on September 19, 2007, and the Commission's recommendation will be forwarded subsequent to that date.

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
September 24, 2007

3:30 p.m.

Public Hearing on PCA 2003-HM-004 (Dulles Center, LLC) to Amend the Proffers and Conceptual Development Plan for RZ 2003-HM-004 Previously Approved for Mixed Use Development to Permit Site Modifications with an Overall Floor Area Ratio of 0.63, Located on Approximately 4.91 Acres Zoned PDC, Hunter Mill District

The application property is located in the northwest quadrant of the intersection of Centreville Road and Coppermine Road. Tax Map 16-3 ((1)) 6A, 6B (formerly known as 16-3 ((1)) 6), and 36, and a portion of Old Centreville Rd. public right-of-way to be vacated and/or abandoned.

(Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Old Centreville Rd. to proceed under Section 15.2-2272 (2) and 33.1-151 of the Code of Virginia).

PLANNING COMMISSION RECOMMENDATION:

On Tuesday, September 11, 2007, the Planning Commission voted unanimously (Commissioners Flanagan, Hall, Koch, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2003-HM-004, subject to the execution of proffers consistent with those dated September 10, 2007;
- Modification of the transitional screening requirements in favor of that shown on the CDP/FDP;
- Modification and waiver of the barrier requirements in favor of those shown on the CDP/FDP; and
- Waiver of the loading space requirement for the drive-through bank.

The Planning Commission voted unanimously (Commissioners Flanagan, Hall, Koch, and Sargeant absent from the meeting) to approve FDPA 2003-HM-004, subject to the Development Conditions dated September 6, 2007 and subject also to Board approval of PCA 2003-HM-004.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

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STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

Board Agenda Item
September 24, 2007

3:30 p.m.

Public Hearing on PRC 87-C-088 (Four Seasons Development, LLC) to Approve the PRC Plan Associated with DPA 87-C-088 Previously Approved to Permit the Development of Eleven Dwelling Units at a Density of 47.8 du/ac, Located on Approximately 10,212 Square Feet, Zoned PRC, Hunter Mill District

The application property is located at 1890 Old Reston Avenue, Tax Map 17-4 ((1)) 5B.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on September 19, 2007, and the Commission's recommendation will be forwarded subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

John Thompson, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
September 24, 2007

3:30 p.m.

Public Hearing on SE 2007-SP-008 (Springfield Golf and Country Club, Inc.) to Permit Modifications to an Existing Golf Course and Country Club, Located on Approximately 157.60 Acres Zoned R-3, C-5 and HC, Springfield District

The application property is located at 8301 Old Keene Mill Road, Tax Map 89-1 ((1)) 9.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on September 19, 2007, and the Commission's recommendation will be forwarded subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
September 24, 2007

4:00 p.m.

Public Hearing on SEA 2005-SU-007 (Trustees of Korean Central Presbyterian Church) to Amend SE 2005-SU-007 Previously Approved for a Church with Nursery School and Private School of General Education To Permit a Child Care Center to Replace the Nursery School with a Total Maximum Enrollment of 100 Children and Associated Modifications to Site Design and Development Conditions, Located on Approximately 80.22 Acres Zoned R-C and WS, Sully District

The application property is located at 15308 Compton Road and 15315, 15403 and 15451 Lee Hwy. Tax Map 64-1 ((1)) 8, 9, 25, 26 and 27; 64-1 ((3)) 16; 64-2 ((3)) 18; 64-2 ((5)) 1, 2 and 3.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 26, 2007, the Planning Commission voted unanimously (Commissioner Hopkins not present for the votes; Commissioners Flanagan and Koch absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2005-SU-007, subject to the Development Conditions dated July 10, 2007;
- Modification of the transitional screening requirement on all sides of the property in favor of the existing vegetation;
- Waiver of the barrier requirement on all sides of the property, except as shown on the SEA Plat; and
- Waiver of the service drive requirement only along Route 29.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item
September 24, 2007

4:00 p.m.

Public Hearing on PCA 87-S-039-06 (Fairfax Corner Retail L.C.) to Amend the Proffers and Conceptual Development Plan for RZ 87-S-039 Previously Approved for Mixed Use Development to Permit Building Additions and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.96, Located on Approximately 30.24 Acres Zoned PDC, Springfield District

The application property is located in the northeast quadrant of the intersection of Monument Drive and Government Center Parkway, Tax Map 56-1 ((1)) 47G1, 47H, 47J, 47K, 47L, 47P, 47Q, 47R, 47S and 47T.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on September 19, 2007, and the Commission's recommendation will be forwarded subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item
September 24, 2007

4:00 p.m.

Public Hearing on SE 2007-SU-010 (Cort Business Services Corp.) to Permit a Retail Sales Establishment, Located on Approximately 13.02 Acres Zoned I-5, AN and WS, Sully District

The application property is located at 14370-B Sullyfield Circle, Tax Map 34-3 ((5)) C4 and C5.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on September 20, 2007, and the Commission's recommendation will be forwarded subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Shelby McKnight, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
September 24, 2007

4:00 p.m.

Public Hearing on SE 2007-SU-006 (Montessori School of Fairfax, Inc.) to Permit a School of General Education, Child Care Center and Nursery School with an Increase in Total Maximum Enrollment from 99 to 150 Children, Located on Approximately 1.65 Acres Zoned R-1, Sully District

The application property is located at 3411 Lees Corner Road, Tax Map 34-2 ((1)) 20.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 26, 2007, the Planning Commission voted unanimously (Commissioner Hart not present for the votes; Commissioners Flanagan and Koch absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2007-SU-006, subject to the Development Conditions dated July 23, 2007, modified as follows:
 - Add the following language to Condition 20: “The trash dumpster shall be moved from its current location to a location approved by the Department of Public Works and Environmental Services in conformance with PFM Standards.”
 - Add a new Condition 21 to read: “Grading shall be adjusted along the southern property boundary in a manner which improves the impact of the existing storm drainage on the adjacent property. Supplemental plantings selected for this area shall be reviewed and approved by Urban Forest Management for suitability with existing soil conditions.”
- Modification of the transitional screening requirements on all sides of the property to allow existing vegetation to be utilized with supplemental landscaping and trees proposed along the southern and western property boundaries, as depicted on the SE Plat;
- Modification of the barrier requirements on the northern, southern, and western portions of the property in favor of the existing four-foot chain link fence; and
- Waiver of the barrier requirement along the eastern property line.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

Board Agenda Item
September 24, 2007

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Shelby McKnight, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
September 24, 2007

4:30 p.m.

Public Hearing on Proposed Plan Amendment S07-IV-RH1, Bounded by Manchester Boulevard, Beulah Street and Silver Lake Boulevard (Lee District)

ISSUE:

Proposed Plan Amendment S07-IV-RH1 considers amending the Comprehensive Plan for Tax Map Parcel 93-1 ((9)) 8b. The area is currently planned for elderly housing, nursing homes, churches, medical facilities and other public and quasi-public uses. The proposed amendment would add workforce housing at this location.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 26, 2007, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote; Commissioners Flanagan and Koch absent from the meeting) to recommend approval of S07-IV-RH1, as set forth on pages 4 and 5 of the staff report dated July 9, 2007.

RECOMMENDATION:

The County Executive recommends that the Board approve the Planning Commission recommendation for proposed Plan Amendment S07-IV-RH1 as shown on pages 4 and 5 in Attachment I. The proposed Plan amendment seeks to provide an opportunity for the development of workforce housing in a community where this need is not fully served.

TIMING:

Planning Commission public hearing –July 26, 2007
Board of Supervisors' public hearing –September 24, 2007

BACKGROUND:

The Board authorized a Plan amendment for the subject area on March 12, 2007 to consider adding an option in the Comprehensive Plan for the development of workforce housing.

FISCAL IMPACT:

None

Board Agenda Item
September 24, 2007

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for proposed Plan Amendment S07-IV-RH1

Attachment II: Planning Commission verbatim and recommendation

STAFF:

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

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

Pamela G. Nee, Chief, Environment and Development Review Branch, PD, DPZ

John R. Bell, Planner III, Environment and Development Review Branch, PD, DPZ

Board Agenda Item
September 24, 2007

4:30 p.m.

Public Hearing on Proposed Plan Amendment S07-CW-2CP Regarding Revisions to the Glossary and Housing Section of Policy Plan to Add and/or Amend Definitions, Policies and Guidelines Related to Workforce Housing

ISSUE:

Proposed Plan Amendment S07-CW-2CP considers changes to the Glossary of the Comprehensive Plan and to the Housing Section of the Policy Plan to add guidance regarding Workforce Housing. The proposed Glossary revisions include adding a definition of Workforce Housing and revising existing Glossary definitions regarding affordable housing. The Housing Section revisions include adding language to the Countywide Objectives and Policies regarding the Workforce Housing initiative, adding new policies relative to Workforce Housing and adding a new appendix to the Housing Section that provides guidelines for the provision of Workforce Housing.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 26, 2007, the Planning Commission voted unanimously (Commissioners Flanagan and Koch absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of S07-CW-2CP, as shown on pages 5 through 12 of the Staff Report dated July 12, 2007;
- Direct that staff of the Department of Planning & Zoning provide a status report to the Planning Commission in two years regarding the status of the Affordable Housing Program to include any recommendations for change; and
- Direct that the Department of Planning & Zoning expedite review of the provision for workforce housing in commercial and industrial zoned districts.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Planning Commission recommendation for Plan Amendment S07-CW-2CP with several changes developed by staff to add clarity and aid in the understanding of the Workforce Housing initiative as shown in Attachment III.

Board Agenda Item
September 24, 2007

Subsequent to the Planning Commission public hearing on this Plan Amendment, staff identified several areas in the Plan language endorsed by the Planning Commission that were unclear and caused confusion as to how the Plan text would be implemented. After further evaluation, staff recommended changes to the Planning Commission recommendation that include but are not limited to the following:

- the relocation of the example about the rental and sales prices limits for the Affordable Dwelling Unit Program to a footnote with references as to how to get updated information,
- the identification of the areas included in the definition of Mixed-Use Centers in the policy pertaining to Workforce Housing,
- the addition of a chart in the Appendix to help illustrate how the bonus provision is to be applied,
- the uniform use of “should” to be consistent with the Comprehensive Plan’s role as a guide to development, and
- clarification of the availability of additional building height above that recommended in the Area Plan recommendation (s) for a given location.

TIMING:

Planning Commission public hearing – July 26, 2007

Board of Supervisors’ public hearing – September 24, 2007

BACKGROUND:

The Board of Supervisors (Board) directed staff on April 30, 2007 to recommend Comprehensive Plan language to implement the recommendations of the High-Rise Affordability Panel. The Panel was appointed by the Board in October 2005 to develop policies and implementation strategies to promote affordable or workforce housing in high-rise development in Fairfax County. The Panel recommended adding policy guidance to support the creation of Workforce Housing to serve households with incomes of up to 120% of the Area Median Income (adjusted for household size) in designated Mixed-Use Centers that are planned for high-density development. It is anticipated that the Workforce units would be created through proffers made at the time of rezoning actions and applicants could receive additional density for providing such units. The administration of the proffered Workforce units would be governed by Zoning Ordinance provisions to be added by a companion Zoning Ordinance Amendment to be considered by the Board in October. This proposed Plan Amendment is the first part of the process of bringing forward for consideration changes to the Comprehensive Plan to implement the recommendations of the High-Rise Affordability Panel.

Board Agenda Item
September 24, 2007

The proposed changes to the Comprehensive Plan and Zoning Ordinance to establish a Workforce Housing Program were discussed at the Board of Supervisors Housing Committee on September 14, 2007.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for proposed Plan Amendment S07-CW-2CP
Attachment II: Planning Commission Recommendation and Verbatim
Attachment III: Staff Recommended Changes to the Planning Commission Recommendation

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred R. Selden, Director, Planning Division (PD), DPZ
Heidi T. Merkel, Senior Planner, PD, DPZ

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