

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 28, 2008**

AGENDA

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|-------|-----------------|-------------------------------------------------------------------------------|
| 9:30 | Done | Presentations |
| 10:00 | Done | Presentation of the Don Smith Award |
| 10:10 | Done | Presentation of the Tree Commission Report |
| 10:25 | Accepted | Report on General Assembly Activities |
| 10:40 | Done | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 10:40 | Done | Items Presented by the County Executive |

ADMINISTRATIVE ITEMS

- | | | |
|---|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Approved | Streets into the Secondary System (Dranesville, Mount Vernon, Providence, and Sully Districts) |
| 2 | Deferred to 2/11/08 | Additional Time to Commence Construction for Special Exception SE 2002-SU-039, Dennis O. and Karen M. Hogg (Sully District) |
| 3 | Approved | Additional Time to Commence Construction for Special Exception Amendment SEA 00-Y-017, Axar Management, Incorporated (Sully District) |
| 4 | Approved | Extension of Review Periods for 2232 Review Applications (Braddock and Providence Districts) |
| 5 | Approved | Additional Time to Commence Construction for Special Exception Amendment SEA 98-M-009-2, The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington and His Successors in Office (Mason District) |
| 6 | Approved | Authorization to Advertise a Public Hearing Regarding the Land Exchange Between the City of Fairfax and the Board of Supervisors for the Relocation of the Fairfax City Regional Library (Providence District) |
| 7 | Approved | Adoption of a Resolution Approving the Issuance of Fairfax County Economic Development Authority Revenue Bonds for the Benefit of Trinity Christian School of Fairfax, Inc. |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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**ADMINISTRATIVE ITEMS
(CONTINUED)**

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|----|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8 | Approved | Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Sully District) |
| 9 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Poplar Tree Road (Sully District) |
| 10 | Approved | Authorization to Advertise a Public Hearing to Establish the Pinewood Greens Community Parking District (Providence District) |
| 11 | Approved | Authorization to Advertise a Public Hearing to Establish the White Oaks Community Parking District (Springfield District) |
| 12 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Peniwill Drive (Mount Vernon District) |
| 13 | Approved | Installation of "No Parking" Signs on the South Side of Electric Avenue from Cedar Lane to Gallows Road (Providence District) |
| 14 | Approved | Authorization to Advertise a Public Hearing to Expand the Orange Hunt Community Parking District (Springfield District) |
| 15 | Approved | Authorization to Advertise a Public Hearing to Consider Adoption of an Amendment to Section 3-6-3 of the Fairfax County Code, Relating to the Control of the County Deferred Compensation Plan |
| 16 | Approved | Authorization to Advertise a Public Hearing to Consider an Ordinance to Approve a Joint Exercise of Powers Agreement that Proposes to Create a Trust Fund to Provide for the Costs of Post-Employment Benefits Other than Pensions |

ACTION ITEMS

- | | | |
|---|-----------------|--------------------------------------------------------------------------|
| 1 | Approved | Approval of Public Sale for Roll-Over of Funding for Crescent Apartments |
|---|-----------------|--------------------------------------------------------------------------|

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 28, 2008**

**ACTION ITEMS
(CONTINUED)**

2	Approved	Authorize the County Executive to Execute the Eighth Amendment to the Declaration of Covenants
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CONSIDERATION ITEMS

1	Approved w/amendment	Amendments to the Tenant-Landlord Bylaws
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INFORMATION ITEMS

1	Noted	Contract Award - Annual Contract for Storm Sewer Repairs Using Masonry Rehabilitation and Open Cut Methods
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2	Noted	Contract Award to CH2M Hill, Inc. to Provide the Engineering Design and Construction Administration Services for the Dogue Creek Pump Station and Ancillary Facilities Rehabilitation Project (Mount Vernon District)
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3	Noted	Contract Award – West Ox Road/Monroe Street Intersection Improvement (Hunter Mill District)
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4	Noted	Contract Award - Engineering Design Services for Lorton Road Widening (Mount Vernon District)
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5	Noted	Contract Award – Real Estate Development Advisory Services
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6	Noted	Service Changes to FAIRFAX CONNECTOR Routes to be Implemented in Early Calendar Year 2008
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7	Noted	Notification of Contract Amendments for Land Development and Architectural Services for the Crescent Apartments Property (Hunter Mill District)
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8	Order of recommended sites changed	Potential Location of Additional Noise Monitors in the Vicinity of Washington Dulles International Airport
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9	Noted	Quarterly Status Report on the Board's Four-Year Transportation Program and Other Selected Projects
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11:10	Done	Matters Presented by Board Members
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12:00	Done	Closed Session
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 28, 2008**

PUBLIC HEARINGS

3:00	Held	Annual Meeting of the Fairfax County Solid Waste Authority
3:00	Approved	Board Decision on PRC B-846 (JBG/RIC Retail LLC, JBG/RIC LLC) (Hunter Mill District)
3:00	Public hearing deferred to 3/31/08 at 3:00 p.m.	Public Hearing on PCA 1998-BR-073 (Steuart-Burke Centre Shopping Center, L.L.C.) (Braddock District)
3:00	Public hearing deferred to 3/31/08 at 3:00 p.m.	Public Hearing on PCA 75-8-036-02 (Steuart-Burke Centre Shopping Center, L.L.C.) (Braddock District)
3:00	Public hearing deferred to 3/31/08 at 3:00 p.m.	Public Hearing on DPA C-546-23 (Steuart-Burke Centre Shopping Center, L.L.C.) (Braddock District)
3:00	Public hearing deferred to 3/31/08 at 3:00 p.m.	Public Hearing on PRC C-546 (Steuart-Burke Centre Shopping Center, L.L.C.) (Braddock District)
3:30	Approved	Public Hearing on SE 2006-MA-021 (Thakorlal Mistry et ux & Babubhai S. Mistry et ux) (Mason District)
3:30	Public hearing deferred to 2/25/08 at 3:30	Public Hearing on SE 2007-MA-013 (PNC Bank, N.A.) (Mason District)
3:30	Public hearing deferred to 2/25/08 at 3:30	Public Hearing on SEA 97-M-024 (PNC Bank, N.A.) (Mason District)
3:30	Public hearing deferred to 2/11/08 at 3:30 p.m.	Public Hearing on PCA 82-P-069-18 (Fair Lakes Center Associates L.P.) (Springfield District)
3:30	Public hearing deferred to 2/11/08 at 3:30 p.m.	Public Hearing on CDPA 82-P-069-05-01 (Fair Lakes Center Associates L.P.) (Springfield District)
4:00	Approved	Public Hearing on PCA 84-L-020-23 (Kingstowne LLP, Kingstowne Parcel O L.P.; Kingstowne M & N LP; BP Kingstowne Office Building T, LLC; Kingstowne Towne Center L.P.; BP Kingstowne Office Building K LLC; BP Kingstowne Theatre, LLC) (Lee District)

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

4:00	Approved	Public Hearing on Proposed Area Plan Review Item 05-CW-3ED for Editorial Updates to the LP2-Lorton South Community Planning Sector, Lower Potomac Planning District (Mount Vernon District)
4:00	Approved	Public Hearing to Establish the Potters Glen Community Parking District (Lee District)
4:00	Approved	Public Hearing on an Uncodified Ordinance that Will Provide for up to a One Dollar Temporary Taxicab Fuel Surcharge Until October 31, 2008
4:30	Approved	Public Hearing on AR 98-S-001 (Edith Bierly) (Springfield District)
4:30	Approved	Public Hearing on AA 89-D-001 (The Eagle Family Limited Partnership) (Dranesville District)
4:30	Public hearing deferred to 2/25/08 at 3:30 p.m.	Public Hearing on SE 2007-SU-012 (Patrice E. McGinn) (Sully District)
4:30	Approved	Public Hearing on PCA 90-L-055 (Beulah Street II, LLC) (Lee District)
4:30	Approved	Public Hearing on PCA 93-Y-002-02 (Van L.L.C.) (Sully District)
4:30	Approved	Public Hearing on SEA 93-Y-005-03 (Van L.L.C.) (Sully District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
January 28, 2008

9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize Roger Lowen for his work in the Reston community. Requested by Supervisor Hudgins.
2. PROCLAMATION – To designate February 2008 as African American History Month in Fairfax County. Requested by Chairman Connolly.
3. CERTIFICATE – To recognize the 2007 Bond Referendum Committee for its work. Requested by Chairman Connolly.
4. RESOLUTION – To celebrate the City of Fairfax Regional Library upon the grand opening of its new building. Requested by Chairman Connolly.
5. CERTIFICATE – To recognize Bruce Wright for his years of service to Fairfax County's Trails and Sidewalks Committee. Requested by Supervisor Hudgins.
6. CERTIFICATE – To recognize Clemens Gailliot and Hilltop Sand and Gravel for their support and contributions to Fairfax County's parks. Requested by Supervisor Hyland and Supervisor McKay.

STAFF:

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

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Board Agenda Item
January 28, 2008

10:00 a.m.

Presentation of Don Smith Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Anita Baker, Chairperson, Employee Advisory Council

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Board Agenda Item
January 28, 2008

10:10 a.m.

Presentation of the Tree Commission Report

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Harry Glasgow, Chair of the Tree Commission

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Board Agenda Item
January 28, 2008

10:25 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on January 28, 2008

PRESENTED BY:

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

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Board Agenda Item
January 28, 2008

10:40 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard January 28, 2008

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item
January 28, 2008

10:40 a.m.

Items Presented by the County Executive

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Board Agenda Item
January 28, 2008

ADMINISTRATIVE – 1

Streets into the Secondary System (Dranesville, Mount Vernon, Providence, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Thistle Hill	Dranesville	Wincrest Place Georgetown Pike (Route 193) (Additional Right-of-Way (ROW) only)
Cook Inlet	Mount Vernon	Richmond Highway (U.S. Route 1) (Additional ROW only)
Wells Property	Providence	Lee Highway (Route 29) (Additional ROW only)
Oak Hill Reserve, Section 2	Sully	Rose Grove Drive (Route 10303) Loughrie Way Barton Way
Parkside Manor		Sun Orchard Drive (Route 7992)

Board Agenda Item
January 28, 2008

Subdivision

Parkside Manor
(Continued)

District

Sully

Street

Logwood Lane
(Route 6750)

Parkside Manor Court

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

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

Board Agenda Item
January 28, 2008

ADMINISTRATIVE -2

Additional Time to Commence Construction for Special Exception SE 2002-SU-039, Dennis O. and Karen M. Hogge (Sully District)

ISSUE:

Board consideration of additional time to commence construction for SE 2002-SU-039, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen months additional time for SE 2002-SU-039, to February 4, 2009.

TIMING:

Routine

BACKGROUND:

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

On August 4, 2003, the Board of Supervisors approved Special Exception SE 2002-SU-039 for a vehicle light service establishment and fast food restaurant with drive-through window, subject to development conditions. The special exception application was filed in the name of Dennis O. and Karen M. Hogge, for the property located at Tax Map 54-4 ((1)) 65-68 (see Locator Map in Attachment 1). Concurrent with the special exception, the Board of Supervisors approved Rezoning RZ 2002-SU-034, to the C-6 District, subject to proffers. The SE plat and development conditions for SE 2002-SU-039 and the proffers for RZ 2002-SU-034 are included with the Clerk to the Board's letters contained in Attachment 2. SE 2002-SU-039 was approved with a condition that the use shall be established or construction shall be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time.

On March 27, 2006, the Board of Supervisors approved eighteen months additional time to commence construction for Special Exception SE 2002-SU-039 in the name of Dennis O. and Karen M. Hogge until August 4, 2007 (Attachment 3).

On August 2, 2007, the Department of Planning and Zoning (DPZ) received a letter dated August

Board Agenda Item
January 28, 2008

1, 2007, from John C. McGranahan, Jr., agent for Ann's Second L.L.C., successor in interest to the applicants, requesting eighteen months additional time to commence construction for the project. The letter states that delays have been due to circumstances involved in obtaining tenants and users for the site, including coordination with adjacent landowners for partnership in the financial commitments required for site improvements. The applicant anticipates the additional time will allow for the resolution of the issues and the commencement of construction of the approved special exception use. The letter of request is included as Attachment 4.

Staff has reviewed Special Exception SE 2002-SU-039 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a vehicle light service establishment and a fast food restaurant with drive-through window. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2002-SU-039 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2002-SU-039 are still appropriate and remain in full force and effect. Staff recommends that eighteen months additional time be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 28, 2003, to Keith C. Martin, agent for the applicant, from Patti M. Hicks, Deputy Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2002-SU-039; and letter dated August 29, 2003, to Keith C. Martin, agent for the applicant, from Patti M. Hicks, Deputy Clerk to the Board of Supervisors, stating the Board's approval of RZ 2002-SU-034 subject to proffers

Attachment 3: Letter dated March 30, 2006, to Francis A. McDermott, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the Board's approval of eighteen months additional time to August 4, 2007

Attachment 4: Letter dated August 1, 2007, from John C. McGranahan, Jr., agent for the applicant, to the Department of Planning and Zoning, requesting additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Fred Selden, Director, Planning Division, DPZ

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

Carrie Lee, Staff Coordinator, ZED, DPZ

Board Agenda Item
January 28, 2008

ADMINISTRATIVE -3

Additional Time to Commence Construction for Special Exception Amendment
SEA 00-Y-017, Axar Management, Incorporated (Sully District)

ISSUE:

Board consideration of additional time to commence construction for SEA 00-Y-017 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months of additional time for SEA 00-Y-017 to September 9, 2009.

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 September 9, 2002, the Board of Supervisors approved Special Exception Amendment SEA 00-Y-017 for the use of two hotels, each with a meeting room, an enclosed swimming pool, and an eating establishment, subject to development conditions. This approval was concurrent with the Board's approval of Proffered Condition Amendment PCA 79-C-089, subject to proffers. The special exception amendment application was filed in the name of Axar Management, Incorporated, for the property located at Tax Map 34-4 ((12)) C2 (see the Locator Map in Attachment 1). SEA 00-Y-017 was approved with a condition that the use be established or construction be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time. The development conditions for SEA 00-Y-017 and the proffers for PCA 79-C-089 are included with the Clerk to the Board's letter contained in Attachment 2.

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On July 25, 2005, the Board of Supervisors approved thirty months additional time to commence construction. The new expiration date was September 9, 2007. A copy of the letter from the Clerk to the Board advising the applicant of the Board's approval is contained in Attachment 3.

On August 7, 2007, the Department of Planning and Zoning received a letter dated August 2, 2007, from Sheri L. Hoy, agent for the applicant, requesting twenty months of additional time to commence construction. The letter of request is included as Attachment 4. The revised letter cites the time required for site plan approvals for various phases of construction for this multi-use site as the primary source of delay. Ms. Hoy indicates that the first hotel, Staybridge Suites is constructed and in operation. A Site Plan Revision for the second hotel, #5611-SPV-021-B1, was submitted in 2004 and rejected January 7, 2005. Site Plan Revision, #5611-SPV-021-B2, was submitted August 1, 2007, but could not be approved because the project was off bond. A new site plan was required in order for the project to proceed. Site Plan #5611-SP-028-1 was submitted on September 19, 2007, and is now in bonding. Ms. Hoy indicates that construction of the hotel is expected to begin upon site plan approval. Development of the remaining approved restaurant will require the future submission of another site plan revision and its approval prior to the commencement of construction.

Staff has reviewed SEA 00-Y-017 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 00-Y-017 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. Finally, the conditions associated with the Board's approval of SEA 00-Y-017 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Locator Map

Attachment 2 – Letter dated November 8, 2002, to Gregory A. Riegle, agent for the applicant from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions of approval for SEA 00-Y-017; letter dated November 8, 2002, to Gregory A. Regal, agent for the applicant from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the approval of Proffered Condition Amendment PCA 79-C-089 and proffers

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Attachment 3 – Letter dated July 28, 2005, from Nancy Vehrs, Clerk to the Board of Supervisors, to Sheri L. Hoy, agent for the applicant, stating the Board of Supervisors approval of thirty months additional time to commence construction

Attachment 4—Letter dated August 2, 2007, from Sheri L. Hoy, agent for the applicant, requesting additional time to commence construction

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 J. Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ

Fred Selden, Director, Planning Division, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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Board Agenda Item
January 28, 2008

ADMINISTRATIVE – 4

Extension of Review Periods for 2232 Review Applications (Braddock and Providence Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for application FS-B07-59 to March 28, 2008, and for application 2232-P07-15 to August 4, 2008.

TIMING:

Board action is required on January 28, 2008, to extend the review periods of the applications noted above before their expirations.

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 period for application 2232-P07-15, which was accepted for review by the Department of Planning and Zoning (DPZ) on December 3, 2007. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board also should extend the review period for application FS-B07-59, which was accepted for review by DPZ on October 30, 2007. This application is for a

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January 28, 2008

telecommunications facility. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning Commission to act on this application by no more than sixty additional days.

- 2232-P07-15 Department of Public Works and Environmental Services
 Temporary library during renovation of Thomas Jefferson Library
 7500 Saint Philips Court (St. Philips Church)
 Providence District
- FS-B07-59 Verizon Wireless
 Antenna colocation on existing monopole/light pole
 4700 Medford Drive (Annandale High School)
 Braddock District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

Board Agenda Item
January 28, 2008

ADMINISTRATIVE -5

Additional Time to Commence Construction for Special Exception Amendment SEA 98-M-009-2, The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington and His Successors in Office (Mason District)

ISSUE:

Board consideration of additional time to commence construction for SEA 98-M-009-2, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months additional time for SEA 98-M-009-2 to August 28, 2009.

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 February 28, 2005, the Board of Supervisors approved Special Exception Amendment SEA 98-M-009-2, subject to development conditions. The special exception amendment application was filed in the name of The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington and His Successors in Office to amend the previously approved special exception for church and related facilities, private school of general education and college to permit building additions and site modifications, pursuant to Section 3-304 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 72-2 ((1)) 21 (see the Locator Map in Attachment 1). The development conditions for SEA 98-M-009-2 are included as part of the Clerk to the Board's letter in Attachment 2. The development conditions specified that the use be established or construction be commenced and diligently prosecuted within thirty months of the approval date, unless the Board granted additional time.

On August 8, 2007, the Department of Planning and Zoning (DPZ) received a letter dated

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August 8, 2007, from Lynne J. Strobel, agent for the applicant, requesting twenty-four months additional time to commence construction for this project (Attachment 3). Ms. Strobel indicates that during the site plan approval process VDOT has required the construction of a turnaround at Kling Drive, which was not anticipated at the time the SEA was approved. Ms. Strobel indicates that additional fundraising efforts and Diocesan approval have also been required to address escalating project costs. Site Plan # 6940-SP-002-1 was submitted to DPWES on June 22, 2005. The second submission was made on July 27, 2006. The site plan is currently in Bonds and Agreements waiting for the applicant to post all necessary bonds, pay remaining fees, and to provide a required ingress-egress easement. The letter states that once site plan and fundraising efforts are resolved, the applicant intends to diligently pursue the construction of the addition to completion.

Staff has reviewed Special Exception SEA 98-M-009-2 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow building additions and site modifications to an existing church and related facilities, private school of general education and college. Further, staff knows of no change in land use circumstances that affect the compliance of SEA 98-M-009-2 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed. Finally, the conditions associated with the Board's approval of SEA 98-M-009-2 are still appropriate. Staff recommends that twenty-four months additional time be approved.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated March 9, 2005, to Lynne Strobel, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SEA 98-M-009-2

Attachment 3: Letter dated August 8, 2007, from Lynne J. Strobel, agent for the applicant, to Eileen McLane, Zoning Administrator, requesting twenty-four months additional time.

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

Fred Selden, Director, Planning Division, DPZ

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

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

Board Agenda Item
January 28, 2008

ADMINISTRATIVE -6

Authorization to Advertise a Public Hearing Regarding the Land Exchange Between the City of Fairfax and the Board of Supervisors for the Relocation of the Fairfax City Regional Library (Providence District)

ISSUE:

Authorization to Advertise a Public Hearing regarding the Land Exchange between the City of Fairfax and the Board of Supervisors for the Relocation of the Fairfax City Regional Library.

RECOMMENDATION:

The County Executive recommends approval of the land exchange between the City of Fairfax and the Board of Supervisors.

TIMING:

Board action is requested on January 28, 2007, to provide sufficient time to advertise the proposed public hearing on February 11, 2007, at 4:00 p.m.

BACKGROUND:

In September 1999, the City of Fairfax proposed that the County allow the City to execute renovations to the Fairfax City Regional Library (the "Old Library"), located at 3915 Chain Bridge Road, Fairfax, in conjunction with the redevelopment of the downtown area. The Old Library and the land upon which it is located are identified as Tax Map No. 57-2-02-166 and are within the City Limits, but are owned by the County.

The City proposed to apply their payment for library services as charged under the 1978 General Services Agreement ("GSA") between the County and the City to defray the cost of the renovations and improvements. The Board of Supervisors agreed in principle to the request contingent on successful renegotiation of the 1978 GSA and the final scope of the proposed construction project. The new GSA was approved by the City and Board in November 2003. Among other things, the 2003 GSA provides that the City shall pay to the County a share of the non-capital costs and expenses of operating the library system in the proportion that the population of the City bears to the combined population of the City and the County (the "City's Payment").

During the course of negotiations for a preliminary agreement concerning the Library, called the Project Development Agreement ("PDA"), the City decided that it preferred that the PDA provide for a new library on City-owned Land (the "New Library") on a parcel

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identified as Tax Map No. 57-2-20-003, in exchange for the Old Library and associated land plus the ability to apply the City's Payment to the construction cost of the New Library instead of to the renovation of the Old Library. In order to facilitate a mutually desirable agreement either for renovation of the Old Library or for development of the New Library, the PDA was negotiated by City and County staff to define certain understandings, commitments, and responsibilities of the parties with respect to the development project. The PDA was approved by the Board of Supervisors on June 7, 2004.

The Regional Library Final Agreement between the City and the County was approved on June 6, 2005, and called for the construction of a new library at 10360 North Street with 45,000 square feet and 200 parking spaces. The New Library is located just two blocks away from the location of the Old Library. The North Street property will be conveyed to the County in exchange for the Old Library property. The appraised land value is \$2.5 million for each of the parcels based on the highest and best use. No value is associated with property improvements as the improvements regarding the Old Library will be demolished and therefore deemed to add no value.

Within fifteen days after the New Library is fully complete, the City will be expected to transfer to the County ownership of the North Street Property, including all land and the New Library and the County shall simultaneously transfer ownership to the City of the Old Library property. No transfer of funds will be required to execute this land swap.

Pursuant to the Code of Virginia, Section 15.2-1800, a public hearing is required for the Board to convey real property or real property interests.

FISCAL IMPACT:

Based on independent appraisals of the involved properties by the City and the County, the land values of the two properties have been determined to be equivalent. Therefore, no transfer of funds is required to execute the land exchange.

ENCLOSED DOCUMENTS:

Attachment A – Advertisement
Attachment B – Regional Library Final Agreement
Attachment C – Location Map

STAFF:

Edward L. Long, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
Edwin S. Clay III, Director, Library Administration
Jose Comayagua, Director, Facilities Management Department

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ADMINISTRATIVE - 7

Adoption of a Resolution Approving the Issuance of Fairfax County Economic Development Authority Revenue Bonds for the Benefit of Trinity Christian School of Fairfax, Inc.

ISSUE:

Requesting that the Fairfax County Economic Development Authority issue up to \$9,000,000 revenue bonds pursuant to the plan of financing of Trinity Christian School of Fairfax, Inc.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the attached resolution.

TIMING:

Board action is requested on January 28, 2008.

BACKGROUND:

The Fairfax County Economic Development Authority has received a request from Trinity Christian School of Fairfax, Inc. (the "School"), requesting that the Authority issue its revenue bonds, at one time or from time to time in one or more series, to assist the School in financing or refinancing the following Plan of Financing for the benefit of the School and certain of its facilities located or to be located on approximately 25.6 acres of land owned by the School at 11204 Braddock Road, Fairfax, Virginia 22030-5405 (the "Property"): (i) the acquisition, construction, renovation, and equipping of the Property including, a new three-story school building comprising classrooms, a seminar room, a science lab, a science prep room, a computer lab, instructor and administrative offices, instructor workrooms, instrumental and choral rehearsal rooms, a stage for the performing arts, an upper school reference library and reading room, a kitchen, a large gymnasium and (ii) other costs associated with the foregoing to the extent financeable, including, without limitation, the costs of issuance, credit enhancement costs and closing costs in connection with the Plan of Financing.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment 1 - Resolution of the Board of Supervisors

Attachment 2 - Certificate of Public Hearing with supporting documents

STAFF:

Gerald L. Gordon, Director, Fairfax County Economic Development Authority

Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

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ADMINISTRATIVE - 8

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Sully District)

ISSUE:

Board endorsement of traffic calming measures as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures for Hidden Meadow Drive and Springhaven Drive (Attachment I), consisting of the following:

- One raised crosswalk and two speed humps on Hidden Meadow Drive (Sully District)
- One raised crosswalk and one speed hump on Springhaven Drive (Sully District)

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

TIMING:

Board action is requested on January 28, 2008.

BACKGROUND:

As part of the R-TAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria for Hidden Meadow Drive and Springhaven Drive. Subsequently, petitions were gathered from the community evidencing support for further study. A task force was formed with the community to develop a traffic calming plan to reduce the speed of traffic. Once a plan for both roads was adopted and approved by staff and VDOT, the plan was submitted for approval to residents of the petition area in the

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community. On December 14, 2007, the Department of Transportation received written verification from the local supervisor confirming community support for the referenced traffic calming plan.

FISCAL IMPACT:

The estimated cost of \$25,000 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Hidden Meadow Drive and Springhaven Drive

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, Senior Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE – 9

Authorization to Advertise a Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Poplar Tree Road (Sully District)

ISSUE:

Authorization to advertise a public hearing on a proposal to abandon part of the right-of-way of Poplar Tree Road.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the abandonment of the subject right-of-way.

TIMING:

The Board should take action on January 28, 2008, to provide sufficient time to advertise the public hearing for February 25, 2008 at 4:00 p.m.

BACKGROUND:

The applicant, Poplar Tree Road LLC, is requesting that a portion of the right-of-way of Poplar Tree Road west of Orr Drive be abandoned. Poplar Tree Road is in the Virginia Department of Transportation (VDOT) State Secondary System (Route 4831) and the right-of-way is the former alignment of the road.

The request is being made in conjunction with the fulfillment of proffer 12 of RZ 2004-SU-009; this proffer requires the applicant to realign the curve on Poplar Tree Road in this area. The construction of the improvement has been completed and the abandonment of the now excess right-of-way is a condition of the VDOT street acceptance process.

After submittal, the application was amended to remove the vacation request referred to in Attachment I because some of the adjacent third-party landowners were not willing to receive the property. The County will maintain ownership of the parcel and may dispose of part or all of it in the future.

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Traffic Circulation and Access

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

Easements

Dominion Virginia Power, Verizon, and the Fairfax County Water Authority have identified facilities within the area to be abandoned. The applicants have provided easement plats, deeds, or agreements in forms acceptable to these entities and the County Attorney's Office (since the County must execute the relevant instruments). No other easement needs were identified.

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification
Attachment II: Notice of Intent to Abandon
Attachment III: Order of Abandonment
Attachment IV: Abandonment Plat
Attachment V: Metes and Bounds Description
Attachment VI: Vicinity Map

STAFF:

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

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Establish the Pinewood Greens
Community Parking District (Providence District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 25, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Pinewood Greens CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on January 28, 2008, to provide sufficient time for advertisement of the public hearing on February 25, 2008, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing to Establish the White Oaks Community Parking District (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 25, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the White Oaks CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on January 28, 2008, to provide sufficient time for advertisement of the public hearing on February 25, 2008, at 4:00 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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ADMINISTRATIVE – 12

Authorization to Advertise a Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Peniwill Drive (Mount Vernon District)

ISSUE:

Authorization to advertise a public hearing on a proposal to abandon part of the right-of-way of Peniwill Drive.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the abandonment of the subject right-of-way.

TIMING:

The Board should take action on January 28, 2008, to provide sufficient time to advertise the public hearing for February 25, 2008, at 4:00 p.m.

BACKGROUND:

The applicant, Vulcan Lands Inc., is requesting that a portion of the right-of-way of Peniwill Drive, starting about 2000 feet to the west of Ox Road (Route 123), be abandoned. The right-of-way under consideration for abandonment is not in the Virginia Department of Transportation (VDOT) State Secondary System.

The request is being made in conjunction with completion of a realignment of Peniwill Drive associated with the by-right Occoquan Overlook subdivision and the special permit requirements on the quarry to the south (for screening). The construction of the improvement has been completed and the subject right-of-way is now excess.

Traffic Circulation and Access

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

Easements

Dominion Virginia Power has identified facilities within the area to be abandoned. The applicants have provided easement plats, deeds, or agreements in a form acceptable to them. No other easement needs were identified.

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification
Attachment II: Notice of Intent to Abandon
Attachment III: Order of Abandonment
Attachment IV: Abandonment Plat
Attachment V: Metes and Bounds Description
Attachment VI: Vicinity Map

STAFF:

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

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ADMINISTRATIVE - 13

Installation of “No Parking” Signs on the South Side of Electric Avenue from Cedar Lane to Gallows Road (Providence District)

ISSUE:

Board approval for the County installation of “No Parking” signs on the south side of Electric Avenue from Cedar Lane to Gallows Road.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) restricting parking on the above-referenced street. The County Executive further recommends that staff be directed to install these signs at the earliest possible date.

TIMING:

Routine.

BACKGROUND:

The Providence District Supervisor’s office has requested that “No Parking” signs be placed on the south side of Electric Avenue from Cedar Lane to Gallows Road. Residents are concerned that when school buses, fire trucks, and large commercial vehicles (such as garbage and delivery trucks) traverse this section, they must cross over the centerline due to their size, creating the possibility of an accident. Staff reviewed the roadway and determined that the parked vehicles along the south side of the road do create a safety hazard for motorists traveling along this road.

Section 82-5-37 of *The Code of the County of Fairfax, Virginia*, provides that the Board of Supervisors may designate, by resolution, areas for restricted parking upon any part of the secondary road system within the County if the Board finds that any of the following conditions exist:

1. That parking along any secondary road is damaging property/and or landscaping within the right-of-way limits; or
2. That parking along local residential streets is so restricting the primary purpose of the road as to interfere with that purpose; or

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3. That parking along any secondary road creates a safety hazard for pedestrians, cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road; or
4. That statutory parking violations pursuant to Fairfax County Code section 82-5-1 occur with frequency in a particular location and compliance with section 82-5-1 will be facilitated by the installation of "No Parking" signs; or
5. That, in the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for non-residential use on which parking is restricted on the residential side of the street pursuant to Fairfax County Code section 82-5-7, the prohibition of parking of commercial vehicles, as defined by section 82-5-7, on the side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety and general welfare of the abutting residential community.

In accordance with subsection (3) referenced above, staff believes that parking along the south side of Electric Avenue from Cedar Lane to Gallows Road is creating a safety hazard for the motorists traveling along this road, and parking should be prohibited 24 hours a day.

FISCAL IMPACT:

The cost of installing the signs is estimated at \$540 to be paid out of Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Restricted Parking Resolution

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
Tad Borkowski, FCDOT
Hamid Majdi, FCDOT

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ADMINISTRATIVE - 14

Authorization to Advertise a Public Hearing to Expand the Orange Hunt Community Parking District (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 25, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Orange Hunt CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on January 28, 2008, to provide sufficient time for advertisement of the public hearing on February 25, 2008, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

ADMINISTRATIVE – 15

Authorization to Advertise a Public Hearing to Consider Adoption of an Amendment to Section 3-6-3 of the Fairfax County Code, Relating to the Control of the County Deferred Compensation Plan

ISSUE:

Authorization to advertise a public hearing to consider adoption of an amendment to Section 3-6-3 of the Fairfax County Code, relating to the control of the County Deferred Compensation Plan. This amendment is being proposed in conjunction with a related proposal Authorization to Advertise a Public Hearing to Consider an Ordinance to Approve a Joint Exercise of Powers Agreement that Proposes to Create a Trust Fund to Provide for the Costs of Post-Employment Benefits Other than Pensions to authorize an intergovernmental agreement to create a new trust fund to provide for the costs of other post-employment benefits (“OPEB”), which is included separately for Board action on this Agenda. This amendment would expand the Deferred Compensation Board from a single member to five members so that the Deferred Compensation Trustee could also serve as the finance board for the trust being established to provide for OPEB benefits.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to occur on February 25, 2008, at 3:30 p.m., on the adoption of an amendment to Section 3-6-3 of the Fairfax County Code, relating to the control of the County Deferred Compensation Plan.

TIMING:

The Board should take action on January 28, 2008, to provide sufficient time for advertisement of a public hearing to occur on February 25, 2008, at 3:30 p.m.

BACKGROUND:

The Fairfax County Deferred Compensation Plan is a plan established under Section 457(b) of the Internal Revenue Code to permit eligible employees to contribute a portion of their salaries to the Plan in order to save for retirement on a tax-deferred basis. Section 51.1-603 of the *Code of Virginia* authorizes localities to establish a local deferred compensation plan and to ‘designate an appropriate board or officer to administer the deferred compensation plan’. Section 3-6-3 of the *Code of the County of*

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Fairfax currently establishes the Director, Department of Finance, as the Trustee for the Plan.

As stated in the Item Authorization to Advertise a Public Hearing to Consider an Ordinance to Approve a Joint Exercise of Powers Agreement that Proposes to Create a Trust Fund to Provide for the Costs of Post-Employment Benefits Other than Pensions, the County Executive recommends creation of a trust fund to meet its obligations for provision of certain post-employment benefits. Section 15.2-1547 of the *Code of Virginia* authorizes localities to designate their 'deferred compensation board to serve as trustee and to manage the assets of a trust or equivalent arrangement'. As the current deferred compensation plan designates a single officer as the Trustee, the County Executive recommends that the Plan be changed to establish a Deferred Compensation Board to manage and oversee the Deferred Compensation Plan and post-employment benefits trust. The Board would be composed of the Deputy County Executive/Chief Financial Officer; the Director of the Department of Finance; the Executive Director of the Retirement Administration Agency; the Director of the Department of Management and Budget; and the Director of the Department of Human Resources.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1, Advertisement

Attachment 2, Proposed Amendment to Fairfax County Code Section 3-6-3, Relating to the Definition of the Trustee of the County Deferred Compensation Plan

STAFF:

Edward L. Long, Jr., Deputy County Executive

Robert L. Mears, Director, Department of Finance

Susan W. Datta, Director, Department of Management and Budget

Lauranz A. Swartz, Executive Director, Retirement Administration Agency

Peter J. Schroth, Director, Department of Human Resources

Michael Long, Office of the County Attorney

Teresa A. Kellogg, Benefits Administrator, Department of Human Resources

ADMINISTRATIVE – 16

Authorization to Advertise a Public Hearing to Consider an Ordinance to Approve a Joint Exercise of Powers Agreement that Proposes to Create a Trust Fund to Provide for the Costs of Post-Employment Benefits Other than Pensions

ISSUE:

Authorization to advertise a public hearing to consider adoption of an ordinance to approve a joint exercise of powers agreement that proposes to create a trust fund to provide for the costs of post-employment benefits other than pensions (OPEB) in conjunction with the Item Authorization to Advertise a Public Hearing to Consider the Adoption of an Amendment to Section 3-6-3 of the Fairfax County Code, Relating to the Control of the County Deferred Compensation Plan included on this Agenda.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize advertisement of a public hearing to consider approving a joint exercise of powers agreement for the creation of the Virginia Pooled OPEB Trust Fund in cooperation with the Virginia Municipal League (VML)/Virginia Association of Counties (VACo) Finance Program and other jurisdictions in the Commonwealth of Virginia.

In order to capture long-term investment returns and make progress towards reducing the unfunded actuarial accrued liability, jurisdictions should establish a trust. This funding methodology mirrors the funding approach used for pension benefits. In March 2007, the Virginia General Assembly and the Governor passed legislation to provide the necessary legal authority to counties, cities, towns, school divisions, and certain political subdivisions to establish trust funds to pre-fund OPEB. The County has explored numerous alternatives as to how to prudently invest and accumulate resources for OPEB and has determined that the Virginia Pooled OPEB Trust Fund best satisfies the County's needs and minimizes administrative costs. Fairfax County will have a strong presence on the Board of Trustees for the pooled trust and will actively participate in decision-making to prudently invest accumulated resources for OPEB.

TIMING:

The Board should take action on January 28, 2008, to provide sufficient time for advertisement of a public hearing to occur on February 25, 2008, at 3:30 p.m. Upon adoption of the enclosed ordinance (and the related agenda item amending the County's Deferred Compensation Plan): (1) the County's deferred compensation board will serve as trustee of the County's beneficial interest in the pooled trust; and (2) the County's previously appropriated OPEB reserve in the amount of \$48.2 million will be transferred for investment in the Virginia Pooled OPEB Trust Fund.

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BACKGROUND:

In June 2004, the Governmental Accounting Standards Board (GASB) issued GASB Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*. This standard addresses how local governments should account for and report their costs related to post-employment health care and other non-pension benefits, such as the County's retiree health benefit subsidy. Historically, the County's subsidy was funded on a pay-as-you-go basis. GASB 45 requires that the County accrue the cost of the retiree health subsidy and other post-employment benefits during the period of employees' active employment, while the benefits are being earned, and disclose any unfunded actuarial accrued liability in order to accurately account for the total future cost of post-employment benefits and the financial impact on the County. This funding methodology mirrors the funding approach used for pension benefits. In order to remain compliant with generally accepted accounting principles, the County must implement this standard for fiscal year 2008.

The County has taken a proactive approach in addressing the GASB's requirements. County staff began researching proposed requirements as early as 2002. The County obtained actuarial valuations, participated in task forces and conferences, and designated funding to date in the amount of \$48.2 million to address the actuarial accrued liability. Most recently, County staff led the effort in passing Virginia legislation (SB 789) to allow local governments to establish trust funds to obtain more favorable actuarial assumptions and accumulate resources for OPEB benefits (similar to pension trust funds).

FISCAL IMPACT:

No new funding is required. This recommendation seeks to provide an investment vehicle for funds already dedicated to OPEB.

ENCLOSED DOCUMENTS:

Attachment 1: Advertisement

Attachment 2: An Ordinance to Approve a Joint Exercise of Powers Agreement Between the County of Fairfax, Virginia and the County of Henrico, Virginia for the Creation of the Virginia Pooled OPEB Trust Fund, with exhibits as follows:

Virginia Pooled OPEB Trust Fund Agreement

Trust Joinder Agreement for Participating Employers Under Virginia Pooled OPEB Trust Fund

Attachment 3: VML/VACo Virginia Pooled OPEB Trust Fund Executive Summary

STAFF:

Edward L. Long, Jr., Deputy County Executive

Robert L. Mears, Director, Department of Finance

Susan W. Datta, Director, Department of Management and Budget

Michael Long, Office of the County Attorney

Erin E. Summers, Financial Reporting Manager, Department of Finance

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ACTION - 1

Approval of Public Sale for Roll-Over of Funding for Crescent Apartments (Hunter Mill District)

ISSUE:

Approval by the Board of Supervisors of a resolution (Attachment 1) to authorize a Public Sale for roll-over bond anticipation notes (BAN) to refinance a previous bond anticipation note issued for the benefit of Crescent Apartments.

RECOMMENDATION:

The County Executive recommends approval of the attached resolution (Attachment 1) relating to the issuance of a Fairfax County Redevelopment and Housing Authority (FCRHA) 5-year BAN (Affordable Housing Acquisition), which authorizes the following actions:

1. Requests FCRHA to issue the BAN;
2. Approves the form of a payment agreement between FCRHA and the Board of Supervisors;
3. Approves the form of the lease agreement;
4. Approves the form of the Preliminary Official Statement and the Notice of Sale;
5. Approves the form of the notes;
6. Approves the form of the Continuing Disclosure Agreement; and
7. Authorizes the execution and delivery of the payment agreement, lease agreement, and continuing disclosure agreement.

TIMING:

Approval by the Board is requested on January 28, 2008.

BACKGROUND:

Fairfax County purchased the Crescent Apartments complex, a 16.5 acre site with 180 units located at 1527 Cameron Crescent Drive in Reston, Virginia on February 16, 2006. This property is adjacent to the Lake Anne Revitalization District.

The first interim financing was obtained through a competitive private placement bidding process with Wachovia Bank being the lowest responsive bidder. A total of \$40.6 million was financed. The 2006 note, principal of \$40.6 million and interest in the amount of \$2,019,768, was due February 15, 2007. The interest rate was fixed at a taxable rate of

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4.92%. The original note was taxable pending completion of a due diligence process concerning the rental income of the existing tenants and revisions to the rental income guidelines by the FCRHA. Staff of the Department of Housing and Community Development (HCD) ensured the project would be compliant with state housing law by issuing income guidelines for the property such that at least 20% of the units were occupied by low income households with income not exceeding 60% of the area median income (AMI) and the remaining 80% of the units were occupied by moderate income households with income not exceeding 100% AMI for tenants who were occupying the units at the time FCRHA purchased the property and 80% for new tenants. Tenants with incomes in excess of 100% of AMI were given 120-day notice letters informing them of the income restrictions, were put on month-to-month leases to give them an opportunity to find other housing and eligible households were provided with relocation assistance. With sufficient documentation to demonstrate that low to moderate income families resided at the complex, FCRHA issued the second interim financing, a tax exempt note via a competitive public sale on February 6, 2007. Fairfax County competitively sold a one-year BAN in the amount of \$40,465,000 to Lehman Brothers at the interest rate of 3.658 percent (the "2007 note"). Moody's Investor's Service rated the BAN at the MIG-1 level which is the highest possible rating for a short-term instrument from Moody's Investor's Service. This note repayment is due on February 12, 2008.

At this time, a 5-year interim financing is planned. This financing will enable FCRHA to begin repayment of principal, allow FCRHA to complete a development plan for the property, and to determine the permanent plan of financing. To maximize the affordable housing development at this site, HCD has negotiated contracts for preliminary architectural and engineering services and real estate development services for the purpose of planning several compatible redevelopment scenarios. The analysis will provide scenarios for the redevelopment of a portion of the site as well as rehabilitation recommendations for the existing buildings. Detailed pre-development work has included researching the economic feasibility, and an architectural and engineering analysis of the site to determine the mix of uses, the density, the type of housing units that may be appropriate, road improvements and architectural renderings of the buildings and site. A development plan amendment will be necessary to establish an approved density for the site. This density will be used as a baseline for future redevelopment. The feasibility is also addressing whether the site should be subdivided to provide both market rate and affordable housing on the property. To ensure that the public and community vision for the redevelopment of the site is implemented, HCD is working with the community and has developed Lake Anne Guidelines, which were approved by the Lake Anne Technical Advisory Panel.

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FISCAL IMPACT:

The interest cost of the 2007 BAN for this sale is being paid for from Fund 319, the Penny for Affordable Housing Fund. The FCRHA, with approval from the Board of Supervisors, has allocated \$3.6 million in funding from Project # 014239, Crescent Apartments, in Fund 319, the Penny for Affordable Housing Fund for the cost of the interest payment on the 2007 BAN and an upfront partial payment of principal prior to the roll-over. The remaining outstanding balance of the principal on the 2007 BAN will be paid from the proceeds of the notes to be issued in February (the "2008 BAN"). Principal and interest payments on the 2008 BAN will be made throughout the 5 years the 2008 BAN will be outstanding. The FCRHA has reserved \$3.0 million per year for the 5 years 2008 notes will be outstanding (totaling \$15 million) in Fund 319, the Penny for Affordable Housing Fund, to make these payments and \$900,000 per year for the 5 years totaling \$4.5 million from revenues derived from the operation of the Crescent Apartments. All future development of the site must be carefully planned and coordinated with the community. The 5-year interim financing approach, with a three-year call provision, provides flexibility for the project in order to structure and time the permanent financing.

It is anticipated that the sale will occur on or around February 5, 2008 in order to meet the February 12, 2008 maturity date deadline for the 2007 Note.

ENCLOSED DOCUMENTS:

Attachment 1 – Board Resolution
Attachment 2 – Critical Path Events
Attachment 3 – Notice of Sale
Attachment 4 – Preliminary Official Statement
Attachment 5 – Payment Agreement
Attachment 6 – Lease Agreement
Attachment 7 – Continuing Disclosure Agreement
Attachment 8 – Form of Note

STAFF:

Edward L. Long, Jr., Deputy County Executive
Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development, HCD
Leonard P. Wales, County Debt Manager
Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD

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ACTION - 2

Authorize the County Executive to Execute the Eighth Amendment to the Declaration of Covenants

ISSUE:

Authorize the County Executive to execute the Eighth Amendment to the Declaration of Covenants relative to County-Owned Property located at Tax Map Parcels 29-4 ((5)) A1, B1, C1, D and E, Tax Map Parcel 29-4 ((6)) 107 and Tax Map Parcel 30-3 ((28)) B3 that were dedicated to the Board of Supervisors for public use pursuant to the approval of PCA 92-P-001 (West Group Properties LLC) and the subsequent amendments thereto.

RECOMMENDATION:

The County Executive recommends that the Board authorize him to execute the Eighth Amendment to the Declaration of Covenants and the First Addendum to The Eighth Amendment to the declaration on behalf of the Board of Supervisors as included in Attachment 1 and Attachment 2.

TIMING:

Board action is requested on January 28, 2008.

BACKGROUND:

The Board of Supervisors owns approximately 4.07 acres of land zoned to the C-3 District and conveyed for public use pursuant to the approval of the WestGate development. This land area, in addition to the remainder of the Westgate development, is subject to the Declaration of Covenants, Easements and Related Agreements dated December 31, 1992 as subsequently amended. The relevant documents are contained in Attachment 3. The existing covenants restrict the floor area ratio (FAR) that may be developed within the Westgate Development to the maximum FAR for each Land Bay that has been approved to date by the Board of Supervisors pursuant to the associated zoning applications most recently PCA 92-P-001-6 approved on September 27, 2007. The chart below delineates the maximum square footage allocated to each Land Bay within the WestGate development as shown on the approved generalized development plan (GDP).

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Land Bays	Site Area	Gross Floor Area *
Land Bay A-1	26.6898 acres	1,100,000
Land Bay A-2	11.3966 acres	129,226
Land Bay A Residual Dedications	3.6658 acres	—
Land Bay B-1	19.6394 acres	697,862
Land Bay B-2	11.8709 acres	579,653
Land bay B-3	11.3392 acres	150,000
Land bay B-4	6.6661 acres	136,928
Land Bay B-5	2.3496 acres	--
Land Bay B-6	5.5681 acres	300,000
Land Bay B Residual Dedications	0.0796 acres	—
Land Bay C-1	12.3046 acres	160,598
Land Bay C-2	16.072 acres	283,215
Land Bay C-3	2.685 acres	104,275

*Gross Floor Area maximums exclude cellar space

There is no square footage/floor area designated for development on Land Bay B-5 owned by the Board of Supervisors and shown on the approved GDP for public use as a transit station. The remaining parcels owned by the Board of Supervisors located just north of Route 123 are remnants of road dedications that are portions of the site of the future Dulles Rail Station known as Tysons East 123. Approval of a proffered condition amendment application (PCA) through the zoning process is required in order for the Board of Supervisors or any other landowner within the Westgate development to add additional floor area (Additional FAR) beyond that currently listed on the approved GDP.

The existing covenants are currently silent as it relates to "Additional FAR" that may be created in the future pursuant to Board approval of an amendment to the existing zoning limitations. Further, the existing covenants do not automatically allow the transfer of FAR from a prior landowner to a new property owner without the execution by all owners of an Amendment to the Declaration of Covenants.

The proposed Eighth Amendment to the Declaration of Covenants proposed for execution by the County Executive on behalf of the Board of Supervisors would clarify that any Additional FAR that may be created by Board action in the future is to be exempt from the current FAR allocation restrictions (Allocable FAR) noted in the Declaration of Covenants. Further, the proposed Eighth Amendment to the Declaration of Covenants would explicitly allow FAR to convey with the underlying land area concurrent with a real estate transaction unless the parties to such conveyance elect to reallocate such FAR.

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Staff from the Department of Planning and Zoning has no issue with the clarifying language proposed in association with the Eighth Amendment as submitted provided the Addendum attached to the Eighth Amendment as contained in Attachment 2 is also executed by all property owners. The changes to the Eighth Amendment proposed by staff in the Addendum clarify that the land use and intensity recommendations of the existing Comprehensive Plan or any future amendments thereto do not create "Additional FAR", but rather, the only zoning action that can increase FAR beyond current limits within the Westgate development is Board approval of a Proffered Condition Amendment or rezoning that modifies the FAR allocations listed on the approved GDP for the site.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Eighth Amendment to Declaration

Attachment 2: First Addendum to the Eighth Amendment to Declaration

Attachment 3: Declaration of Covenants, Easements and Related Agreements
(Separate from package)

Attachment 4: September 10, 2007 Request Letter from Martin W. Walsh

Attachment 5: Locator Maps

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

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CONSIDERATION - 1

Amendments to the Tenant-Landlord Bylaws

ISSUE:

The Bylaws of the Tenant-Landlord Commission were amended by the Commission on November 15, 2007, by a majority vote to reflect the current operations and functions of the Commission.

TIMING:

Board consideration is requested on January 28, 2008, so the Bylaws can become effective, as amended.

BACKGROUND:

The Tenant –Landlord Commission Bylaws have not been amended since November 19, 1997, and the current changes include agency name, reference to the Chair and Vice-Chair, and grammatical improvements. Upon recommendation from the County Attorney’s Office, a new section entitled Conflict with Ordinances or Laws was added under Article XII, which addresses cases of conflict between a provision of the Bylaws and any applicable ordinance or law, the applicable ordinance or law shall be controlling.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Tenant-Landlord Commission Bylaws

STAFF:

David Molchany, Deputy County Executive

Michael S. Liberman, Director, Department of Cable Communications and Consumer Protection

James V. McGettrick, Senior Assistant County Attorney

Susan C. Jones, Branch Chief, Consumer Affairs

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January 28, 2008

INFORMATION - 1

Contract Award - Annual Contract for Storm Sewer Repairs Using Masonry Rehabilitation and Open Cut Methods

Five sealed bids were received and opened on Tuesday, December 4, 2007, for the rehabilitation of storm sewer lines using masonry rehabilitation and open cut methods. This contract award will enable the Department of Public Works and Environmental Services (DPWES) to begin rehabilitation of the aging storm sewer infrastructure and respond quickly to repair storm sewer lines where work must be performed promptly in all districts. This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is E.E. Lyons Construction Company, Inc. Its bid of \$1,716,359 is \$319,260.50 or 22.9% higher than the Independent Engineer's Estimate of \$1,397,098.50. The second lowest bid of \$1,809,776 is \$93,417 or 5.4% above the low bid. The highest bid of \$4,099,646.25 is \$2,383,287.25 or 138.9% above the low bid.

The DPWES has analyzed the bids received on the referenced project. The items that varied the most with the Engineer's Estimate were manned entry into pipelines and structures (\$140,000 more than the Engineer's Estimate) and installation cost for various types of storm drainage structures and base units (collectively \$179,260.50 more than the Engineer's Estimate). Based upon the overall bids received, and considering the limitations and restrictions posed by the confined spaces for manned entries, the DPWES has determined that the bid is fair and reasonable.

Although E.E. Lyons Construction Company, Inc. has not completed any projects with Fairfax County, the company has satisfactorily completed several projects in the Commonwealth of Virginia and is considered a responsible contractor. The Department of Tax Administration has verified that E.E. Lyons Construction Company, Inc. has the appropriate Fairfax County Business, Professional and Occupational License. E.E. Lyons Construction Company, Inc. is a small business firm.

This bid may be withdrawn after March 2, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to E.E. Lyons Construction Company, Inc. in the amount of \$1,716,359.

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FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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INFORMATION - 2

Contract Award to CH2M Hill, Inc. to Provide the Engineering Design and Construction Administration Services for the Dogue Creek Pump Station and Ancillary Facilities Rehabilitation Project (Mount Vernon District)

Engineering design and construction administration services are needed for the Dogue Creek Pump Station (DCPS) and Ancillary Facilities Rehabilitation Project, Project L00117, Dogue Creek Pumping Station Rehabilitation, in Fund 402, Sewer Bond Construction. This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

The DCPS has been in operation since 1980. Most of the existing equipment has reached the end of its useful life. Due to the age of the equipment, maintenance and repairs have become frequent. The rehabilitation effort is necessary to ensure the reliability of this major sewage pump station. This project includes replacement of the existing pumps, drive shafts, instrumentation and controls. In addition, a section of the Dogue Creek Force Main will be replaced.

In accordance with the Fairfax County Purchasing Resolution, the engineering firm of CH2M Hill, Inc. was selected based on the firm's technical expertise and relevant experience in the wastewater treatment design and technology for DCPS rehabilitation project. The Department of Tax Administration has verified that CH2M Hill, Inc. is located in Fairfax County and has the required Fairfax County Business, Professional and Occupational License.

CH2M Hill, Inc. will provide the engineering services required to prepare the construction documents. The engineering services will include preliminary design, final design, specifications, and bid assistance. CH2M Hill, Inc. will also assist the County by providing construction administration services during construction.

The engineering design services and the construction administration services contract cost is \$3,000,000.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to CH2M Hill, Inc. in the amount of \$3,000,000.

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FISCAL IMPACT:

Funding in the amount of \$3,000,000 is necessary to award this contract and to fund the associated contingencies and other project costs. Funding of \$1,700,000 is currently available in Project L00117, Dogue Creek Pump Station Rehabilitation, Fund 402, Sewer Bond Construction, to award this contract and fund associated contingency and other project costs. This is a multi-year contract and additional funding for the project will be provided using future system revenues.

ENCLOSED DOCUMENTS:

Attachment 1 – List of Awardee and Other Firms Interviewed
(Copy of contract is available in the Office of the Clerk to the Board)

STAFF:

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

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INFORMATION – 3

Contract Award – West Ox Road/Monroe Street Intersection Improvement (Hunter Mill District)

Ten sealed bids were received and opened on Tuesday, December 18, 2007, for the construction of West Ox Road/Monroe Street Intersection Improvement, Project No. 064242, in Fund 304, Transportation Improvements. This project provides for construction of a left turn lane from West Ox Road to Monroe Street, asphalt trail, pavement marking, curb and gutter, and other related items. This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Arthur Construction Company, Inc. Its bid of \$102,551.00 is \$73,732.50 or 41.83% lower than the Engineer's Estimate of \$176,283.50. The second lowest bid of \$138,774.00 is \$36,223.00 or 35.32% above the low bid. The highest bid of \$240,000.00 is \$137,449.00 or 134.00% above the low bid.

The Department of Public Works and Environmental Services has analyzed the bids received on this project. The items that varied the most with the Engineer's Estimate were Mobilization (\$6,500 less), Regular Excavation (\$7,900 less), Eradication of Pavement Marking (\$8,145 less), and Maintenance of Traffic (\$10,500 less). These items in conjunction with a higher level of competition (10 bidders) combined to make this a favorable below estimate bid.

Arthur Construction Company, Inc. has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Arthur Construction Company, Inc. has the appropriate Fairfax County Business, Professional and Occupational License. Arthur Construction Company, Inc. is a Small and Minority Business.

This bid may be withdrawn after January 31, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Arthur Construction Company, Inc. in the amount of \$102,551.00.

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FISCAL IMPACT:

Funding in the amount of \$350,819.33 is necessary to award this construction contract and to fund the associated contingencies and other project costs, including land acquisition, utility relocation, contract administration, and inspection. Funds are currently appropriated in the amount of \$350,819.33, in Project 064242, Fund 304, Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders
Attachment 2 – Vicinity Map

STAFF:

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

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INFORMATION - 4

Contract Award - Engineering Design Services for Lorton Road Widening (Mount Vernon District)

Consultant services are needed to provide engineering design services for the widening of Lorton Road, Project 4YP213, in Fund 304, Transportation Improvements. The project will consist of widening Lorton Road to a 4-lane divided section including a shared use path, on-road bike lanes and a wide center median in the Laurel Hill area. The project limits are shown on the attached map. This project was included in the fall 2007 Transportation Bond Referendum and is in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

The engineering firm of ATCS, P.L.C. (ATCS) was selected in accordance with the guidelines contained in the Fairfax County Purchasing Resolution.

The contract award is for the amount of \$3,270,000 to provide design services for the preliminary, intermediate, and final design of the project.

The Department of Tax Administration has verified that ATCS is not required to have a Fairfax County Business, Professional and Occupational License because the business is located in Loudoun County.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to ATCS in the amount of \$3,270,000.

FISCAL IMPACT:

Funding is currently available in Project 4YP213, Lorton Road, Fund 304, Transportation Improvements Fund to award this contract and fund other design related costs.

ENCLOSED DOCUMENTS:

Attachment 1 – Project Map

Attachment 2 – List of Awardee and Other Firms Interviewed

(Copy of Contract is 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 - 5

Contract Award – Real Estate Development Advisory Services

On September 25, 2007, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP08-947337-10) for real estate development advisory services to assist the County in the evaluation and negotiation of public private partnerships for the provision of public infrastructure involving the acquisition, sale, transfer, lease and/or joint use of County land. The request and resultant proposed contracts are for the provision of various analytical and negotiation activities related to the selection and development of project concepts, feasibility analyses of business and program issues, assistance in procurement and evaluation of bids, and assistance in negotiations. In addition, each contract allows for the provision of a leasing inventory review program and representation for lease negotiations which may be utilized by County property managers to improve lease management. The parameters contained in the RFP and evaluation criteria allowed the County to make more than one award for this service.

Nine firms responded to the solicitation with a proposal by the closing date of October 16, 2007. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposals, the SAC negotiated with the top ranked offerors and unanimously recommended to award a contract each to Alvarez & Marsal and to Jones Lang LaSalle, both located in Washington, DC. Each firm is highly regarded and experienced in a wide range of markets, and has significant organizational depth, strong local presence and familiarity with local markets.

Both companies have submitted all required licenses and insurance information that would allow for them to provide consultant services in the Commonwealth of Virginia. The Department of Tax Administration has verified that Alvarez & Marsal and Jones Lang LaSalle are not required to have a Fairfax County Business, Professional and Occupational License (BPOL).

Compensation for each contract is primarily oriented to be on a project by project basis with provision for ancillary on-going services. Each contract will offer a choice of compensation structures to provide County agencies flexibility to select the total package of services and compensation structure that best meets the County needs for the particular project at the least estimated cost per project. One provider will be compensated strictly on a project by project basis with minor ancillary services to be absorbed outside the scope of each engagement. The other contract will be compensated utilizing a base monthly retainer with incremental increases for additional

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projects and will be based on the actual length of time engaged on the project. Success based fees to be paid by developers may also be negotiated on a case by case basis which, if employed, would allow a credit to the County, providing an additional performance incentive. Cost limits by project phase and length of work have been pre-negotiated based on anticipated scope and provision has been made for periodic performance reviews. Actual costs will be determined through pre-negotiation at each stage of development. For example, a feasibility analysis is not expected to exceed approximately \$92,000, but may actually be less after review of expected scope and outcome.

Each of these firms is expected to provide positive, verifiable value added to the results of the County's business negotiations. It is expected that each will provide sufficient improvement to the County's monetary or savings return that will prove adequate to cover their costs. The periodic performance reviews incorporated into the contracts will examine the actual production of savings or additional value gained, and whether the fee structure is meeting our expectations to provide flexibility and control costs. Two firms have been selected to ensure, among other things, that the County has a method of resolving potential conflicts of interest that may arise through a firm's representation of other clients with whom the County may be negotiating, and so that we can select the firm best suited to the individual task. Another anticipated benefit will be to reduce the number of separate consultants engaged by the County for similar purpose thus achieving economies of scale. With two firms under contract at pre-negotiated rates, staff will be permitted to consolidate various services as other contracts expire and will not need to enter into a new RFP process to obtain services each time a new project is identified for analysis.

Projects that may immediately benefit from these services include the upcoming negotiations for the Wiehle Avenue development, examination of economic options with regard to the Kingstowne library and workforce housing, the East County human services center, and the redevelopment proposals now under consideration.

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award the contracts to Alvarez & Marsal and Jones Lang LaSalle. The total estimated amount of is expected to fall within a range of \$60,000 to \$400,000 per project depending on the final scope of work for each project and length of time necessary to complete each project phase. The contracts are three year contracts with five one-year renewal options subject to the results of periodic performance review.

FISCAL IMPACT:

The ultimate fiscal impact will be dependant on the final scope of work for each project, how many phases are actually employed, and the length of time that the contract is in

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place. The monthly retainer for one of the contracts will start at \$25,000 per month. The estimated total for a project that utilizes these services from the very beginning at concept development through feasibility analysis, solicitation and negotiation is not expected to exceed \$400,000 per project, whichever method is chosen, to be paid from project budgets. If employed, the success based fee may actually return to the County up to 25 percent of the fee paid by the developer to the contractor if the aggregate total compensation to the contractor for all projects exceeds \$1 million for the year. Preliminary analysis and other concept development work conducted before a project is selected typically will be the responsibility of the user agency and funded from its appropriations. As noted previously, costs for successfully negotiated and implemented projects that result in revenue or savings return to the County are expected to be reimbursed through increased revenues from the use of County property or decreased project construction costs.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors for RFP08-947337-10

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

Barbara Byron, Director, Office of Community Revitalization and Reinvestment

Leonard P. Wales, County Debt Manager

Jose A. Comayagua, Director, Facilities Management Department

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INFORMATION – 6

Service Changes to FAIRFAX CONNECTOR Routes to be Implemented in Early Calendar Year 2008

This is to advise the Board that the Transit Services Division (TSD) of the Fairfax County Department of Transportation intends to change the schedules and/or routings of several FAIRFAX CONNECTOR bus routes in early calendar year 2008 as proposed below. The affected routes are 171, 401, 605, 927, 950, RIBS 1, and RIBS 4. Dependent on route, these changes are considered necessary in order to relieve problems of overcrowding on buses, buses running late or a combination of the two after having determined that the problems are persistent and require intervention by the County to resolve them.

The changes proposed for routes 171, 401, and 950 are service improvements that will not adversely affect current customers. The potential impacts that the changes proposed for RIBS 1, RIBS 4, and Route 927 could have on customers are included in the proposals below. TSD began as early as November 2007, and continues, to solicit comments on the proposals from customers and will take their comments into consideration before making any changes. Comments are being solicited from customers through notifications posted on the Fairfax Connector web site, at transit stations and bus stops, and through customer handouts.

The proposals for each route are as follows.

Route 171 (Lee and Mt. Vernon Districts): Add a trip at 11:15 p.m. on weekdays to alleviate the problem of having to deny service to customers at the Huntington Metro Station between 11:00 p.m. and midnight due to lack of capacity.

Route 401 (Braddock, Lee, Mason and Providence Districts): Using available resources; add short northbound trips during the morning peak and short southbound trips during the afternoon peak on weekdays. This change will relieve overcrowding on buses which has resulted in having to deny service to customers during these time periods and will enhance weekday service with more trips.

Route 605 (Hunter Mill, Sully, and Springfield Districts): Modify the routing on the south end of the route so that it services Fairfax Corner and the Government Center before going to Fair Oaks Mall which would become the southern terminus of the route. This change will save a few minutes of running time to help with schedule reliability and provide drivers with a layover location where short breaks can be taken.

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RIBS 1 (Hunter Mill District): Remove service to the United States Geological Survey (USGS) on RIBS1 to improve schedule reliability. RIBS 1 and RIBS 3 both serve the USGS during the morning and afternoon peak periods. These two routes are mirrors of each other that operate in opposite directions. RIBS 1 has not been able to operate on schedule during the morning and afternoon peaks for some time due to increased traffic volumes in Reston. The running time saved by dropping USGS will enable RIBS 1 to operate on schedule. This change will not leave USGS without service as it will continue to be served by RIBS3.

RIBS 4 (Dranesville and Hunter Mill Districts): Change RIBS 4 from a one-way loop to a bi-directional line and eliminate the northernmost loop from Center Harbor Road to Wiehle Ave to Reston Parkway, and the easternmost loop from Baron Cameron Avenue to North Shore Drive to Wiehle Avenue. This change will enable RIBS 4 to operate on schedule, enable customers to directly access Reston Town Center and return from the North Point Village area without having to travel to Herndon first, provide new bi-directional service to the YMCA and Target on Sunset Hills Road, provide two-way service on Fountain and Bracknell Drives, and potentially relieve overcrowding on Fairfax Connector Route 950. Elimination of the northernmost loop could adversely affect up to five customers per weekday. Elimination of the easternmost loop should have no adverse affects as the loop is covered 100% by Route 574.

Route 927 (Hunter Mill District): Modify the routing so that River Birch Road and Coppermine Road are used to connect Sunrise Valley Drive with Centreville Road instead of Frying Pan Road. Route 927 was established in 1999 to serve the emerging residential, commercial and office park developments between the Dulles Toll Road and Frying Pan Road west of Monroe Street which includes McNair Farms, Dulles Corner Park and Presidents Park. Since 1999 the route has been operating all day on weekdays with one bus that has 5 minutes of recovery time at the end of each trip.

The increases in traffic volumes that have taken place since 1999 make it impossible for the Route 927 bus to stay on schedule and still have time to recover from running late during the morning and afternoon peaks. This routing change will shorten the route enabling it to operate on schedule and add service to the developed areas south of Coppermine Road west of Centreville Road. With this change, the bus stops on Centreville Road at Virginia Randolph Avenue and at McNair Farms Drive would no longer be serviced by Route 927. Since these two stops are also serviced by Fairfax Connector Route 929 during rush hours, the change to Route 927 should affect very few, if any, customers.

Route 950 (Dranesville and Hunter Mill Districts): Increase frequency of eastbound afternoon trips between Reston Town Center and Herndon Monroe Park-and-Ride to address problems affecting schedule reliability and overcrowding on buses.

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Unless otherwise directed by the Board of Supervisors, TSD will proceed to implement these service changes in early March of 2008.

ENCLOSED DOCUMENTS:

None

FISCAL IMPACT:

None. Some of the buses normally deployed to cover operational contingencies will be assigned to operate the additional trips proposed for Routes 171, 401 and 950. The changes proposed for the other routes are budget neutral given that time is not being added to their schedules nor are additional buses required to operate them.

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 - 7

Notification of Contract Amendments for Land Development and Architectural Services for the Crescent Apartments Property (Hunter Mill District)

In April 2004, the Fairfax County Board of Supervisors announced an Affordable Housing Preservation Initiative to preserve existing affordable housing and to increase the production of new affordable housing within the County. In an effort to achieve this goal, on February 6, 2006, the Board of Supervisors adopted a resolution authorizing the issuance by the Fairfax County Redevelopment and Housing Authority (FCRHA) of Bond Anticipation Notes for the acquisition of the Crescent Apartments ("the Crescent"). The Crescent, which consists of 180 garden style apartment units within five buildings, was constructed in 1963. The street address for the property is 1527 Cameron Crescent Drive, Reston, Virginia and is being managed by the (FCRHA). The site which is located east of North Shore Drive across from the Lake Anne Revitalization Area is approximately sixteen and one-half acres, of which a portion may be suitable for future redevelopment.

To further the Board of Supervisors' efforts of preserving the existing housing stock and increasing the production of new affordable housing, on October 26, 2006, the FCRHA authorized an allocation of up to \$300,000 from Fund 946, FCRHA Revolving Development Fund, for the purpose of obtaining professional services to develop a conceptual plan for the Crescent property. Since then, the Department of Housing and Community Development (HCD) hired Jones Lang LaSalle (JLL), a real estate development firm, and Cunningham + Quill Architects, PLLC (CQA) for architectural services. The consultants have begun the initial research and analysis required before they can move onto the design of several compatible redevelopment scenarios.

As the initial contract work is nearly complete, it is proposed to amend the original contracts to include the remaining pre-development work which will include an architectural and engineering analysis of the site to determine the mix of uses, the density, the type of housing units that may be appropriate, road improvements and architectural renderings of the buildings and site. The alternatives would depict redevelopment possibilities that can best be incorporated into the neighborhood and will also anticipate future effects on schools, transportation, and other services in the community. The analysis will also address if the site should be subdivided to provide both market rate and affordable housing on the property. To ensure that the public and community vision for the redevelopment of the site is implemented, HCD will work with the community and develop alternatives for presentation throughout the planning process.

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Land Development Services Contract

The real estate development firm of JLL was hired to begin the pre-development planning analysis for several development alternatives for the original contract amount of \$49,000. It is now proposed that the contract with JLL be amended to include services that establish and validate the various conceptual plans. At its meeting on December 13, 2007, the FCRHA approved a contract amendment in the amount of \$56,000 plus a standard ten percent (10%) contingency in the amount of \$5,600 to fund change orders for unanticipated design expenses pending notification of the Board of Supervisors. Total funding in the amount of \$61,600 is necessary to amend the contract and fund the associated contingency. The revised total contract amount for land development services is \$105,000, with an additional \$5,600 in contingency.

Architectural Services

CQA's current contract, in the amount of \$49,000, initiates the research and analysis necessary to begin the master planning process for the Crescent site. The contract amendment is to provide additional master planning and architectural services which will include the design of several alternative conceptual plans in cooperation with the civil and geotechnical engineers plus the land use consultant for this project and the community. At its meeting on December 13, 2007, the FCRHA approved a contract amendment for CQA in the amount of \$117,000 plus a standard ten percent (10%) contingency in the amount of \$11,700 to fund change orders for unanticipated design expenses pending notification of the Board of Supervisors. Total funding in the amount of \$128,700 is necessary to amend the contract and fund the associated contingency. The revised total contract amount for architectural services is \$166,000, with an additional \$11,700 in contingency.

Unless otherwise directed by the Board of Supervisors, the FCRHA will proceed to award the contract amendments to JLL in the amount of \$56,000, which results in a total contract amount of \$105,000, and CQA in the amount of \$117,000, which results in a total contract amount of \$166,000.

FISCAL IMPACT:

Funding in the amount of \$61,600 is required to fund the contract amendment and the associated contingency for land development services with JLL. Funding in the amount of \$128,700 is required to fund the contract amendment and the associated contingency for the architectural services contract with CQA.

Combined, the contract amendments and the associated contingencies require a total of \$190,300. Funds are currently available in Fund 319, The Penny For Affordable Housing, Project 014239, Crescent Apartments. As of January 9, 2008, funds in the amount of \$2,867,588 are available in Fund 319, Project 014239.

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ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Acting Deputy Director, Real Estate and Development, HCD

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

Thomas W. Armstrong, Development Officer, Design, Development and Construction
Division, HCD

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INFORMATION - 8

Potential Location of Additional Noise Monitors in the Vicinity of Washington Dulles International Airport

The Metropolitan Washington Airports Authority (MWAA) is preparing to replace all existing noise monitors for Ronald Reagan Washington National Airport and Washington Dulles International Airport. Existing noise monitors for both airports will be replaced at their current locations. As part of this replacement program, MWAA is planning to add eight new monitors for the area around Washington Dulles International Airport. Four of these new noise monitors will be located within Fairfax County with the remaining four noise monitors to be located within Loudoun County. According to MWAA adding eight new monitors for the Dulles area will bring it up to the number of noise monitors currently in-place for Reagan National Airport.

MWAA has three basic requirements for the selection of new noise monitoring sites. The sites must be publicly owned, be accessible by vehicle and have access to electricity and phone lines for the monitors. At MWAA's request, staff within the Department of Planning and Zoning identified a number of public sites, including county parks and public schools, that might meet the basic requirements for new monitoring sites for the Dulles Airport area. This information was also sent to the Chairman of the Fairfax County Airports Advisory Committee (hereafter referred to as the Airports Advisory Committee).

The Airports Advisory Committee has discussed this issue and has prepared a list of sites for consideration by MWAA. In order of priority, their suggested sites are: Richard W. Jones Park/Pleasant Valley Golf Course, Cub Run Recreation Center and Westfields High School in the Pleasant Valley Road area. Several potential sites have also been noted for the Reston and Herndon areas, including Dogwood Elementary School, Aldrin Elementary School, the Fairfax County Water Authority treatment facility located at the intersection of Wiehle Avenue and the Fairfax County Parkway, Armstrong Elementary School and the South Lakes High School campus and surrounding schools area. They also identified Virginia Run Elementary School as a site which might augment the data collected from a site further north on Pleasant Valley Road. The Airports Advisory Committee list includes several potential sites that have been considered to address noise concerns in the Oakton area. While the Navy Elementary School site was originally considered a good candidate, Crossfield Elementary School is identified as possibly being a more useful location in this area. Finally, Popes Head Park and Clifton Elementary were given consideration, but it was felt that these two locations would not provide as useful noise monitoring data as

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locations closer to Dulles Airport. The Airports Advisory Committee's complete recommendations are included in Attachment 1.

As an entity of the federal government, MWAA is not subject to site plan approval, "2232" review process for public facilities, building permit approval or any other forum which might permit direct public input into their site selection or development process. The noise monitors are slightly larger than a typical toaster oven and are normally mounted on top of existing structures. In some instances they may be ground-mounted atop a pole of approximately 25-feet in height where existing buildings are not available. According to the manufacturer, typical electric cost for each noise monitor is just over one dollar per week based on current rates.

It is staff's understanding that MWAA will begin installing the new noise monitors for Reagan National Airport and Dulles Airport shortly and could finish as early as March 2008. Additional information on the new noise monitors and their locations can be obtained from Neal Phillips, Noise Abatement Manager at MWAA. He can be reached at 703-417-8745.

ENCLOSED DOCUMENT:

Attachment 1 – Fairfax County Airports Advisory Committee Recommendation on the Location of Additional Noise Monitors

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
Pamela G. Nee, Chief, Environment and Development Review Branch, PD, DPZ
John R. Bell, Planner III, Environment and Development Review Branch, PD, DPZ

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INFORMATION - 9

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

This is the final quarterly status report on the Board's first Four-Year Transportation Program for FY2005 through FY2008, which was unanimously endorsed by the Board on February 9, 2004. This significant transportation initiative included a \$215 million commitment of capital funds for major highway and transit improvement projects, spot capacity and safety intersection improvements, and pedestrian improvements throughout the County as well as improvement strategies in the areas of pedestrian safety and access, incident management, signalization and intersection traffic flow, context engineering, expedited project delivery, teleworking, and transportation funding. Funding for the capital program was a combination of \$50 million in federal Regional Surface Transportation Program (RSTP) and Congestion Management and Air Quality (CMAQ) funds as well as \$165 million in County General Obligation (G.O.) bonds approved by the voters on November 2, 2004.

This report has been compiled by Fairfax County Department of Transportation (FCDOT) staff in consultation with their implementation partners in the Department of Public Works and Environmental Services (DPWES) and the Virginia Department of Transportation (VDOT) Northern Virginia District.

The information provided in the attached December 2007 report is an update to the September 2007 status report which was provided to the Board on October 15, 2007.

Beginning with the March 2008 quarterly report, staff will be reporting on the projects and initiatives in the Board's second Four-Year Program for 2008-2011. This includes projects funded in the November 2007 transportation bond and other projects expected to be completed by 2011. Staff provides a status update every quarter for the Four-Year Program and other selected projects, and an annual report in the fall on all active transportation projects. The status reports are posted on the FCDOT web site following the Board's review.

ENCLOSED DOCUMENTS:

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

Board Agenda Item
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STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Howard J. Guba, Deputy Director, DPWES

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

Karyn Moreland, Section Chief, Capital Projects Section

Beth Iannetta, Capital Projects Section, FCDOT

Chip Galloway, Capital Projects Section, FCDOT

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11:10 a.m.

Matters Presented by Board Members

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12:00 p.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. *Liberty Mutual Insurance Company, et al. v. County of Fairfax. Virginia, et al.*, Case No. CL-2007-0006134 (Fx. Co. Cir. Ct.)
 - 2. *Ernst B. Sprinckmoller v. Ronald K. Haas*, Case No. CL-2007-0002364 (Fx. Co. Cir. Ct.)
 - 3. *Elias Serrano v. Jose C. Letona Crespin*, Case No. CL-2007-0010119 (Fx. Co. Cir. Ct.)
 - 4. *County of Fairfax v. Angela Y. Glasgow and Annette Swift-Bynoe*, Case No. 07-22048 (Fx. Co. Gen. Dist. Ct.)
 - 5. *Admiral Limousine and Transportation Service, Inc. v. County of Fairfax and Department of Tax Administration*, Case No. CL 2007-0014589 (Fx. Co. Cir. Ct.)
 - 6. *David Bernhard and Cheryl E. Gardner v. The Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2007-0012368 (Fx. Co. Cir. Ct.) (Mason District)

7. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norma Cuenca*, Case No. CL-2007-0011604 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leandro Villarroel, Agustin Jaime Ferrufino-Castro, and Silvio Beatriz Beza De Ferrufino*, Case No. CL-2007-0011604 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mery Raquel Vilcapoma Inga*, Case No. CL-2007-0013788 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Rivas*, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lynn Tjeerdsma and Mary Tjeerdsma*, Case No. CL-2007-0010110 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ada M. Evans*, Case No. CL-2007-0015191 (Fx. Co. Cir. Ct.) (Providence District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jean Manansala*, Case No. CL-2007-0011087 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. George Davis and Donna Davis*, Case No. CL-2007-0010981 (Fx. Co. Cir. Ct.) (Lee District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Arcadian Limited Partnership*, Case No. CL-2007-0010111 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roy Faircloth*, Case No. CL-2007-0003748 (Fx. Co. Cir. Ct.) (Springfield District)

17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John A. Ruth*, Case No. CL-2008-0000220 (Fx. Co. Cir. Ct.) (Lee District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Greenwood Homeowners Association*, Case No. CL-2008-0000219 (Fx. Co. Cir. Ct.) (Lee District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kings Crossing Venture, LLC*, Case No. CL-2008-0000352 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rafael Antonio Carbajal and Maria Delmi Carbajal*, Case No. CL-2008-0000293 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Shirley A. Guernsey*, Case No. CL-2007-0015387 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. REO Properties Corporation*, Case No. CL-2008-0000467 (Fx. Co. Cir. Ct.) (Lee District)
23. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mohamed Sorour*, Case No. CL-2007-0015044 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sonia G. Munoz*, Case No. CL-2007-0015538 (Fx. Co. Cir. Ct.) (Mount Vernon District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Santos Paradas*, Case No. CL-2007-0015533 (Fx. Co. Cir. Ct.) (Mount Vernon District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leslie M. Hood*, Case No. CL-2007-0015310 (Fx. Co. Cir. Ct.) (Hunter Mill District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joun Suk Lim, Jung Sook Lim, and Tower Construction, Inc.*, Case No. CL-2007-0015312 (Fx. Co. Cir. Ct.) (Providence District)

28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Park Crest SPE Phase I, LLC*, Case No. CL-2007-0015242 (Fx. Co. Cir. Ct.) (Providence District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Adeeb S. Ibrahim, Jr.*, Case No. CL-2008-0000050 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilber E. Sorto*, Case No. CL-2007-0015536 (Fx. Co. Cir. Ct.) (Lee District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Campos and Ligia Campos*, Case No. CL-2008-0015534 (Fx. Co. Cir. Ct.) (Lee District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. David Whedon*, Case No. CL-2008-0000292 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael P. Savage*, Case No. CL-2008-0000541 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Delia M. Reyes and Huber Bueno*, Case No. CL-2008-0000290 (Fx. Co. Cir. Ct.) (Lee District)
35. *Board of Supervisors v. Jacobsen Builders, Inc., et al.*, At Law No. CL-2005-0002874 (Fx. Co. Cir. Ct.) (Braddock District)

Board Agenda Item
January 28, 2008

3:00 p.m.

Annual Meeting of the Fairfax County Solid Waste Authority

ISSUE:

Fairfax County Solid Waste Authority annual meeting.

RECOMMENDATION:

The County Executive recommends that the Fairfax County Solid Waste Authority hold its annual meeting in accordance with the Bylaws for the Authority; appoint officers; approve the minutes of the January 22, 2007, meeting; and approve the financial statements.

TIMING:

Immediate. The Bylaws of the Fairfax County Solid Waste Authority require the annual meeting to coincide with the time for the last regular meeting of the Board of Supervisors set in January.

BACKGROUND:

According to the Bylaws of the Fairfax County Solid Waste Authority, the regular annual meeting of the Authority shall coincide with the time for the last regular meeting of the Board of Supervisors set in January. The proposed agenda of the Authority meeting is included as Attachment I. The Bylaws further require a review and approval of the minutes of the previous year's meeting (Attachment II) and that officers of the authority be appointed to serve for a one-year term.

During FY 2007, the I-95 Energy/Resource Recovery Facility (E/RRF) processed 1,059,002 tons of municipal solid waste, 13.8% above the Guaranteed Annual Tonnage (GAT) of 930,750 tons required by the Service Agreement with Covanta Fairfax, Inc. (Covanta), owner and operator of the facility. This is the second year that the entire GAT tons were composed entirely of waste from Fairfax County.

The June 2007 stack test documented emissions from the E/RRF that were well below regulatory and permit limits established by the U.S. Environmental Protection Agency (EPA) and the Virginia Department of Environmental Quality. Covanta is current in paying the construction bonds. Other financial information is contained in the Financial Statements (Attachment III).

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In December 2007, the Board of Supervisors and the Authority approved an amendment to the Service Agreement that would allow the facility to produce more than 80 megawatts of electricity. This change allows the maximum amount of electrical energy production from waste delivered to the facility.

County staff continues to meet with Covanta to craft an amendment and restatement of the Service Agreement that will be presented to the Board of Supervisors and Authority for review and approval, when complete. The revised agreement will be consistent with the County-adopted Solid Waste Management Plan which seeks to extend the use of the E/RRF through 2026.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I – Fairfax County Solid Waste Authority Meeting Agenda, January 28, 2008

Attachment II – Minutes of the January 22, 2007, Solid Waste Authority Meeting

Attachment III – Financial Statements and Supplemental Information

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

Board Agenda Item
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3:00 p.m.

Board Decision on PRC B-846 (JBG/RIC Retail LLC, JBG/RIC LLC) to Approve the PRC Plan Associated with DP B-846 to Permit High Density Residential, Minor Commercial and Office Service Center Development, Located on Approximately 9.96 Acres Zoned PRC, Hunter Mill District

The application property is located at 11800 Sunrise Valley Drive, Tax Map 17-3 ((3)) 1C and 1D.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 28, 2007, the Planning Commission unanimously voted (Commissioner Koch not present for the votes; Commissioners Hopkins, Murphy, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PRC B-846, subject to the Development Conditions set forth in Attachment 1 of the staff report addendum dated November 20, 2007; and
- Modification of the transitional screening requirements between the proposed residential uses and the non-residential uses.

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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January 28, 2008

3:00 p.m.

Public Hearing on PCA 1998-BR-073 (Steuart-Burke Centre Shopping Center, L.L.C.) to Amend the Proffers for RZ 1998-BR-073 Previously Approved for Commercial Development to Permit a Drive-In Bank and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.1, Located on Approximately 2.18 Acres Zoned PRC, Braddock District

and

Public Hearing on PCA 75-8-036-02 (Steuart-Burke Centre Shopping Center, L.L.C.) to Amend the Proffers for RZ 75-8-036 Previously Approved for Commercial Development to Permit a Drive-In Bank and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.24, Located on Approximately 11.0 Acres Zoned PRC, Braddock District

and

Public Hearing on DPA C-546-23 (Steuart-Burke Centre Shopping Center, L.L.C.) to Permit the 23rd Amendment of the Development Plan for RZ C-546 Previously Approved for Commercial Development to Permit a Drive-In Bank with an Overall Floor Area Ratio of 0.25 and Associated Modifications to Site Design, Located on Approximately 13.18 Acres Zoned PRC, Braddock District

and

Public Hearing on PRC C-546 (Steuart-Burke Centre Shopping Center, L.L.C.) to Approve the PRC Plan Associated with DPA C-546, Located on Approximately 13.18 Acres Zoned PRC, Braddock District

The application property is located approx. 500 feet east of the intersection of Ox Road and Burke Centre Parkway, Tax Map 77-1 ((1)) 63 and 64.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 7, 2007, the Planning Commission voted 10-0-1 (Commissioner Hall abstaining; Commissioner Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of DPA C-546-23, subject to the Development Conditions dated November 7, 2007;
- Approval of PRC C-546;

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- Approval of PCA 1998-BR-073, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report;
- Approval of PCA 75-8-036-02, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report; and
- Modification of the transitional screening requirement and waiver of the barrier requirement along the northern property boundary.

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
January 28, 2008

3:30 p.m.

Public Hearing on SE 2006-MA-021 (Thakorlal Mistry et ux & Babubhai S. Mistry et ux) to Permit Uses in a Floodplain and a Waiver of the Minimum District Size, Located on Approximately 10,009 Square Feet Zoned R-3, Mason District

The application property is located at 3211 Hallran Road, Tax Map 61-2 ((4)) 14.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 7, 2007, the Planning Commission unanimously voted (Commissioner Hopkins not present for the vote; Commissioner Sargeant absent from the meeting) to recommend that the Board of Supervisors approve SE 2006-MA-021, subject to the Development Conditions dated October 22, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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January 28, 2008

3:30 p.m.

Public Hearing on SE 2007-MA-013 (PNC Bank, N.A.) to Permit a Drive-In Bank in a Highway Corridor Overlay District and Modifications and Waivers in a Commercial Revitalization District, Located on Approximately 41,044 Square Feet Zoned C-6, CRD, HC and SC, Mason District

and

Public Hearing on SEA 97-M-024 (PNC Bank, N.A.) to Amend SE 97-M-024 Previously Approved for a Waiver of Sign Regulations to Permit a Reduction in Land Area and Waivers and Modifications in a Commercial Revitalization District, Located on Approximately 23.45 Acres Zoned C-6, CRD, HC and SC, Mason District

<p>The Planning Commission deferred this application until February 7, 2008; therefore, the Board of Supervisors public hearing is deferred to February 25, 2008 at 3:30 p.m.</p>

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3:30 p.m.

Public Hearing on PCA 82-P-069-18 (Fair Lakes Center Associates L.P.) to Amend the Proffers for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit an Increase in Permitted Office and Retail Uses and Site Modifications with an Overall Floor Area Ratio of Approximately 0.64, Located on Approximately 13.96 Acres Zoned PDC and WS, Springfield District

and

Public Hearing on CDPA 82-P-069-05-01 (Fair Lakes Center Associates L.P.) to Amend the 5th Conceptual Development Plan for RZ 82-P-069 Previously Approved for Mixed Use Development to Permit an Increase in Permitted Office and Retail Uses and Site Modifications, Located on Approximately 13.96 Acres Zoned PDC and WS, Springfield District

The Planning Commission public hearing has been deferred to February 7, 2008; therefore, the Board of Supervisors public hearing is deferred to February 11, 2008 at 3:30 p.m.

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Board Agenda Item
January 28, 2008

4:00 p.m.

Public Hearing on PCA 84-L-020-23 (Kingstowne LLP, Kingstowne Parcel O L.P.; Kingstowne M & N LP; BP Kingstowne Office Building T, LLC; Kingstowne Towne Center L.P.; BP Kingstowne Office Building K LLC; BP Kingstowne Theatre, LLC) to Amend the Proffers for RZ 84-L-020 Previously Approved for Mixed Use Development to Permit Two Additional Buildings, Site Modifications and Associated Modifications to Proffers to a Portion of the Kingstowne Shopping Center with an Overall Floor Area Ratio of 1.03, Located on Approximately 43.37 Acres Zoned PDC, Lee District

The application property is located in the northeast and southeast quadrants of the intersection of Kingstowne Boulevard and Kingstowne Village Parkway, Tax Map 91-2 ((1)) 26K, 32F, 36B, 36C, 36G, 36H and 36I.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 4, 2007, the Planning Commission voted unanimously (Commissioners Hart, Harsel, and Lawrence not present for the votes; Commissioner Hopkins absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 84-L-020-23 and the associated Conceptual Development Plan Amendment, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report, with the following revisions agreed to by the applicant:
 - Require that the results of the market analysis addressing building heights be provided to the Lee District Planning Commissioner and the Lee District Supervisor; and
 - Provide additional landscaping to lessen the impact to the Brighton community.
- Modification of the transitional screening requirement to the north and west of the subject property; and
- Waiver of the barrier requirement at all edges of the PDC District subject to the application.

The Planning Commission voted unanimously (Commissioners Hart, Harsel, and Lawrence not present for the votes; Commissioner Hopkins absent from the meeting) to approve FDPA 84-L-020-02-13, subject to Board approval of PCA 84-L-020-23.

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ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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

Board Agenda Item
January 28, 2008

4:00 p.m.

Public Hearing on Proposed Area Plan Review Item 05-CW-3ED for Editorial Updates to the LP2-Lorton South Community Planning Sector, Lower Potomac Planning District (Mount Vernon District)

ISSUE:

Area Plans Review nomination (APR) 05-CW-3ED proposes editorial updates to the LP2-Lorton South Community Planning Sector in the Lower Potomac Planning District. The district extends from Pohick Creek to the Occoquan River and is generally located along Interstate 95. This nomination does not propose land use or intensity changes. The proposed updates would revise the Plan text to reflect current information, such as new tax map numbers and subdivision names. The nomination also would add new Plan text maps, which make the text recommendations easier to understand. Subsequent maps in the section would be renumbered. Finally, Sub-units B5-a and B5-b would be consolidated into Sub-unit B5. The consolidation would simplify the Plan recommendation, as these sub-units have the same planned land use and intensity. The Plan map would not change.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 29, 2007, the Planning Commission voted unanimously (Commissioners Hopkins and Murphy absent from the meeting) to adopt the staff recommendation and to forward APR-05-CW-3ED to the Board of Supervisors for public hearing, as set forth in Attachment 1 of the staff report dated November 16, 2007, with the following caveats:

- Emphasize that the only revisions to the general Locator Map and Plan text are due to merging subunits B-5a and B-5b into subunit B-5 with no change in land use recommendations;
- Add language indicating that the eight new figures will be placed where the text for the applicable subunits are located in the Comprehensive Plan;
- Provide a matrix on the website listing the prior map numbers and the corresponding new map number as a service to the public.

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RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Planning Commission recommendation for proposed APR Item 05-CW-3ED.

TIMING:

Planning Commission public hearing and recommendation – November 29, 2007
Board of Supervisors' public hearing – January 28, 2008

BACKGROUND:

As part of the 2005 South County Area Plan Review, a staff nomination was submitted to editorially update the Plan text for the LP2 Lorton South Community Planning Sector. The Mount Vernon District Task Force reviewed this nomination and recommended deferral. The Planning Commission deferred this item on April 27, 2006 to allow for the creation of new maps using updated base information.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for APR Item # 05-CW-3ED with Planning Commission clarification on pages 5 and 16, November 29, 2007.

Attachment II: Mount Vernon District Task Force Report for APR Item # 05-CW-3ED

Attachment III: Planning Commission Verbatim

STAFF:

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

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

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

Meghan Van Dam, Planner III, PD, DPZ

Board Agenda Item
January 28, 2008

4:00 p.m.

Public Hearing to Establish the Potters Glen Community Parking District (Lee District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on January 7, 2008, for January 28, 2008, at 4:00 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Tad Borkowski, FCDOT
Maria Turner, FCDOT

Board Agenda Item
January 28, 2008

4:00 p.m.

Public Hearing on an Uncodified Ordinance that Will Provide for up to a One Dollar Temporary Taxicab Fuel Surcharge Until October 31, 2008

ISSUE:

Board of Supervisors' approval of an uncodified ordinance to provide for a temporary taxicab fuel surcharge of up to one dollar per trip, to be effective for the period February 1, 2008 until October 31, 2008.

RECOMMENDATION:

The County Executive recommends that the Board approve an uncodified ordinance to provide for a temporary taxicab fuel surcharge of up to one dollar per trip, to be effective for the period February 1, 2008 to October 31, 2008.

TIMING:

On January 7, 2008, the Board authorized a Public Hearing to consider a temporary taxicab fuel surcharge of one dollar per trip, effective since August 7, 2007, that will expire on January 31, 2008.

BACKGROUND:

On August 6, 2007, the Board adopted staff's recommendation for an uncodified ordinance providing for a one dollar (\$1.00) fuel surcharge per trip, effective August 7, 2007 through January 31, 2008. On December 12, 2007, Murphy Brothers, Inc. requested an extension of that gasoline surcharge beyond January 31, 2008 (Attachment 1). The request cited the expectation of continued high levels of gasoline prices and the resulting economic hardship to taxicab drivers as increased gasoline prices reduce their compensation.

Section 84.1-6-2(c) of the Fairfax County Code (Code) (Attachment 2), provides for a biennial review of taxi rates in odd-numbered years upon petition by a certificate holder or a driver association. That petition must be filed by March 31 of the odd-numbered year. Section 84.1-6-2(g), however, provides for emergency rate relief when petitioners demonstrate dire financial needs as a result of circumstances beyond their control. Further, under Section 84.1-6-2(b), the Board may consider changes in rates, fares or charges upon recommendation of the Director of the Department of Cable Communications and Consumer Protection, or the Consumer Protection Commission.

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The requested rate relief would be implemented by an uncodified ordinance to impose a temporary taxicab fuel surcharge (Attachment 3). By notice published on January 10, 2008 and again on January 17, 2008 (Attachment 4), the public was notified that a public hearing would be held on this proposed uncodified ordinance.

Taxicab fare rates were last set in June 2005, based on average regular-grade gasoline prices in March 2005 of \$2.13 a gallon. Retail gasoline prices have experienced wide price swings since that time, resulting in the periodic approval of emergency and temporary fuel surcharges. No biennial rate review was requested by the industry in March, 2007, largely because gasoline prices at that time were not significantly above the March, 2005 level of \$2.13.

Shortly after the March 31, 2007 deadline passed, however, gasoline prices began escalating. By May 2007, regular-grade gasoline was averaging \$3.03 per gallon. In response to these rising gasoline costs, on May 30, 2007, Murphy Brothers, Inc. requested emergency rate relief. On June 18, 2007, the Board approved an emergency 60-day surcharge of \$1.00. On August 6, 2007, with gas prices averaging about \$3.03 for the three-month period May 2007 – July 2007, the Board approved a temporary surcharge of \$1.00. This temporary surcharge expires January 31, 2008.

Staff has analyzed the request for a temporary taxicab fuel surcharge and, for the reasons set forth in the attached staff report (Attachment 5), has concluded that a \$1.00 per trip surcharge is justified. As staff's report notes, the Energy Information Administration anticipates that crude oil prices are expected to remain high and volatile during 2008 due to strong global demand, continuing problems for refineries in the United States and abroad, and ongoing geopolitical risks. As Table 3 in that report illustrates, a \$1.00 per trip fuel surcharge should offset gasoline costs up to about \$2.94 per gallon. Consequently, a \$1.00 surcharge should provide significant relief to taxi drivers, who are suffering economic hardship as a result of high gasoline prices.

Among area jurisdictions, a \$1.00 per trip fuel surcharge is in effect in the District of Columbia and the City of Alexandria, while Prince George's County has adopted a \$2.00 surcharge. Montgomery County increased taxicab fares in February 2006, in part to offset the increased costs of gasoline. Its initial charge, or drop-fee, is now \$4.00, which is almost 50 percent higher than Fairfax County's drop-fee of \$2.75.

In response to a Board query regarding the frequency of enacting a taxicab gasoline surcharge, staff has recommended a longer period (nine months) during which the surcharge would apply. Previous recommendations to enact a surcharge spanned an approximate six-month period. An additional benefit to the surcharge being in effect through October 31, 2008 will be the ability to assess gasoline prices in a non-peak

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driving season period, and thus increase the likelihood that the surcharge could be lowered or removed if gasoline prices fall due to decreased demand.

The Consumer Protection Commission (CPC) conducted a public hearing on January 15, 2008, to hear comments and consider the industry requested \$1.00 surcharge, and staff recommendation to provide for a taxicab gasoline surcharge of \$1.00 for the period February 1, 2008 through October 31, 2008. After hearing comments and considering the issue, the CPC voted unanimously to support the staff recommendation to the Board of Supervisors.

ENCLOSED DOCUMENTS:

- Attachment 1 – Letter from Charles O. King, Vice President, Murphy Brothers Inc.
- Attachment 2 – Section 84.1-6-2 (a), (b), (c), (g), (h)
- Attachment 3 – Uncodified Ordinance to Impose a Taxicab Fuel Surcharge
- Attachment 4 – Public Hearing Advertisement
- Attachment 5 – Staff Report on a Temporary Taxicab Gas Surcharge

STAFF:

- David J. Molchany, Deputy County Executive
- Michael Liberman, Director, Department of Cable Communications and Consumer Protection (DCCCP)
- Dave Reidenbach, Chief, Regulation and Licensing Branch, DCCCP
- Steve Sinclair, Chief, Utilities Branch, DCCCP
- Susan Hafeli, Utility Analyst, DCCCP
- Cynthia Bailey, Assistant County Attorney

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Board Agenda Item
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4:30 p.m.

Public Hearing on AR 98-S-001 (Edith Bierly) Local A&F District Renewal Application
Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on
Approximately 24.17 Acres Zoned R-1, Springfield District

The application property is located on the south side of Hampton Road approximately 500 feet west of its intersection with Ox Road, Tax Map 106-1 ((1)) 14Z and 16Z; 106-1 ((3)) 9Z, 10Z and 18Z.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 25, 2007, the Planning Commission unanimously voted (Commissioners Alcorn and Hall absent from the meeting) to recommend that the Board of Supervisors approve AR 98-S-001, to renew the Bierly Local Agricultural and Forestal District, subject to the Ordinance provisions listed 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)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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4:30 p.m.

Public Hearing on AA 89-D-001 (The Eagle Family Limited Partnership) Local A&F District Amendment Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 80.9 Acres Zoned R-E, Dranesville District

The application property is located at 8008 Georgetown Pike, Tax Map 20-2 ((1)) 8Z, 13Z, 14Z and 48Z; 20-2 ((13)) 4Z and 5Z.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 25, 2007, the Planning Commission voted unanimously (Commissioners Alcorn and Hall absent from the meeting) to recommend that the Board of Supervisors approve AA 89-D-001, to amend the Eagle Local Agricultural and Forestal District, subject to the Ordinance provisions dated October 10, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
January 28, 2008

4:30 p.m.

Public Hearing on SE 2007-SU-012 (Patrice E. McGinn) to Permit a Waiver of Minimum Lot Width, Located on Approximately 2.0 Acres Zoned R-1, Sully District

The Planning Commission deferred this application until February 13, 2008; therefore, the Board of Supervisors public hearing is deferred to February 25, 2008 at 3:30 p.m.

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4:30 p.m.

Public Hearing on PCA 90-L-055 (Beulah Street II, LLC) to Amend the Proffers for RZ 90-L-055 Previously Approved for Office Use to Permit Change in Building Type and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.34, Located on Approximately 4.85 Acres Zoned C-2 and HC, Lee District

The application property is located in the northwest quadrant of the intersection of Grovedale Drive and Beulah Street, Tax Map 81-3 ((5)) 17C and 17D.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 6, 2007, the Planning Commission voted 8-0-1 (Commissioner Koch abstaining; Commissioners Alcorn, Murphy, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 90-L-055, subject to the execution of proffers consistent with those dated November 28, 2007; and
- Modification of the transitional screening requirements along the eastern, northern, and western property boundaries in favor of that shown on the Generalized Development Plan (GDP).

The Commission voted unanimously (Commissioners Alcorn, Murphy, and Sargeant absent from the meeting) to recommend that the Board waive the barrier requirement along the northern property boundary.

The Planning Commission then voted 6-0-3 (Commissioners Flanagan, Hall, and Hart abstaining; Commissioners Alcorn, Murphy, and Sargeant absent from the meeting) to recommend that the Board waive the Countywide Trails Plan recommendation for a 10-foot wide trail within the VDOT right-of-way in favor of that shown on the GDP.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
January 28, 2008

4:30 p.m.

Public Hearing on PCA 93-Y-002-02 (Van L.L.C.) to Amend the Proffers for RZ 93-Y-002 Previously Approved for Commercial Development to Permit Enlargement of Existing Fast Food Restaurant with an Overall Floor Area Ratio of .08 and Associated Modifications to Proffers and Site Design, Located on Approximately 1.36 Acres Zoned C-8, HC, SC and WS, Sully District

and

Public Hearing on SEA 93-Y-005-03 (Van L.L.C.) to Amend SE 93-Y-005 Previously Approved for a Fast Food Establishment in a Highway Corridor Overlay District to Permit a Building Addition, Associated Modifications to Site Design and Development Conditions, Located on Approximately 1.36 Acres Zoned C-8, HC, SC and WS, Sully District

The application property is located in the northwest quadrant of the intersection of Centreville Road and Upperridge Drive at 5931 Fort Drive, Tax Map 54-4 ((5)) 1A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 6, 2007, the Planning Commission voted unanimously (Commissioners Alcorn, Murphy, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 93-Y-002-2, subject to the execution of proffers consistent with those dated November 28, 2007;
- Approval of SEA 93-Y-005-3, subject to the Development Conditions dated November 30, 2007;
- Waiver of the service drive requirement; and
- Waiver of the barrier requirement and modification of the transitional screening requirement along the Upperridge Drive frontage in favor of the landscaping shown on the Special Exception Amendment plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Suzianne Battista, Staff Coordinator, Zoning Evaluation Division, DPZ

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