

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
OCTOBER 20, 2008**

**AGENDA**

- |       |             |   |
|-------|-------------|---|
| 9:00  | <b>Done</b> | Presentations   |
| 10:00 | <b>Done</b> | Presentation of the Barbara Varon Award                                       |
| 10:15 | <b>Done</b> | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 10:15 | <b>Done</b> | Items Presented by the County Executive                                       |

**ADMINISTRATIVE ITEMS**

- |   |                 |  |
|---|-----------------|--|
| 1 | <b>Approved</b> | Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Mason, Mount Vernon, Providence, Springfield, and Sully Districts)             |
| 2 | <b>Approved</b> | Authorization for the Health Department to Apply for and Accept Grant Funding from the Virginia Department of Health for the Pandemic Influenza Community Preparedness Grant |
| 3 | <b>Approved</b> | Streets into the Secondary System (Dranesville, Mount Vernon, Providence, and Sully Districts)   |
| 4 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Establish the Colvin Meadows Community Parking District (Dranesville District)  |
| 5 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Establish the Hayfield View Community Parking District (Lee District)   |
| 6 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Establish the Cedar Lakes Community Parking District (Springfield District)   |
| 7 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Establish the Caroline Oaks Community Parking District (Springfield District)   |
| 8 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Expand the Danbury Forest Community Parking District (Braddock District)  |

**FAIRFAX COUNTY  
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**ADMINISTRATIVE  
ITEMS**

**(continued)**

**Approved**

- |    |                 |  |
|----|-----------------|--|
| 9  | <b>Approved</b> | Additional Time to Commence Construction for Special Exception SE 97-P-077, West*Group Properties LLC (Providence District)  |
| 10 | <b>Approved</b> | Approval of Traffic Calming Measures and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Mount Vernon, Springfield and Dranesville Districts)  |
| 11 | <b>Approved</b> | Authorization to Advertise a Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Mason, Mount Vernon and Providence Districts)   |
| 12 | <b>Approved</b> | Authorization to Advertise a Public Hearing for Proposed Amendments to Various Chapters of The Code of the County of Fairfax, Virginia Re: References to the Department of Public Works, the Department of Environmental Management, the Building Official, and the Construction Trades Advisory Board |
| 13 | <b>Approved</b> | Additional Time to Commence Construction for Special Exception SE 00-D-036, Walker Road Associates, LLC (Dranesville District)   |
| 14 | <b>Approved</b> | Additional Time to Commence Construction for Special Exception SE 2003-HM-014, Prentiss Acquisition Partners LP (Hunter Mill District)   |
| 15 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Consider Proposed Amendments to Chapter 104 (Erosion and Sedimentation Control) of The Code of the County of Fairfax, Virginia Re: Stream Restoration Banks   |
| 16 | <b>Approved</b> | Approval of Supplemental Appropriation Resolution AS 09060 for the Health Department to Accept Grant Funding from the Virginia Department of Health for the Public Health Emergency Preparedness Grant Program   |
| 17 | <b>Approved</b> | Approval of Supplemental Appropriation Resolution AS 09049 for the Department of Community and Recreation Services to Accept Grant Funding from the U. S. Department of Justice, Office of Justice Programs, for the Targeted Intervention Prevention Services (TIPS) Program                          |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
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**ACTION ITEMS**

- |   |  |   |
|---|--|---|
| 1 | <b>Approved</b>  | Authorization for the County Executive to Sign the Memorandum of Agreement Relative to Construction of the Richmond Highway - Telegraph Road Connector (Also Known as Mulligan Road) (Mount Vernon and Lee Districts) |
| 2 | <b>Approved with amendment</b>   | Authorization for the County Executive to Execute the Nutrient Credit Services Agreement Between the Virginia Nutrient Credit Exchange Association, Inc. and the County of Fairfax                                    |
| 3 | <b>Approved</b>  | FAIRFAX CONNECTOR Bus Fare Policy and Adjustment  |
| 4 | <b>Approved</b>  | Approval of Agreements Between the Fairfax County Police Department and the United States Department of Justice Drug Enforcement Administration (DEA) High Intensity Drug Trafficking Area (HIDTA )Task Force         |
| 5 | <b>Approved with amendment;<br/>Authorization limited to 1/2/09 at this time</b> | Authorization of the County Executive to Implement Furloughs  |

**CONSIDERATION  
ITEMS**

- |   |  |   |
|---|--|---|
| 1 | <b>Chairman Connolly selected as voting delegate. Board Members who attend the meeting may be considered as alternates</b> | 2008 Virginia Association of Counties' Annual Meeting |
|---|--|---|

**INFORMATION  
ITEMS**

- |   |                             |   |
|---|-----------------------------|---|
| 1 | <b>Deferred to 11/17/08</b> | Contract Award - Architectural/Engineering Design Services for the I-66 Solid Waste Transfer Station Workers' Facility (Springfield District) |
| 2 | <b>Noted</b>                | Contract Award – Alban Maintenance Facility Renovation Project (Lee District)   |
| 3 | <b>Noted</b>                | Contract Award – Poplar Spring Court Stream Restoration (Springfield District)  |

**FAIRFAX COUNTY  
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**INFORMATION  
ITEMS**

4	<b>Noted</b>	Local Comment Letter to the Virginia Housing Development Authority on Strawbridge Square Apartments (Mason District)
5	<b>Noted with amendment</b>	Quarterly Status Report on the Board's Second Four-Year Transportation Program
10:45	<b>Done</b>	Matters Presented by Board Members
11:35	<b>Done</b>	Closed Session

**PUBLIC HEARINGS**

3:00	<b>Approved</b>	Decision Only on Proposed Amendments to the Code, Section 84.1, Public Transportation, Including Those Pertaining to Taxicab Rates, Taxicab Fuel Efficiency, and Other Regulatory Requirements
3:00	<b>Public hearing deferred to 11/17/08 at 3:30 p.m.</b>	Public Hearing on RZ 2006-PR-013 (Washington Property Company, LLC) (Providence District)
3:00	<b>Public hearing deferred to 11/17/08 at 3:30 p.m.</b>	Public Hearing on SE 2006-PR-005 (Washington Property Company, LLC) (Providence District)
3:00	<b>Approved</b>	Public Hearing on SE 2008-SU-001 (JAI Hotels, LLC) (Sully District)
3:00	<b>Approved</b>	Public Hearing on SE 2007-DR-018 (William P. Sloan) (Dranesville District)
3:00	<b>Approved</b>	Public Hearing on SEA 80-L-127-03 (Nextel Communications of the Mid-Atlantic, Inc. / Franconia Volunteer Fire Dept Inc.) (Lee District)
3:30	<b>Approved</b>	Public Hearing on AR 83-S-007-03 (Mary E. Hampshire, Victoria Anna Hampshire, Gifford Ray Hampshire) (Springfield District)
3:30	<b>Approved</b>	Public Hearing on AR 83-S-008-03 (Carol C. Mattusch and Richard S. Mason) (Springfield District)
3:30	<b>Approved</b>	Public Hearing on AR 83-D-006-03 (Cajoll Company and John W. Hanes III Trust) (Dranesville District)

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

3:30	<b>Approved</b>	Public Hearing on AR 91-D-008-02 (Helen R. Hill Trust) (Dranesville District)
3:30	<b>Public hearing deferred to 11/17/08 at 3:30 p.m.</b>	Public Hearing on PCA 92-M-038 (Paolozzi Investments, Inc.) (Mason District)
3:30	<b>Public hearing deferred to 11/17/08 at 3:30 p.m.</b>	Public Hearing on SE 2008-MA-019 (Paolozzi Investments, Inc.) (Mason District)
4:00	<b>Approved</b>	Public Hearing on SE 2008-LE-013 (Chevy Chase Bank, F.S.B.) (Lee District)
4:00	<b>Approved</b>	Public Hearing on SE 2008-SP-014 (Little Acorn Patch, LTD.) (Springfield District)
4:00	<b>Approved</b>	Public Hearing on Proposed Amendments to the Public Facilities Manual (PFM) and <i>The Code of the County of Fairfax, Virginia</i> Related to the Conservation of Trees During the Land Development Process
4:30	<b>Approved</b>	Public Hearing on PCA 2004-SU-028 (Penske Automotive Group, Inc.) (Sully District)
4:30	<b>Approved</b>	Public Hearing on SEA 2004-SU-027 (Penske Automotive Group, Inc.) (Sully District)
4:30	<b>Approved</b>	Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5A (Residential Permit Parking Districts)
4:30	<b>Approved</b>	Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)
4:30	<b>Approved</b>	Public Hearing for the Continued Leasing of County-Owned Property to the Chantilly Youth Association (Sully District)
5:00	<b>Approved</b>	Public Hearing on Spot Blight Abatement Ordinance for 9534 Burning Branch Road (Springfield District)
5:00	<b>Approved</b>	Public Hearing on Spot Blight Abatement Ordinance for 5397 Summit Drive (Springfield District)

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

5:00	<b>Approved</b>	Public Hearing on Spot Blight Abatement Ordinance for 5399 Summit Drive (Springfield District)
5:00	<b>Approved</b>	Public Hearing on Spot Blight Abatement Ordinance for 7131 Alger Road (Mason District)
5:00	<b>Approved with amendment</b>	Public Hearing on Spot Blight Abatement Ordinance for 6834 Beulah Street (Lee District)
5:30	<b>Public hearing withdrawn</b>	Public Hearing on Spot Blight Abatement Ordinance for 13430 Lee Highway (Sully District)
5:30	<b>Approved</b>	Public Hearing on Spot Blight Abatement Ordinance for 5505 Clifton Road (Springfield District)
5:30	<b>Approved</b>	Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 41.1, Animal Control and Care
5:30	<b>Approved</b>	Public Hearing on SEA 95-P-045 (Aircell, LLC) (Providence District)
5:30	<b>Approved</b>	Public Hearing on RZ 2008-DR-006 (VISIONONLINE, Inc.) (Dranesville District)
5:30	<b>Approved</b>	Public Hearing on RZ 2008-PR-011 (The Mitre Corporation) (Providence District)
5:30	<b>Approved</b>	Public Hearing on PCA 92-P-001-05 (The Mitre Corporation) (Providence District)
6:00	<b>Approved</b>	Public Hearing on PCA-C-696-07 (Dulles Development, LLC) (Hunter Mill District)
6:00	<b>Approved</b>	Public Hearing on SE 2008-HM-018 (Dulles Development, LLC) (Hunter Mill District)
6:00	<b>No speakers</b>	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



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

**Monday**  
**October 20, 2008**

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9:00 a.m.

RECOGNITION of Fairfax County for its winning efforts in the national Change a Light campaign encouraging residents to replace one or more incandescent bulbs in their home with Energy Star compact fluorescent light bulbs.

PRESENTATIONS

1. RESOLUTION – To recognize Robin Rentsch for her accomplishments to improve the environment in Fairfax County. Requested by Chairman Connolly and Supervisor Foust.
2. PROCLAMATION – To designate November 2008 as American Indian Heritage Month in Fairfax County. Requested by Chairman Connolly.
3. PROCLAMATION – To designate November 2008 as Family Caregivers Month in Fairfax County. Requested by Supervisor McKay.
4. RESOLUTION – To recognize St. John's Community Services for its 140th anniversary. Requested by Supervisor Bulova
5. PROCLAMATION – To designate October 25 as VolunteerFest Day 2008. Requested by Chairman Connolly.

— more —

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6. RESOLUTION – To recognize the Central Fairfax Chamber of Commerce for its 50th anniversary. Requested by Chairman Connolly and Supervisor Bulova.
7. PROCLAMATION – To designate October 19-25, 2008, as Friends of the Fairfax County Public Library Week in Fairfax County. Requested by Chairman Connolly.
8. PROCLAMATION – To designate October 2008 as Fairfax Library Foundation Month in Fairfax County. Requested by Chairman Connolly.

STAFF:

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

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10:00 a.m.

Presentation of the Barbara Varon Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Gerald Connolly, Chairman, Board of Supervisors

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10:15 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard October 20, 2008

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item  
October 20, 2008

ADMINISTRATIVE – 1

Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Mason, Mount Vernon, Providence, Springfield, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications 2232-P08-16, FS-V08-57, FS-M08-72, and FS-Y08-74 to December 21, 2008; applications FS-D08-39 and 2232A-B04-6-1 to December 25, 2008; application FS-S08-71 to December 28, 2008; applications FS-M08-76 and FS-P08-77 to January 3, 2009; applications FS-S08-51, FS-B08-55, FS-Y08-58, FS-H08-59, FS-B08-66, and FS-D08-67 to January 5, 2009; and application 2232-D08-21 to March 9, 2009.

TIMING:

Board action is required on October 20, 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-D08-21 listed below, which was accepted for review by the Department of Planning and Zoning (DPZ) on September 2, 2008. This application is for a public facility, and thus is not subject to the State Code provision to extend the review period by no more than sixty additional days.

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The Board also should extend the review periods for applications 2232-P08-16, FS-D08-39, FS-S08-51, FS-B08-55, FS-V08-57, FS-Y08-58, FS-H08-59, FS-B08-66, FS-D08-67, FS-S08-71, FS-M08-72, FS-Y08-74, FS-M08-76, FS-P08-77, and 2232A-B04-6-1 described below, which were accepted for review by DPZ between July 24, 2008, and August 8, 2008. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days:

- |             |   |
|-------------|---|
| 2232-P08-16 | AT&T Mobility<br>Antenna colocation on extension of existing monopole/light pole<br>2900 Sutton Road (Oakton High School)<br>Providence District  |
| 2232-D08-21 | Fairfax County Dept. of Public Works and Environmental Services<br>New 18,700 square-foot fire station to replace existing fire station<br>9916 Georgetown Pike (Great Falls VFD station)<br>Dranesville District |
| FS-D08-39   | T-Mobile Northeast LLC<br>Antenna colocation inside existing steeple<br>6817 Dean Drive<br>Dranesville District   |
| FS-S08-51   | Cricket Communications<br>Antenna colocation on existing monopole<br>12111 Braddock Road (Mott Community Center)<br>Springfield District  |
| FS-B08-55   | Cricket Communications<br>Antenna colocation on existing monopole<br>9525 Little River Turnpike (Woodson High School)<br>Braddock District  |
| FS-V08-57   | Cricket Communications<br>Antenna colocation on existing "tree" monopole<br>8616 Pohick Road<br>Mount Vernon District   |

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- FS-Y08-58      Cricket Communications  
Antenna colocation on existing tower  
15717 Lee Highway  
Sully District
- FS-H08-59      Cricket Communications  
Antenna colocation on existing monopole  
2455 Fox Mill Road (Stratton Woods Park)  
Hunter Mill District
- FS-B08-66      Cricket Communications  
Antenna colocation on existing monopole  
7920 Woodruff Court  
Braddock District
- FS-D08-67      Cricket Communications  
Antenna colocation on existing monopole  
10516 Leesburg Pike  
Dranesville District
- FS-S08-71      Cricket Communications  
Antenna colocation on existing tower  
4618 West Ox Road  
Springfield District
- FS-M08-72      Cricket Communications  
Antenna colocation on existing monopole  
6621 Columbia Pike (Mason District Park)  
Mason District
- FS-Y08-74      Cricket Communications  
Rooftop antennas  
15000 Conference Center Drive  
Sully District
- FS-M08-76      Cricket Communications  
Antenna colocation on existing monopole  
3101 Hodge Place (Jefferson Fire Station)  
Mason District

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FS-P08-77            Cricket Communications  
Rooftop antennas  
2230 George Marshall Drive  
Providence District

2232A-B04-6-1      Sprint-Nextel Communications  
Add one dish antenna to existing monopole  
5035 Sideburn Road  
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  
David B. Marshall, Planning Division, DPZ  
David S. Jillson, Planning Division, DPZ

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ADMINISTRATIVE - 2

Authorization for the Health Department to Apply for and Accept Grant Funding from the Virginia Department of Health for the Pandemic Influenza Community Preparedness Grant

ISSUE:

Board approval for the Health Department to apply for and accept funding from the Virginia Department of Health (VDH) for the Pandemic Influenza Community Preparedness Grant in the amount of \$364,740. If authorized, the program year will begin September 30, 2008 and end September 29, 2009. Local Cash Match is not required.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Health Department to apply for and accept funding from VDH in the amount of \$364,740 for the Pandemic Influenza Community Preparedness Grant. Funds will support the Health Department's pandemic influenza preparedness activities by continuing public outreach and training. Local Cash Match is not required.

TIMING:

Because of a March 17, 2008 submission deadline, the application was submitted pending Board approval. Due to the short timeline available to apply for this grant, the Health Department elected to submit one Board item to apply and receive this grant. This practice is in accord with the Fairfax County Grants Handbook and was verified with Department of Management and Budget (DMB) staff prior to submission of the grant application. The Centers for Disease Control and Prevention (CDC) did not, however, award the grant until September (six months after the published award date of March 24, 2008) which caused a substantial delay in bringing this item to the Board's attention. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The possibility of a pandemic outbreak of influenza raised by the emergence of H5N1 Avian Influenza in China and other nations prompted the United States Department of Health and Human Services (HHS) to establish a competitive grant process for innovative pandemic influenza preparedness programs. HHS awarded grant funds through the CDC to recipients based on the merit of project proposals submitted and VDH distributes the funds to recipients. Fairfax County Health Department was one of two proposals from within Virginia to receive an award. Fairfax County applied for \$487,098 and has been awarded \$364,740.

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Fairfax County Health Department's proposal employs a coordinated approach to pandemic influenza preparedness. The Health Department will use this grant to fund limited-term positions to continue a public outreach and education campaign aimed at difficult-to-reach segments of the county population (including non-English speaking and special needs communities). The proposal also includes training for county private-practice physicians and businesses to ensure continuity of private medical care and economic resiliency. Education includes training on personal protective equipment (PPE), continuity of operations (COOP) planning, and practical prevention techniques including covering coughs and effective hand-washing. Every resident prepared in advance of an influenza incident reduces the burden on government and medical services. It is expected that pandemic influenza preparedness will continue to be a priority in the future.

FISCAL IMPACT:

If approved, the Health Department will receive \$364,740 from the VDH to be utilized for pandemic influenza preparedness projects to be carried out in Fairfax County. Funds must be spent by September 29, 2009. Five limited-term support positions are included in the proposal. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009. Local Cash Match is not required. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

If approved, this grant will provide limited-term support during the 12 month grant period from September 30, 2008 through September 29, 2009. The County has no obligation to fund these positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1 – Letter of Intent from the Virginia Department of Health

Attachment 2 – Notice of Award from the Centers for Disease Control and Prevention Excerpt

STAFF:

Verdia L. Haywood, Deputy County Executive

Gloria Addo-Ayensu, MD, MPH, Director of Health, Department of Health

JoAnne Jorgenson, Deputy Director of Health Services

Wesley McDermott, MSPH, Public Health Emergency Preparedness Coordinator

Emily W. Wood, Fiscal Control for Health Department, Department of Health

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ADMINISTRATIVE – 3

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>
Marovelli Forest	Mt. Vernon	Marovelli Forest Drive  Forest Greens Drive  Ox Road – Route 123 Realignment VDOT Project # 0123-029-F28 C-501 (Additional Right-of-Way (ROW) only)
All Dulles Area Muslim Society	Dranesville	Sugarland Road (Route 604) (Additional ROW only)

TIMING:

Routine.

BACKGROUND:

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

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FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment 1: Street Acceptance Form

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

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Establish the Colvin Meadows  
Community Parking District (Dranesville 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 Colvin Meadows Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 17, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Colvin Meadows CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on October 20, 2008, to provide sufficient time for advertisement of the public hearing on November 17, 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 petition-based CPD have been satisfied.

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed Colvin Meadows 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

Maria Turner, FCDOT

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Establish the Hayfield View Community Parking District (Lee 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 Hayfield View Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 17, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Hayfield View CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on October 20, 2008, to provide sufficient time for advertisement of the public hearing on November 17, 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 petition-based CPD have been satisfied.

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$500 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed Hayfield View 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

Maria Turner, Sr. Transportation Planner, FCDOT

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Establish the Cedar Lakes 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 Cedar Lakes Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 17, 2008, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Cedar Lakes CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on October 20, 2008, to provide sufficient time for advertisement of the public hearing on November 17, 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 petition-based CPD have been satisfied.

The parking prohibition identified above for the Cedar Lakes CPD 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.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed Cedar Lakes 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

Maria Turner, FCDOT

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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Establish the Caroline 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 Caroline Oaks Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 17, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Caroline Oaks CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on October 20, 2008, to provide sufficient time for advertisement of the public hearing on November 17, 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 CPD 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

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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.

On June 30, 2008 the Board waived the minimum size requirement for the proposed Caroline Oaks CPD. Staff has verified that all other requirements for a petition-based CPD have been satisfied.

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

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ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Expand the Danbury Forest Community Parking District (Braddock District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 17, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Danbury Forest CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on October 20, 2008, to provide sufficient time for advertisement of the public hearing on November 17, 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 or (iv)

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restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses 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 petition-based CPD have been satisfied.

The parking prohibition identified above for the Danbury Forest 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 \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed Danbury Forest 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

Maria Turner, FCDOT

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ADMINISTRATIVE - 9

Additional Time to Commence Construction for Special Exception SE 97-P-077,  
West\*Group Properties LLC (Providence District)

ISSUE:

Board consideration of additional time to commence construction for SE 97-P-077 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve fourteen months additional time for SE 97-P-077 to June 27, 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 April 27, 1998, the Board of Supervisors approved Special Exception SE 97-P-077, subject to development conditions. The special exception application was filed in the name of West\*Group Properties LLC for an increase in building height pursuant to Sect. 9-607 of the Fairfax County Zoning Ordinance. The property is located approximately 500 feet west of the intersection of Jones Branch Dr. and Westbranch Dr., Tax Map 29-4 ((7)) Pt. A2 (see Locator Map in Attachment 1).

SE 97-P-077 was approved with a condition that the use be established or construction commenced and diligently prosecuted within ten years of the approval date unless the Board grants additional time. The SE Plat and development conditions for SE 97-P-077 are included as part of the Clerk to the Board's letter contained in Attachment 2. This special exception would have expired on April 27, 2008.

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On March 31, 2008, the Department of Planning and Zoning (DPZ) received a letter dated March 26, 2008, from Keith S. Turner, Senior Vice President--Development Services, West\*Group Management LLC, indicating that the implementation of SE 97-P-077 has yet to occur. Mr. Turner requests five years additional time to commence construction of the project, citing the Tysons Land Use Task Force effort currently underway and the anticipation that revisions to the Comprehensive Plan may affect future development of the site subject to the Special Exception. The letter of request is included as Attachment 3. The request for additional time was received prior to the date on which the approval would have expired; therefore the special exception will not expire pending Board's action on the request for additional time.

Staff has reviewed Special Exception SE 97-P-077 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for an increase in building height. Further, staff knows of no change in land use circumstances which affect the compliance of SE 97-P-077 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 at this time. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. However, the Tysons Land Use Task Force to amend the Comprehensive Plan presented its report and made recommendations to the Board of Supervisors on September 22, 2008. Among them is a roadway grid (under the North Central Concept) that affects the application property. The process of preparing amendments to the Comprehensive Plan is currently underway and is anticipated to be completed within the next 9 months.

The conditions associated with the Board's approval of SE 97-P-077 are still appropriate and remain in full force and effect. Staff believes that the request for additional time would be in the public interest provided it does not conflict with the anticipated amended Tysons Plan. Staff therefore recommends that only a limited amount of additional time be approved. In light of the changing land use circumstances discussed above, staff recommends that fourteen months additional time be approved instead of the sixty months requested. This additional time would begin from the prior specified expiration date and would result in a new expiration date of June 27, 2009.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated May 11, 1998, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated March 26, 2008, from Keith S. Turner, West\*Group Management LLC, to Eileen M. McLane, Zoning Administrator

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Fred Selden, Director, Planning Division, DPZ

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

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 10

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

ISSUE:

Board endorsement of a Traffic Calming plan and Watch for Children signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures for Coventry Road (Attachment I), Burning Branch Road (Attachment II) consisting of the following:

- One speed hump on Coventry Road (Mount Vernon District)
- Two speed humps on Burning Branch Road (Springfield)

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

- Timberly Lane and Huntmaster Lane (Dranesville District)
- Graceway Drive (Mount Vernon District)
- Blanche Drive (Mount Vernon 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 October 20, 2008.

BACKGROUND:

As part of the RTAP, 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

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a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria for Coventry Road and Burning Branch Road. Subsequently, petitions were gathered from each community evidencing support for further study. A task force was formed with each 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 community. On July 31, 2008, (Coventry Road), and September 30, 2008, (Burning Branch Road), the Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced traffic calming plans.

The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On April 9, 2007, (Graceway Drive, and Blanche Drive), and on July 17, 2008, (Timberly Lane and Huntmaster Lane) the Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" signs.

FISCAL IMPACT:

The estimated cost of \$12,500 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Coventry Road  
Attachment II: Traffic Calming Plan for Burning Branch Road  
Attachment III: Board Resolution for "Watch for Children" Signs

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
William P. Harrell, Transportation Planner, FCDOT  
Steven K. Knudsen, Transportation Planner, FCDOT

ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling and/or Leaf Collection Service (Mason, Mount Vernon and Providence Districts)

ISSUE:

Board authorization to advertise a public hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for refuse/recycling and/or leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing at 4:00 p.m. on Monday, November 17, 2008, to consider the following changes to small and local sanitary districts for refuse, recycling and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the Creation/Enlargement/ Withdrawal of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 4 Within Mason District (6456 Overlook Drive)	Enlarge 1 Units	Refuse/Recycling & Leaf	Approve
Local District 1E Within Small District 1 Within Mt. Vernon District (Battery Road Area)	Enlarge 14 Units	Leaf	Approve
Small Transportation District 1 Within Providence District (Hartlee Centre)	De-Create/ Re-Create	Remove From Leaf	Approve
Small Transportation District 1 Within Providence District (Metro Place I & II)	De-Create/ Re-Create	Remove From Leaf	Approve
Small District 1 Within Providence District (Metro Place Association)	De-Create/ Re-Create	Remove From Leaf	Approve

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TIMING:

Board of Supervisors' authorization to advertise on October 20, 2008, is required for a Public Hearing to be held on November 17, 2008, at 4:00 p.m.

BACKGROUND:

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

The submitted petitions have been reviewed, and it has been determined that the petitions meet the Board of Supervisors' Adopted Criteria. Staff recommends that the authorization to advertise a public hearing for the Enlargement/De-Creation/Re-Creation of small and local sanitary districts for refuse/recycling and/or leaf collection areas be approved. If approved, the modifications will become permanent in January 2009.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Advertisement

Attachment 2: Summary Sheet

Attachment 3: Data Sheets with Proposed Resolutions and Maps

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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ADMINISTRATIVE - 12

Authorization to Advertise a Public Hearing for Proposed Amendments to Various Chapters of The Code of the County of Fairfax, Virginia Re: References to the Department of Public Works, the Department of Environmental Management, the Building Official, and the Construction Trades Advisory Board

ISSUE:

Board authorization to advertise a public hearing to consider proposed amendments to Chapters 1, 2, 4, 30, 46, 61, 63, 64, 65, 66, 67.1, 68.1, 71, 102, 103, 104, and 117, and Appendix A of The Code of the County of Fairfax, Virginia (The Code). The proposed administrative amendments delete references to the Construction Trades Advisory Board which was disbanded by the Board in 2004 and replace remaining references to the Director of the Department of Environmental Management, the Department of Public Works, and the Building Official to reflect current departmental organizational structure and authority.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the proposed amendments to Chapters 1, 2, 4, 30, 46, 61, 63, 64, 65, 66, 67.1, 68.1, 71, 102, 103, 104, and 117, and Appendix A of The Code.

These amendments have been coordinated with the Office of the County Attorney.

TIMING:

The Board is requested to take action on October 20, 2008, to provide sufficient time to advertise the proposed public hearing on November 17, 2008, at 4:30 p.m.

BACKGROUND:

On July 1, 1998, the Department of Environmental Management, the Department of Public Works, and the Facilities Management Division of the Department of General Services were reorganized into a new Department of Public Works and Environmental Services. A new section, § 1-1-16 (Reorganization of Departments, Agencies and Offices) was added to Chapter 1, Article 1 (General Provisions) of The Code, to provide for transition and continuity within The Code necessary to implement the consolidation. The amendment also designated the Director of the Office of Building Code Services as the Fairfax County Building Official. It was the intention at the time that references to the directors of the two agencies would be changed in the various parts of The Code as other amendments were processed. However, many parts of The Code are only rarely amended, and the parts

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involving the proposed amendments are now proposed to be changed to reflect current departmental organization structure and authority. On March 29, 2004, the Board disbanded the Construction Trades Advisory Board. Due to an internal reorganization, the Office of Building Code Services no longer exists. On April 4, 2005, the Board adopted an amendment to Chapter 61 which included changes to the definition of Building Official. The proposed amendments to Chapters 1, 2, 4, 30, 46, 61, 63, 64, 65, 66, 67.1, 68.1, 71, 102, 103, 104, and 117, and Appendix A of the Code will replace the remaining references to the Director of the Department of Environmental Management, the Director of the Department of Public Works, and the Director of the Office of Building Code Services with the correct references and delete all references to the Construction Trades Advisory Board.

PROPOSED AMENDMENTS:

- Proposed amendments to Chapters 2, 4, 30, 46, 61, 63, 67.1, 71, 102, 103, 104, and 117, and Appendix A of The Code replace references to the Director of Department of Environmental Management and the Department of Public Works.
- Proposed amendments to Chapters 1, 68.1, and 71 replace references to the Director of the Office of Building Code Services as the Building Official.
- Proposed amendments to Chapters 61, 64, 65, and 66 delete all references to the Construction Trades Advisory Board.

FISCAL IMPACT:

None

REGULATORY IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report, Dated October 20, 2008

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard Guba, Deputy Director, DPWES

James Patteson, Director, Land Development Services, DPWES

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ADMINISTRATIVE - 13

Additional Time to Commence Construction for Special Exception SE 00-D-036, Walker Road Associates, LLC (Dranesville District)

ISSUE:

Board consideration of additional time to commence construction for SE 00-D-036, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SE 00-D-036 to July 8, 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 January 8, 2001, the Board of Supervisors approved Special Exception SE 00-D-036, subject to development conditions. The special exception application was filed in the name of Walker Road Associates, LLC, to permit a vehicle light service establishment, pursuant to Section 4-804 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 13-1 ((2)) 1A1 (see the Locator Map in Attachment 1). The development conditions and plat for SE 00-D-036 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 July 7, 2003, the Board of Supervisors granted twelve months of additional time to commence construction for SE 00-D-036 to July 8, 2004. On August 2, 2004, the Board of Supervisors granted eighteen months of additional time to commence construction for SE 00-D-036 to January 8, 2006. On February 27, 2006, the Board of Supervisors granted eighteen months of additional time to commence construction for SE 00-D-036 to July 8, 2007. On August 6, 2007, the Board of Supervisors granted twelve

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months of additional time to commence construction for SE 00-D-036 to July 8, 2008. The Clerk's letters documenting the previous approvals of additional time are included in Attachment 3.

On June 30, 2008, the Department of Planning and Zoning (DPZ) received a letter dated June 26, 2008, from Keith C. Martin, agent for the applicant, requesting twelve months additional time to commence construction for this project (Attachment 4). According to the letter and discussions with staff, the applicant is pursuing approval of Site Plan #1227-SP-01-4, which has had delays due to difficulty obtaining approval of a waiver for required sight distance along Walker Road from Virginia Department of Transportation. The original submission of the site plan was January 31, 2002. The first disapproval was March 20, 2002. Included with the first disapproval was a note that the entrance sight distance be addressed. Since that time the note has remained and additional revisions have been necessary due to new regulations. The most recent revision was submitted on April 3, 2008 and was disapproved May 28, 2008 with the same comment that adequate sight distance is not provided. The applicant anticipates responses from VDOT which address the sight distance on Walker Road. Once this issue is addressed and the site plan approved the applicant intends to commence construction. The request for additional time was received prior to the date on which the approval would have expired; therefore the special exception will not expire pending Board action on the request for additional time.

Staff has reviewed Special Exception SE 00-D-036 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow a vehicle light service establishment in the C-8 District. Further, staff knows of no change in land use circumstances that affect the compliance of SE 00-D-036 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. The conditions associated with the Board's approval of SE 00-D-036, to permit the renovation and expansion of an existing vehicle light service establishment, are still appropriate. Staff recommends that twelve months of additional time to commence construction be approved. The additional time would begin from the prior specified expiration date and would result in a new expiration date of July 8, 2009.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated January 31, 2001, to Keith C. Martin, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letters from the Clerk to the Board of Supervisors stating the Board's

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previous approvals of additional time

Attachment 4: Letter dated June 26, 2008, from Keith C. Martin, 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

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

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

Lisa Feibelman, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE – 14

Additional Time to Commence Construction for Special Exception SE 2003-HM-014, Prentiss Acquisition Partners LP (Hunter Mill District)

ISSUE:

Board consideration of additional time to commence construction for SE 2003-HM-014, 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 SE 2003-HM-014 to October 20, 2010.

TIMING:

Routine

BACKGROUND:

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

On October 20, 2003, the Board of Supervisors approved Special Exception SE 2003-HM-014, subject to development conditions. The special exception application was filed in the name of Prentiss Properties Acquisition Partners, L.P., for uses in the floodplain and to permit use of a travel lane and trails related to an office development, pursuant to Section 9-606 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 15-4 ((1)) 1B1 (see the Locator Map in Attachment 1). The development conditions and plat for SE 2003-HM-014 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 May 1, 2006, the Board of Supervisors granted thirty months of additional time to commence construction for SE 2003-HM-014 to October 20, 2008. The Clerk's letter documenting the approval of additional time is included in Attachment 3.

On August 4, 2008, the Department of Planning and Zoning (DPZ) received a letter dated

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August 1, 2008, from G. Evan Pritchard, agent for the applicant, requesting thirty-six months additional time to commence construction for this project (Attachment 4). Site Plan #6318-SP-02-2 was approved on May 21, 2007. Mr. Pritchard indicates that the applicant has had difficulty in obtaining financing for the project due to the downturn in the real estate market. Consequently, no construction has commenced on the property. The applicant anticipates the commencement of construction in 2009. The request for additional time was received prior to the date on which the approval would have expired; therefore the special exception will not expire pending Board action on the request for additional time.

Staff has reviewed Special Exception SE 2003-HM-014 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow a travel lane and trails within a floodplain. Staff knows of no change in land use circumstances that affect the compliance of SE 2003-HM-014 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. The development conditions associated with the Board's approval of SE 2003-HM-014, to permit the travel lane and trails within a floodplain, are still appropriate. The development conditions originally allowed a total of 30 months to commence construction; one additional time for 30 months has been granted. One and a half years have passed since the approval of the site plan. Staff recommends that twenty four months of additional time to commence construction be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated November 5, 2003, to Elizabeth D. Baker, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter from the Clerk to the Board of Supervisors stating the Board's previous approval of additional time

Attachment 4: Letter dated August 1, 2008, from G. Evan Pritchard, 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

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

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

Lisa Feibelman, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 15

Authorization to Advertise a Public Hearing to Consider Proposed Amendments to Chapter 104 (Erosion and Sedimentation Control) of The Code of the County of Fairfax, Virginia Re: Stream Restoration Banks

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Chapter 104 (Erosion and Sedimentation Control) of *The Code of the County of Fairfax, Virginia* (The Code). The proposed amendments addresses a newly adopted State Code provision, that allows the submittal of general erosion and sediment control specifications annually to the State by persons engaging, in more than one jurisdiction, in the creation and operation of stream restoration banks in lieu of the submittal of a conservation plan to the local jurisdictions.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the proposed amendments to the Erosion and Sedimentation Control Ordinance.

TIMING:

The Board is requested to take action on October 20, 2008, to provide sufficient time to advertise the proposed public hearing on November 17, 2008, at 4:30 p.m.

BACKGROUND:

During the 2008 legislative session, the General Assembly of Virginia adopted legislation (see attached Staff Report), that allows persons engaging, in more than the one jurisdiction, in the creation and operation of stream restoration banks to submit general erosion and sediment control specifications to the Virginia Soil and Water Conservation Board (State Board) for review and approval in lieu of submitting an individual erosion and sediment control plan to the County for each project.

A stream restoration bank is an area that has been restored, created, enhanced, or in exceptional circumstances, preserved for the purpose of providing compensation for unavoidable stream losses associated with a proposed development, when such compensation cannot be achieved at the development site or would not be as environmentally beneficial. The owner or operator of the stream restoration bank can sell compensatory restoration credits to developers.

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The proposed amendment to the Erosion and Sedimentation Control Ordinance implements the newly adopted State legislation by incorporating provisions permitting persons engaged in land development that includes the creation and operation of stream restoration banks in multiple jurisdictions to submit their erosion and sediment control plans directly to the State rather than the localities. Such stream restoration banks shall be approved and operated in accordance with applicable federal and state guidance, laws, or regulations pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers. Accordingly, any person who qualifies may file general erosion and sediment control specifications for stream restoration banks annually with the State Board for review and approval pursuant to Virginia Code Section 10.2-563.E.

The annual erosion and sediment control specifications submitted to the State are in lieu of a conservation plan submission to the County. However, approval of annual erosion and sediment control specifications by the State Board does not relieve the owner or operator from compliance with any other local ordinance or regulation. The requirements of other ordinances, including the Zoning Ordinance, the Chesapeake Bay Preservation Ordinance, and the Subdivision Ordinance, would have to be satisfied before approval of the construction of a stream restoration bank. For example, if soil is removed or added to a depth greater than 18 inches in an area greater than 2500 square feet, a grading plan would be required in accordance with the Zoning Ordinance. The grading plan would not have to show erosion and sedimentation control facilities, but it would have to show that the finished grades meet adjacent properties' grades and that the natural drainage has not been substantially altered offsite.

FISCAL IMPACT:  
None

REGULATORY IMPACT:

If a person engaging, in more than one jurisdiction, in the creation and operation of stream restoration banks chooses to obtain State Board approval of annual erosion and sediment control specifications in lieu of a county permit, the burden of enforcing and inspecting the project regarding erosion and sediment control practices will fall upon State rather than County staff. However, approval of the general erosion and sediment control specification by the State Board does not relieve the owner or operator from compliance with any other local ordinance or regulation.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report, Dated September 18, 2008

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard Guba, Deputy Director, DPWES

James Patteson, Director, Land Development Services, DPWES

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ADMINISTRATIVE - 16

Approval of Supplemental Appropriation Resolution AS 09060 for the Health Department to Accept Grant Funding from the Virginia Department of Health for the Public Health Emergency Preparedness Grant Program

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09060 for the Health Department to accept funding from the Virginia Department of Health (VDH) for the Public Health Emergency Preparedness (PHEP) grant program in the amount of \$278,935 to continue public health emergency preparedness and response activities. Of this amount, \$128,935 is allocated based on a standard population-based formula, and an additional \$150,000 (under the same grant program) is being provided by VDH from funds approved for carry-over from the previous budget year. These funds will support continued public health preparedness and response capacity building for bioterrorism and other public health emergencies in Fiscal Year 2009. The grant will continue the program from August 10, 2008 through August 9, 2009. Local Cash Match will not be required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 09060 for the Health Department to accept funding from VDH in the amount of \$278,935 for the Public Health Emergency Preparedness (PHEP) grant program. These funds will support the continuation of the County's public health emergency preparedness and response capacity building by providing training for the Health Department's Incident Management Team (IMT), physician summits on the subject of pandemic influenza and emergency exercises for agency staff and partner organizations, and by supporting the purchase of necessary equipment and supplies to expand response capabilities for non-medical dispensing operations. Local Cash Match will not be required.

TIMING:

Board action is requested on October 20, 2008.

BACKGROUND:

The United States Department of Health and Human Services' (HHS) Centers for Disease Control and Prevention (CDC) provides funding through the PHEP program to upgrade state and local public health jurisdictions' preparedness and response capabilities for bioterrorism, infectious disease outbreaks and other public health emergencies. PHEP funds are administered by the state (VDH) which in turn provides funds to local health districts. The Health Department receives a total of \$491,722 in PHEP funding from VDH. Of that total amount, \$127,700 is to fund the agency's Emergency Planner position and \$82,915 is to fund

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the agency Epidemiologist position. Funding for both of those positions, a total of \$210,615, is for recurring line items in the agency's budget and do not require Board approval. An additional \$2,172 in PHEP funds is made available from VDH for pandemic influenza exercises and also does not require approval. The remaining \$278,935 is composed of \$128,935 for the 2008-2009 budget period based on a non-competitive population-based formula, and \$150,000 approved for carry-over from the 2008 budget year.

The Health Department requests approval to accept the \$278,935 in PHEP funds to sustain and strengthen the Health Department's preparedness, response, and recovery capabilities through the expansion of existing emergency plans and capabilities. Particular focus will be given to the continued training of County employees and volunteers in non-medical mass dispensing roles, and evaluation and further refinement of all mass dispensing/vaccination plans. Additionally, funds will be targeted to support accreditation under the National Association of County and City Health Officials "Project Public Health Ready," a project mandated by VDH. Finally, funds will be used to purchase necessary equipment and supplies to support mass dispensing operations, host physician summits on pandemic influenza, and to develop training and exercises for the Health Department's Incident Management Team and partner organizations such as the Fairfax Medical Reserve Corps.

FISCAL IMPACT:

The Health Department will receive \$278,935 from VDH through the PHEP grant. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009. Local Cash Match is not required. This grant does not allow the recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Letter of Award from the Virginia Department of Health  
Attachment 2 – Supplemental Appropriation Resolution AS 09060

STAFF:

Verdia L. Haywood, Deputy County Executive  
Gloria Addo-Ayensu, MD, MPH, Director of Health, Department of Health  
JoAnne Jorgenson, Deputy Director of Health Services  
Wesley McDermott, MSPH, Public Health Emergency Preparedness Coordinator  
Emily W. Wood, Fiscal Control for Health Department, Department of Health

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ADMINISTRATIVE – 17

Approval of Supplemental Appropriation Resolution AS 09049 for the Department of Community and Recreation Services to Accept Grant Funding from the U. S. Department of Justice, Office of Justice Programs, for the Targeted Intervention Prevention Services (TIPS) Program

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09049 for the Department of Community and Recreation Services (DCRS) to accept funding from the U. S. Department of Justice, Office of Justice Programs, for the Targeted Intervention Prevention Services program in the amount of \$178,870. This grant will support three initiatives designed to improve community living conditions through gang prevention and intervention. The grant period is October 1, 2008 through September 29, 2011. Local Cash Match will not be required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 09049 for the Department of Community and Recreation Services to accept funding from the U. S. Department of Justice, Office of Justice Programs, in the amount of \$178,870 for the Targeted Intervention Prevention Services program from October 1, 2008 through September 29, 2011. No Local Cash Match will be required.

TIMING:

Board action is requested on October 20, 2008.

BACKGROUND:

In February 2008, the Office of the County Executive received communication regarding the award of federally appropriated funds from the U. S. Department of Justice, Office of Justice Programs, to improve community conditions through gang prevention and intervention. A narrative outlining a project design for use of these funds was required. The narrative provided outlined the Targeted Intervention and Prevention Services (TIPS) program, which included the following: Road DAWG program, Graffiti Awareness and Abatement Initiative, and Street Outreach Initiative.

The Road DAWG program is designed for middle school children ages 12 to 14. The program participants are generally selected from targeted schools and are recommended for participation in the program by guidance counselors, school resource officers and/or after-school coordinators.

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The Graffiti Awareness and Abatement Initiative is designed to serve the entire population within Fairfax County. The intent of the initiative is to educate County residents on how to properly respond to graffiti within the community to assure timely removal.

The Street Outreach Initiative is designed as prevention, intervention and education services to those youth and families at high risk for gang involvement. The program will educate families about the existence of gangs, provide intervention services to youth who are gang involved, and connect siblings within the home to prevention services.

The funding is a one-time, non-renewable grant that covers a three-year period.

FISCAL IMPACT:

The total amount of funding authorized by the Targeted Intervention Prevention Services initiative grant is \$178,870. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009. No Local Cash Match and no future County funding is required. The two limited-term positions associated with the funding will provide street outreach work in targeted communities. The grant does allow for the recovery of indirect costs and is one-time only, non-renewable federally appropriated funding.

CREATION OF NEW POSITIONS:

The Targeted Intervention Prevention Services initiative will involve the hiring of two limited-term street outreach positions. One position will be assigned to the Juvenile and Domestic Relations District Court and the other to the Department of Community and Recreation Services. The County has no obligation to fund these positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1: Award Notification  
Attachment 2: Supplemental Appropriation Resolution

STAFF:

Verdia L. Haywood, Deputy County Executive  
Patricia Franckewitz, Director, Department of Community and Recreation Services  
Robert A. Bermingham Jr., Gang Prevention Coordinator, Office of the County Executive  
Laura Yager, Prevention Services Director, Fairfax-Falls Church Community Services Board  
Michelle Wilhelm, Fiscal Administrator, Department of Community Recreation Services  
and Department of Systems Management for Human Services

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ACTION - 1

Authorization for the County Executive to Sign the Memorandum of Agreement Relative to Construction of the Richmond Highway - Telegraph Road Connector (Also Known as Mulligan Road) (Mount Vernon and Lee Districts)

ISSUE:

Authorize the County Executive to sign the Memorandum of Agreement (MOA) among, the Federal Highway Administration; U.S. Army Garrison, Fort Belvoir; Department of the Army, U.S. Army Corps of Engineers, Humphreys Engineer Center; Virginia State Historic Preservations Officer; Virginia Department of Transportation; National Trust for Historic Preservation; Catawba Indian Nation; County of Fairfax, Virginia relative to construction of the Richmond Highway - Telegraph Road Connector (also known as Mulligan Road) which is found to adversely affect properties included in or eligible for inclusion in the National Register of Historic Places and located within the Woodlawn Historic District. The Mulligan Road project is included in the Board of Supervisors' Second Four-Year Transportation Program approved on October 15, 2007.

RECOMMENDATION:

The County Executive recommends that the Board authorize him to sign the MOA among the Federal Highway Administration; U.S. Army Garrison, Fort Belvoir; Department of the Army, U.S. Army Corps of Engineers, Humphreys Engineer Center; Virginia State Historic Preservations Officer; Virginia Department of Transportation; National Trust for Historic Preservation; Catawba Indian Nation; County of Fairfax, Virginia relative to construction of the Richmond Highway - Telegraph Road Connector (also known as Mulligan Road), substantially as shown in Attachment 1.

TIMING:

Board action is requested on October 20, 2008.

BACKGROUND:

The Federal Highway Administration (FHWA) proposes a construction project with federal and Fairfax County funding to construct a transportation connector between Richmond Highway (U.S. Route 1) and Telegraph Road (VA Route 611) to replace public access that was lost when Woodlawn Road and Beulah Street within Fort Belvoir were closed to public use for security reasons following September 11, 2001. The proposed four-lane transportation connector will originate as part of the reconfigured Old Mill Road (VA Route 619) adjacent to Woodlawn Plantation National Historic Landmark (NHL) for a distance of approximately 0.5 mile along Old Mill Road northward through Fort Belvoir and Humphreys

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Engineer Center approximately 1.5 miles to a point on Telegraph Road east of Piney Run and approximately 0.75 mile from Beulah Street. The project includes realignment of Mount Vernon Memorial Highway (VA Route 235) to align with the reconfigured Old Mill Road at their common intersection with U.S. Route 1. The FHWA determined and the Virginia Department of Historic Resources (DHR) concurred that the proposed project will constitute an adverse effect on the National Register-eligible Woodlawn Historic District (WHD) and on Woodlawn Plantation and the Pope-Leighey House which are both listed in the National Register of Historic Places. The FHWA and DHR, in consultation with the U.S. Army Garrison, Fort Belvoir; Department of the Army, U.S. Army Corps of Engineers, Humphreys Engineer Center; Virginia Department of Transportation; National Trust for Historic Preservation; Catawba Indian Nation; County of Fairfax, Virginia agree that the project be implemented in accordance with stipulations which take into account its effect on historic properties. The attached MOA was drafted to ensure the stipulations are carried out.

The principal stipulations in the MOA require FHWA to:

- relocate the entrance drive, construct a new parking lot and provide site identification and entrance signs for the NHL;
- develop and implement a landscape plan to create appropriate gateway and corridor treatments for the WHD;
- construct a shared-use path along the west side of the project connector road between U.S. Route 1 and Telegraph Road;
- construct delineated pedestrian cross walks across the four legs of the project connector road intersection with U.S. Route 1;
- provide for mitigation from the impact of transferring approximately 2.5 acres, the Woodlawn Transfer Parcel, bounded by the NHL property on the east, the Woodlawn Friends Meeting on the west, U.S. Route 1 on the south, and the Garrison, on the north out of federal ownership; and
- facilitate a design workshop among the MOA signatories and other consulting parties to include evaluating alternative design features that may impact the NHL, developing appropriate site features such as fencing, lighting, and signage in the WHD, and addressing alternative design features proposed as mitigation measures for the Woodlawn Transfer Parcel.

FISCAL IMPACT:

The Board approved \$12.1 million in County Commercial and Industrial Tax Increment for Transportation funds for this project on May 5, 2008. The FHWA will use available federal funding including Department of Defense funding, and the funds identified by Fairfax County to finance construction of the Richmond Highway - Telegraph Road Connector (also known as Mulligan Road).

ENCLOSED DOCUMENTS:

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Attachment 1 – Memorandum of Agreement (MOA) Relative to Construction of the  
Richmond Highway - Telegraph Road Connector (Also Known as Mulligan Road)

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

Sterling Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ

Linda Cornish Blank, Historic Preservation Planner, Policy and Plan Development Branch,  
PD, DPZ

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ACTION - 2

Authorization for the County Executive to Execute the Nutrient Credit Services Agreement Between the Virginia Nutrient Credit Exchange Association, Inc. and the County of Fairfax

ISSUE:

To continue the County's participation in the Virginia Nutrient Credit Exchange Association, Inc. (The Exchange) Compliance Plan required under the Chesapeake Bay Watershed General Permit. At its meeting on June 18, 2007, the Board of Supervisors authorized participation of the County in The Exchange as part of its compliance plan to meet the new and more stringent nitrogen and phosphorus limits for the County's Noman M. Cole, Jr., Pollution Control Plant. At that time, the Board of Supervisors did not authorize trading of County's nutrient credits. The Board's direction was reflected in the information submitted by the County to The Exchange for inclusion in The Exchange Compliance Plan. Continuation of the County's membership in The Exchange will require the County to make all of its nutrient credits, if any, available for trading by transferring the County's credits to The Exchange. This new requirement is in direct response to the Virginia Department of Environmental Quality's (DEQ) new standard requirement in its Water Quality Improvement Fund (WQIF) Grant Agreements that the grantee make available to other dischargers any credits remaining after complying with its General Permit limits. In other words, DEQ will not agree to provide grant assistance to the County if the County does not agree to make its credits available for trading. The County's estimated WQIF grant assistance is in excess of \$38 million.

RECOMMENDATION:

The County Executive recommends that the Board authorize execution of the Nutrient Credit Services Agreement by the County Executive to continue the County's membership in the Virginia Credit Exchange Association, Inc.

TIMING:

Board action is requested on October 20, 2008, as The Exchange would like to receive the signed agreement no later than October 20, 2008.

BACKGROUND:

In 2005, the Virginia General Assembly enacted legislation requiring wastewater treatment plants to reduce nitrogen and phosphorus levels in their discharges in the Chesapeake Bay watershed by January 1, 2011, or as soon as possible. This legislation

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put a cap on the total pounds of nitrogen and phosphorus that each plant can discharge. This is referred to as Waste Load Allocation. The same legislation allowed for the creation of The Exchange to develop and submit compliance plans on behalf of its members and coordinate and facilitate nutrient credit trading among its members with the goal of improving water quality in the Chesapeake Bay Watershed efficiently and cost-effectively. Buying credits instead of simultaneous upgrading of all the plants will allow all the plants in the watershed to be in compliance with the new limits at a reasonable cost without escalation of construction cost due to flooding of the construction market with such specialty type of projects. As such The Exchange allowed for a more practical implementation across the commonwealth. The creation of The Exchange and its mission was first introduced to the Board's Environmental Committee on June 11, 2007.

On June 18, 2007, the Board of Supervisors authorized participation of the County in The Exchange and The Exchange Compliance Plan to meet the new and more stringent nitrogen and phosphorus limits for the County's Noman M. Cole, Jr., Pollution Control Plant. At that time, the Board of Supervisors did not authorize trading of the County's nutrient credits. The Board's direction was reflected in the information submitted by the County to The Exchange for inclusion in The Exchange Compliance Plan. The Exchange Compliance Plan, including the 2008 Annual Update, has been approved by the Virginia Department of Environmental Quality (DEQ). DEQ has been very pleased with The Exchange's coordination of compliance planning efforts among its membership to meet the compliance deadline of January 1, 2011. DEQ's letter approving the 2008 Compliance Plan Update and a letter of commendation from DEQ's Director are attached.

On June 24, 2008, the Board of Governors of The Exchange approved the Nutrient Credit Services Agreement (the Agreement) to facilitate required updates to, and implementation of, The Exchange's DEQ-approved Exchange Compliance Plan. A Credit Exchange Policy was also approved which is incorporated by reference in the Agreement. Participants in The Exchange are being asked to sign the Agreement to continue membership in The Exchange. A provision in the Credit Exchange Policy requiring the County to transfer its nutrient credits, if any, to The Exchange is intended to satisfy the new standard requirement in DEQ's WQIF grant agreements that the grantee make available to other dischargers any credits remaining after complying with its General Permit limits. In other words, DEQ will not agree to provide grant assistance to the County if the County does not agree to make its credits available for trading. The County's estimated grant assistance is in excess of \$38 million. Should any of the County's credits be traded, the County will be compensated according to the Credit Exchange Policy.

The Agreement requires The Exchange to provide annual updates to DEQ on implementation of the Exchange Compliance Plan on behalf of its membership. The Exchange's membership is in excess of 100 facilities out of a total of about 115 facilities

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in Virginia. The Agreement's initial term will be through and including June 30, 2013, which coincides with the DEQ-approved Exchange Compliance Plan (January 1, 2008 through December 31, 2012) plus a six-month period (January 1 through June 30, 2013) for reconciliation process.

All wastewater plant dischargers are required to submit an updated annual compliance plan to DEQ by February 1 of each year outlining how and when they intend to be in compliance with the new nitrogen and phosphorus limits. The Exchange is authorized to submit a single plan update on behalf of all its members, thus capitalizing on the strength of the whole group instead of the individual discharger. The Exchange's current Compliance Plan indicates a compliance date of January 1, 2011, which is two years in advance of the initial anticipated compliance date of January 1, 2013 for the Potomac /Shenandoah Watershed. This is due to coordination of activities among the members of The Exchange to assure compliance with the new requirements as soon as possible. Another benefit of being a member of The Exchange is that it provides the County an option for compliance should the County's construction of the upgrades at the Noman Cole plant be delayed in the current uncertain construction market.

As an update on the County's compliance status with the new phosphorus limit, the County has been in compliance with the Potomac Embayment Standards for the past 25 years. These standards require more stringent phosphorus limit than those required under the 2005 legislation. With respect to the nitrogen level, the County has voluntarily reduced the nitrogen level in the discharge of the Noman Cole Plant to levels below the 2005 Waste Load Allocation. However, as the flows increase at the treatment plant, the plant will need to be upgraded to continue to stay below the nitrogen limit. A two-phase plant upgrade is being implemented for the Noman Cole Plant. The first phase, which was put in operation earlier this year, was construction of a Methanol Feed System. This allows addition of methanol to the wastewater for higher removal of nitrogen during treatment process. This addition will enable the County's compliance with its Waste Load Allocation through 2012. The second phase is construction of the State of the Art Nutrient Removal facilities to reduce the level of nitrogen to the levels allowed by the current technology. This phase is under design and the completion date is anticipated by the end of 2012.

DEQ has responded positively to the County's application for WQIF grant funding. We will be negotiating the amount of the grant and a grant agreement with DEQ in the near future.

FISCAL IMPACT:

DEQ will not agree to provide grant assistance to the County if the County does not agree to make its nutrient credits available for trading. The County's estimated grant assistance is in excess of \$38 million. The Exchange, among other benefits, provides for

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efficient and cost-effective means of nutrient trading. It is anticipated that the County's annual membership fees in The Exchange will not exceed \$7000 through the year 2012. The membership fees will be established annually by The Exchange.

ENCLOSED DOCUMENTS:

Attachment 1: Nutrient Credit Services Agreement

Attachment 2: Credit Exchange Policy

Attachment 3: Letter from DEQ Director dated September 12, 2007

Attachment 4: DEQ's April 25, 2008 letter approving The Exchange Compliance Plan 2008 Annual Update

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



ACTION - 3

FAIRFAX CONNECTOR Bus Fare Policy and Adjustment

ISSUE:

Board approval to undertake a public meeting process to consider a fare adjustment to current FAIRFAX CONNECTOR policies and fares.

RECOMMENDATION:

The County Executive recommends the Fairfax County Department of Transportation (FCDOT) hold public meetings to receive public comment on adopting the Standing FAIRFAX CONNECTOR Fare Policy described below and the proposed adjustment of current FAIRFAX CONNECTOR fares described below:

A. Proposed Standing Fare Policy

1. The proposed Standing Fare Policy for future FAIRFAX CONNECTOR fare increases shall generally follow the Washington Metropolitan Area Transit Authority's (WMATA) fare increases in implementation date and rate structure.

In addition, the public meeting process for any future rate increase shall be incorporated, as is possible, into the County's annual budget public hearing process. However, WMATA and Fairfax County budget processes are not always aligned (WMATA budget adoption occurs after Fairfax County) therefore staff will monitor the WMATA budget progress as it relates to fare increases and initiate the county process once WMATA's fare policy is decided.

B. Proposed Fare Adjustments

1. It is proposed that the FAIRFAX CONNECTOR bus fares be adjusted to substantially mirror WMATA's current fare structure, effective January 4, 2009.
2. The new fares are proposed as follows (see Attachment I for a detailed, side by side comparison of the proposed fare structure changes).
  - The CONNECTOR base cash fare would increase from \$1.00 to \$1.35 and the base SmarTrip base fare would increase from \$1.00

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to \$1.25. (This fare change also includes all current bus fare buy-down routes provided by Metrobus in Fairfax County: the 2T, 2W, 3T, 12A-C-D-E-F-G-L-M-R-S, 18R and S, 20F-X-W-Y, 24T, 28T and REX.)

- The cash express fare will increase from \$3.00 to \$3.10, and the SmarTrip express fare will remain at \$3.00.
- The cash rail-to-bus transfer charge will go to \$1.35, an increase of \$1.00, and the Smartrip rail-to-bus transfer will remain the same at \$0.35.
- The bus-to-bus paper transfer will be eliminated and transferring customers using SmarTrip will transfer for free, those paying cash will be charged a full fare.
- In addition, in January, the WMATA SmarTrip transfer will remain active for three hours, rather than the two hours currently in place for FAIRFAX CONNECTOR and WMATA. It is proposed FAIRFAX CONNECTOR adopt this change as well.
- The TAGS fare will remain at \$0.25.
- The VRE EZ-bus shuttle fare will increase from free to \$0.25.
- The senior and disabled fare will increase \$0.10 to \$0.60, for both express and local service.

C. Public Meeting

The Fairfax County Department of Transportation (FCDOT) requests permission from the Board of Supervisors to hold public meetings in November 2008 to present and solicit public input on the above described fare increases for the FAIRFAX CONNECTOR bus system and to receive comment on the proposed Standing Policy for future fare increases.

Upon completion of the public meetings, and after an evaluation of the public input received, FCDOT will make a proposed recommendation for a fare increase to the Board of Supervisors for consideration and action at a future Board Meeting.

**BACKGROUND:**

FAIRFAX CONNECTOR seeks to maintain itself as an efficient and effective mass transit system, maximizing revenues to cover costs. Continuing increases in operational and fuel costs are anticipated in FY 2010 and beyond. On June 30, 2008, the Board of Supervisors requested that staff evaluate existing FAIRFAX CONNECTOR fares and policies to better align with those of WMATA and to maximize revenue capacity.

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The Board request followed its receipt of a report on the FAIRFAX CONNECTOR, dated June 23, 2008, from the Office of Financial and Programs Auditor. As part of this report, CONNECTOR bus fares were reviewed. Principal findings of that review indicated: that FAIRFAX CONNECTOR bus fares have not been increased since 2004; that FAIRFAX CONNECTOR bus fares are less than those charged by the WMATA's Metrobus system; and, that additional revenues could be generated if FAIRFAX CONNECTOR bus fares were compatible with Metrobus.

The basic bus fare for the FAIRFAX CONNECTOR has generally been less than the base bus fare charged by Metrobus. The original justification for the bus fare buy-down was to encourage residents to access Metrorail by bus rather than by driving to the station. However, other FAIRFAX CONNECTOR bus fares, such as Express Fares and Transfer charges for SmarTrip passengers, and overall fare policy have generally been in accordance with Metrobus fares and fare policies for Metrobuses operating in the County. A wider disparity between FAIRFAX CONNECTOR and Metrobus fares occurred in January 2008 when WMATA undertook a mid-year fare adjustment and implemented a policy of different fare levels depending on fare payment type (cash vs. electronic payment via SmarTrip). The justification for mirroring WMATA's fare structure follows the same the logic as the regional SmarTrip fare program adopted by WMATA in January 2008 - to provide customers with a simple, uniform fare structure.

Since January, the other major local jurisdiction bus providers have undertaken fare increases to parallel Metrobus. Most recently action was taken by Arlington County to increase bus fares effective July 1, 2008. (See attachment II for a detailed compilation of local bus company fare structures.)

FISCAL IMPACT:

Based on an analysis of the above mentioned series of fare increase proposals, it is estimated that FAIRFAX CONNECTOR's passenger revenue will increase by an additional \$2,785,000 to a level of \$9,160,000 annually. The FY 2009 net revenue impact is expected to be approximately \$993,000 after the costs of implementation. This \$993,000 will be held in balance in Fund 100, County Transit budget, to meet increasing operational costs in FY 2010.

ENCLOSED DOCUMENTS:

Attachment I: Summary of FAIRFAX CONNECTOR Fare Changes  
Attachment II: Bus Fare Comparisons

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Rollo C. Axton, Chief, Transit Services Division (FCDOT)

Thomas N. Black, Section Chief, Fairfax Connector (FCDOT)

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ACTION - 4

Approval of Agreements Between the Fairfax County Police Department and the United States Department of Justice Drug Enforcement Administration (DEA) High Intensity Drug Trafficking Area (HIDTA) Task Force

ISSUE:

Board approval of Agreements between the Fairfax County Police Department and the United States Department of Justice Drug Enforcement Administration (DEA) HIDTA Task Force authorizing the assignment of one detective to the DEA HIDTA Task Force (Mass Transit) and one detective to the DEA Richmond Task Force Group, who is designated to cover the Northern Virginia area.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to sign the Agreements between the Police Department and the DEA HIDTA Task Force.

TIMING:

Board action is requested on October 20, 2008.

BACKGROUND:

In supporting the regional effort toward intervention and suppression of trafficking in narcotics and dangerous drugs, the Fairfax County Police Department recognizes the need to continue to be a lead agency within the Drug Enforcement Administration HIDTA Task Force. Participating in a partnership with the Task Force will allow the department to meet some fixed expenses such as rental vehicles, radios and some overtime.

These agreements renew the current State and Local Task Force Agreement between the Police Department and the DEA HIDTA Task Force which will expire in October 2008. The previous agreement dated October 2007, was approved by the Board of Supervisors in February 2008.

Approval for this item authorizes two separate agreements. The first authorizes the assignment of one detective to the DEA HIDTA Task Force (Mass Transit) in Northern Virginia, which allows for overtime to be funded through HIDTA. The second agreement authorizes the assignment of one detective to the DEA Richmond Task Force Group,

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which is still a part of the HIDTA Task Force, but the overtime for this position is funded by the DEA. Although this detective will be officially assigned to the DEA Richmond Task Force Group, he will be designated to cover the Northern Virginia/Washington area.

Under this agreement renewal, DEA HIDTA Task Force and the Fairfax County Police will work to facilitate sharing information in an effort to suppress and disrupt drug trafficking, gather and report intelligence data relative to narcotics activities, and conduct undercover operations that are associated with the culture of illegal narcotics and drug trafficking.

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: State and Local HIDTA Task Force Agreement between Fairfax County Police Department and the Drug Enforcement Administration

Attachment 2: State and Local Task Force Agreement between Fairfax County Police Department and the Drug Enforcement Administration

STAFF:

Robert A. Stalzer, Deputy County Executive

Colonel David M. Rohrer, Chief of Police

Robert M. Ross, Assistant County Attorney

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ACTION - 5

Authorization of the County Executive to Implement Furloughs

ISSUE:

Board approval to authorize the county executive to implement furloughs of the county workforce, if needed, to address the FY2009 revenue shortfall.

RECOMMENDATION:

The County Executive recommends that the Board authorize him to implement a furlough of the county workforce on January 2, 2009, and other future dates as deemed appropriate to address the FY2009 revenue shortfall.

TIMING:

Immediate. If approved by the Board, work must begin immediately to ensure proper communication, operational coverage, and that automated payroll system changes are completed in advance of the proposed January 2, 2009 furlough date.

BACKGROUND:

In a memorandum to the Board of Supervisors dated October 14, 2008 (attachment 1), the County Executive recommended a number of actions to address the estimated revenue shortfall for FY2009. One of the recommendations was the implementation of at least one furlough day for county employees in FY2009, the first to be scheduled for January 2, 2009. Employees performing essential services in the areas of public safety, residential facilities and other 24/7 operations would not be included in a furlough.

FISCAL IMPACT:

The estimated General Fund cost savings associated with one furlough day is \$1.75 million to \$2 million.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum to Board of Supervisors dated October 14, 2008

STAFF:

Edward L. Long, Jr., Deputy County Executive  
Susan Datta, Director, Department of Management and Budget  
Susan Woodruff, Director, Department of Human Resources

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October 20, 2008

CONSIDERATION – 1

2008 Virginia Association of Counties' Annual Meeting

ISSUE:

Board designation of a voting delegate and alternate voting delegate to represent the County at the Virginia Association of Counties' (VACo) annual meeting.

TIMING:

VACo has requested notification of Board action by November 1, 2008.

BACKGROUND:

VACo's annual meeting will be held at the Homestead (Bath County), Virginia on November 11, 2008. The VACo staff is preparing credentials for the Annual Business Meeting and the County has been requested to notify VACo of the names of the County's voting delegate and alternate voting delegate.

ENCLOSED DOCUMENTS:

Attachment 1: September 15, 2008 Memorandum to Chairs, County Board of Supervisors and County Chief Administrative Officers from James D. Campbell, Executive Director, VACo, with attachment

Attachment 2: Clerk to the Board Summary, October 2007

STAFF:

Catherine A. Chianese, Assistant County Executive

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## INFORMATION - 1

### Contract Award - Architectural/Engineering Design Services for the I-66 Solid Waste Transfer Station Workers' Facility (Springfield District)

Consultant services are required to provide preliminary architectural and engineering services for the I-66 Workers Facility, Project 174007, in Special Revenue Fund 110, Refuse Disposal. The work will consist of space programming/needs assessment, conceptual studies, and schematic design of an approximately 10,000 square-foot facility, and related site improvements on the existing I-66 Transfer Station site, located on West Ox Road in Fairfax. This project is included in the FY 2009 – FY 2013 Adopted Capital Improvement Program.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of Ritter Architects, PLLC, was selected on June 19, 2008, to enter into negotiations to provide design services for this project. The solicitation included a provision stating that Fairfax County retains the option to develop this project under alternate contract approaches, including Public Private Education Facilities and Infrastructures Act (PPEA), or Design-Build, through a separate procurement, subsequent to the initial design phase(s) under this contract. The solicitation also contains a provision stating that Fairfax County retains the right to contract with the selected firm for full design and construction administration services for the project.

The Department of Tax Administration has verified that Ritter Architects, PLLC is located in Alexandria and is not required to have a Fairfax County Business, Professional and Occupational License.

The total contract value is \$101,211.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Ritter Architects, PLLC in the amount of \$101,211.

### BACKGROUND:

At the I-66 Transfer Station site, used trailers currently serve as work and training space for solid waste workers, and the trailers are in deteriorating condition. The scope of this project is to construct a two-story, approximately 10,000 square-foot facility serving the Division of Solid Waste Disposal and Resource Recovery. It will be located at the I-66 Transfer Station, and situated on a portion of a closed landfill. It is anticipated that the new facility will include 10-12 offices for supervisors, a lunch room, a conference room

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for employee training, locker rooms, showers, and bathrooms. The project will comply with Fairfax County's sustainable design policy. This contract provides for the needs assessment and schematic design for this project. A future contract amendment will be required for full design and construction administration.

FISCAL IMPACT:

Funding in the amount of \$4,574,656 is available in Project 174007, Special Revenue Fund 110, Refuse Disposal, to award this contract and to fund the associated contingency and other project costs. Funding for this project was approved as part of the FY 2009 Adopted Budget Plan for Special Revenue Fund 110.

ENCLOSED DOCUMENTS:

None (Copy of contract amendment 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  
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery (DSWDRR), DPWES

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## INFORMATION - 2

### Contract Award – Alban Maintenance Facility Renovation Project (Lee District)

A total of 12 contractors were pre-qualified to bid on the Alban Maintenance Facility Renovation, Project No. DVSAMF/MISC, in Fund 503, Department of Vehicle Services. Six sealed bids were received and opened on September 16, 2008. This contract award will provide for the demolition of approximately 3,000 square feet of existing office space, approximately 2,300 square feet of existing office renovation, three new overhead doors, and other miscellaneous improvements to gain full service production.

The solicitation was structured with a base bid and three alternates. Alternate No. 1) A new 770 square-foot pre-engineered parts storage building, Alternate No. 2) A new 320 square-foot barrel storage area, and Alternate No. 3) As-built drawings of existing electrical circuits and panels. Based upon available funding and evaluation of the bids by the Department of Public Works and Environmental Services and the Department of Vehicle Services, the determination was made that all three bid alternates would be accepted.

The lowest responsive and responsible bidder is Sumter Contracting Corporation. Its bid, consisting of Base Bid and Alternate Nos. 1, 2, and 3, of \$751,000, is \$148,329 or 16.5% below the Engineer's Estimate of \$899,329. The highest bid, consisting of Base Bid and Alternate Nos. 1, 2, and 3, of \$943,718 is \$192,718 or 25.7% above the low bid, and \$44,389, or 5% above the Engineer's Estimate. Review of the order of bidders indicates that there are three bids below the Engineer's Estimate and three bids above the Engineer's Estimate. The contractor's experience in this type of work and a competitive bidding environment are reflected in the lowest responsive and responsible bid.

Sumter Contracting Corporation has successfully completed several projects for Fairfax County and is considered a responsible contractor. The Department of Tax Administration has verified that Sumter Contracting Corporation has the appropriate Fairfax County Business, Professional and Occupational License. Sumter Construction Corporation is a small business firm.

This bid may be withdrawn after October 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 Sumter Contracting Corporation in the amount of \$751,000.

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FISCAL IMPACT:

Funding is available in Project DVSAMF/MISC, Alban Maintenance Facility Renovation, Fund 503, Department of Vehicle Services, to award this contract and to fund the associated contingencies, and other project costs including utility connections, contract administration, and inspection.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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INFORMATION – 3

Contract Award – Poplar Spring Court Stream Restoration (Springfield District)

Six sealed bids were received and opened on Wednesday, September 10, 2008, for the construction of the Poplar Spring Court Stream Restoration, Project PC8000-PC004, Pohick Creek Watershed Projects, in Fund 318, Stormwater Management Program. This contract award will provide for restoring 600 linear feet of a tributary of Pohick Creek. This project will restore the stream by establishing a stable stream morphology through the use of natural channel design principles and soil bio-engineering. The riparian area will be restored through establishing a multi-layered riparian forest of native trees, shrubs, herbaceous plants, and grasses. This project is included in the FY 2009 – FY 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is HGS, LLC dba Angler Environmental. Its bid of \$188,730.99 is \$36,527.01 or 16% lower than the Engineer's Estimate of \$225,258.00. The next lowest responsive bid of \$191,629.77 is \$2,898.78 or 2% above the low bid. The highest bid of \$447,302.50 is \$258,571.51 or 137% above the low bid. There were two bids below the Engineer's Estimate and four bids above the Engineer's Estimate.

The Department of Public Works and Environmental Services has analyzed the bids received on the referenced project. Recent bid experience indicates extremely competitive bidding especially in horizontal construction projects. This combined with the contractor's experience in stream restoration make this a favorable below estimate bid.

HGS, LLC dba Angler Environmental is currently working on the Royal Lake Spillway Rehabilitation Project, has satisfactorily completed several projects for other local jurisdictions, and is considered a responsible contractor. The Department of Tax Administration has verified that HGS, LLC dba Angler Environmental has the appropriate Fairfax County Business, Professional, and Occupational License. HGS, LLC dba Angler Environmental is a small business firm.

This bid may be withdrawn after October 25, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to HGS, LLC dba Angler Environmental in the amount of \$188,730.99.

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FISCAL IMPACT:

Funding in the amount of \$334,241 is necessary to award this contract and fund the associated contingency and other project costs including design, testing, contract administration, and inspection. Funds are currently available in the amount of \$2,684,277, in Project FX0001, Interim Watershed Program, in Fund No. 318, Stormwater Management Program. Funding in the amount of \$334,241 will be reallocated from Project FX0001 to Project PC8000-PC004 within Fund 318. The balance of \$2,350,036 will be retained in Project FX0001 to complete other projects in the Interim Watershed Program.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bids  
Attachment 2 – Vicinity Maps

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

Local Comment Letter to the Virginia Housing Development Authority on Strawbridge Square Apartments (Mason District)

The Virginia Housing Development Authority (VHDA) has requested a letter of comment (local support letter) from the County concerning an application for federal housing tax credits. The application was submitted by:

Wesley Strawbridge, L.P. for Strawbridge Square Apartments  
5128 Lincoln Avenue, Alexandria, VA 22312

The developer listed above intends to apply to VHDA for Low Income Housing Tax Credits (LIHTC). The following table summarizes the type of construction, type of development, total number of units, total affordable units and population to be served.

<b>Project Name</b>	<b>Construction</b>	<b>Development Type</b>	<b>Total Units</b>	<b>Affordable Units</b>	<b>Tenant Population</b>
Strawbridge Square	Acquisition and rehab	Garden and townhouse style apartments	128	128	Family

This project will contribute toward meeting the County's goal of preserving affordable housing. As described in Attachment 3, VHDA accepts letters in support of proposed projects applying for tax credits. A local support letter in the form of Attachment 1 will qualify the proposed project for 50 points in VHDA's scoring of the application. If a letter reflecting neutrality or no comment is submitted to VHDA, the proposed project application receives 25 points. If a letter of opposition is submitted, the project application receives 0 points. County policy requires that the Board be informed of Consolidated Plan certifications and similar letters of comment.

Unless directed otherwise by the Board, the County Executive will sign the attached letter of support for Strawbridge Square Apartments and forward it to VHDA for consideration with the tax credit application.

ENCLOSED DOCUMENTS:

- Attachment 1 – Draft Letter to the Virginia Housing Development Authority
- Attachment 2 – Certification of Consistency with the Consolidated Plan
- Attachment 3 – Notification Letter

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STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, for Real Estate, HCD

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

Louise Milder, Associate Director, Real Estate Finance and Grants Management  
Division, HCD

Derek DuBard, Real Estate Finance Officer, Real Estate Finance and Grants  
Management Division, HCD

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INFORMATION - 5

### Quarterly Status Report on the Board's Second Four-Year Transportation Program

On October 15, 2007, the Board of Supervisors approved their Second Four-Year Transportation Program for FY 2008 through FY 2011. Supported by the \$110 million Transportation Bond approved by voters in November 2007, the Second Four-Year Plan is multi-modal and includes projects for major roadways, pedestrian and spot improvements, and transit. The Plan also includes innovative project design and delivery and programs designed to serve special populations. In addition to the 2007 Transportation Bond Projects, the Second Four-Year Plan also includes a number of projects funded through partnerships with State, Federal, and Regional agencies. The Second Four-Year Transportation Plan is designed to enhance mobility, promote safety, and create choices for the commuting public. The Plan seeks to follow an ambitious schedule to implement these projects and programs within a four-year timeframe.

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.

Staff provides a status update every quarter for the Four-Year Program, and an annual report in the winter on all active transportation projects. The status reports are posted on the FCDOT web site following the Board's review.

### ENCLOSED DOCUMENTS:

Attachment 1: September 2008 Status Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program for FY 2008 Through FY 2011

### 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  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Karyn Moreland, Chief, Capital Projects Section, FCDOT

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10:45 a.m.

Matters Presented by Board Members

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11:35 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *BearingPoint, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2007-0015670 (Fx. Co. Cir. Ct.) (Providence and Lee Districts)
  - 2. *Ryan Herold v. Richard Perl*, Case No. CL-2007-0010415 (Fx. Co. Cir. Ct.)
  - 3. *County of Fairfax, Virginia, on Behalf of Richard J. Curro v. Robert W. Barfield, Jr.*, Case No. CL-2008-0004639 (Fx. Co. Cir. Ct.)
  - 4. *John Alexander v. Kelvin Catron*, Case No. CL-2008-0007057 (Fx. Co. Cir. Ct.)
  - 5. *Eugenia B. White v. Fairfax County Government*, Case No. 1:07cv696 (E.D. Va.)
  - 6. *Jameela Taraky, by GEICO, Subrogee v. Vito Luangkhot*, Case No. 08-0026689 (Fx. Co. Gen. Dist. Ct.)
  - 7. *In re Grievance of Yuri A. Cole*, Case No. 0808 (Fx. Co. Civ. Serv. Comm'n)
  - 8. *In re Grievance of Juan A. Rodriguez*, Case No. 0809 (Fx. Co. Civil Serv. Comm'n)

9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. AbdLazez*, Case No. CL-2006-0000793 (Fx. Co. Cir. Ct.) (Mason District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria Zelaya*, Case No. CL-2008-0007334 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward Martinez Miranda*, Case No. CL-2008-0008037 (Fx. Co. Cir. Ct.) (Lee District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara Lynn Mulhall and Lawrence E. Mulhall*, Case No. CL-2008-0008941 (Fx. Co. Cir. Ct.) (Providence District)
13. *Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC*, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph L. Williams*, Case No. CL-2007-0012566 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carl W. Gaston and Virginia D. Gaston*, Case No. CL-2007-0006523 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Rodriguez and Doris Garcia Cordova*, Case No. CL-2007-0012673 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case No. CL-2007-0014495 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Argueta and Maria D. Argueta, a/k/a Maria D'Angeles Argueta*, Case No. CL-2008-0004425 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser, Case No. CL-2008-0002100 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne S. Kreiser, Case No. CL-2008-0001585 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Calderon, Celestina Calderon, and Milton Calderon, Case No. CL-2008-0006783 (Fx. Co. Cir. Ct.) (Providence District)*
22. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Aradhana L. Luthra, Trustee, and Virinder Luthra, Trustee, Case No. CL-2007-0013061 (Fx. Co. Cir. Ct.) (Dranesville District)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vinh Dang and Lily Dang, Case No. CL-2008-0007390 (Fx. Co. Cir. Ct.) (Dranesville District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Athenie F. Munoz, Case No. CL-2008-0009340 (Fx. Co. Cir. Ct.) (Lee District)*
25. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra, Case No. CL-2007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)*
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hester E. Marshall, Case No. CL-2008-0005399 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
27. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. William F. Flores, Case No. CL-2008-0007755 (Fx. Co. Cir. Ct.) (Sully District)*
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Garcia, Rosa Garcia, and Virgilio Martinez, Case No. CL-2008-0008359 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aleida O. Torres*, Case No. CL-2008-0010049 (Fx. Co. Cir. Ct.) (Braddock District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Efrain Abreu Jurado*, Case No. CL-2008-0009341 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Corinne B. Boals*, Case No. CL-2008-0011677 (Fx. Co. Cir. Ct.) (Dranesville District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jesus Livia Castillo Ullauri and Neri K. Solis*, Case No. CL-2008-0011678 (Fx. Co. Cir. Ct.) (Providence District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Miguel C. Miranda and Irma Dalila Miranda*, Case No. CL-2008-0011751 (Fx. Co. Cir. Ct.) (Mason District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald L. Bonaddio and Sharon L. Bonaddio*, Case No. CL-2008-0012058 (Fx. Co. Cir. Ct.) (Dranesville District)
35. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Barnes and Dale A. Barnes*, Case No. CL-2008-0012057 (Fx. Co. Cir. Ct.) (Mount Vernon District)
36. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Federal, Inc.*, Case No. CL-2008-0012444 (Fx. Co. Cir. Ct.) (Sully District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rose Mary King*, Case No. CL-2008-0012699 (Fx. Co. Cir. Ct.) (Mason District)
38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Michael D. Colton*, Case No. CL-2008-0012867 (Fx. Co. Cir. Ct.) (Mount Vernon District)

40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elias Serrano and Teresa Serrano*, Case No. CL-2008-0012889 (Fx. Co. Cir. Ct.) (Mount Vernon District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Freddie Tesalona and Eva Tesalona*, Case No. CL-2008-0012993 (Fx. Co. Cir. Ct.) (Lee District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emma Portillo and Juan Pablo Guzman*, Case No. CL-2008-0013109 (Fx. Co. Cir. Ct.) (Sully District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Boyd Strother*, Case No. 08-0026798 (Fx. Co. Gen. Dist. Ct.) (Providence District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cesia C. Rivera*, Case No. 08-0024757 (Fx. Co. Gen. Dist. Ct.) (Lee District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdelkrim Elmouhib*, Case No. 08-0026797 (Fx. Co. Gen. Dist. Ct.) (Providence District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sortiris P. Ioannou*, Case No. 08-0027339 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy V. Marshall*, Case No. 08-0027439 (Fx. Co. Gen. Dist. Ct.) (Providence District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ephriam J. Present and Shirley M Present*, Case No. 08-0027984 (Fx. Co. Gen. Dist. Ct.) (Lee District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter Paul Mitrano*, Case No. 08-0029359 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fatima Saine*, Case No. 08-0019343 (Fx. Co. Gen. Dist. Ct.) (Sully District)

Board Agenda Item  
October 20, 2008  
Page 6

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3:00 p.m.

Decision Only on Proposed Amendments to the Code, Chapter 84.1, Public Transportation, Including Those Pertaining to Taxicab Rates, Taxicab Fuel Efficiency, and Other Regulatory Requirements

ISSUE:

Board approval of proposed amendments to Chapter 84.1 of the Fairfax County Code, including those pertaining to taxicab rates, taxicab fuel efficiency, and other regulatory requirements.

CONSUMER PROTECTION COMMISSION RECOMMENDATION:

On October 14, 2008, the Consumer Protection Commission (CPC) voted to recommend to the Board that Chapter 84.1 of the Code be amended to permanently increase taxicab rates and establish taxicab fuel efficiency standards. Previously, on September 9, 2008, the CPC voted to recommend that Chapter 84.1 be amended to revise taxicab regulatory requirements other than rates and fuel efficiency. The CPC's October 14, 2008, recommendation accepts the consensus recommendation of staff, taxi industry representatives, and taxi drivers.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 84.1 of the Fairfax County Code, as provided in Attachment 1, including those pertaining to taxicab rates, taxicab fuel efficiency, and other regulatory requirements.

TIMING:

A public hearing on this matter was held on September 22, 2008, after which the Board decision was deferred until October 20, 2008. At that September 22, 2008 public hearing, the Board also enacted a 60-day emergency taxicab fuel surcharge of \$1.00 per trip to replace an identical surcharge that was slated to expire October 14, 2008. As a result, there are currently two taxicab fuel surcharges in effect: a \$1.00 temporary surcharge that expires October 31, 2008, and a \$1.00 emergency surcharge that expires November 20, 2008. Both surcharges will be superseded if the Board amends Chapter 84.1 to revise taxicab rates.

**BACKGROUND:**

Proposed revisions to Chapter 84.1 (Public Transportation) of the Code of Fairfax County were initially presented to the Board on September 22, 2008, at a public hearing on this matter. After receiving public comment, the Board closed the hearing and moved to defer decision on the recommended amendments until its October 20, 2008 meeting. The Board requested that staff, industry representatives, and taxi drivers, and the CPC, revisit the proposed rate increase and fuel efficiency standards and return to the Board with a consensus regarding these issues.

On October 8 and 10, 2008, staff, industry representatives, and taxi drivers met and engaged in negotiations regarding both the rate increases and fuel efficiency standards. On October 10, 2008, these parties reached an agreement on all issues, which they agreed to present to the CPC.

On October 14, 2008, and pursuant to notice and advertisement, the CPC held a public hearing regarding the proposed amendments to Chapter 84.1. The CPC voted to rescind its September 9, 2008, recommendations regarding taxicab rates and fuel efficiency standards and it re-opened the public hearing so that it could consider the consensus of staff, industry representatives, and taxi drivers as to these matters. The CPC voted to accept the consensus recommendations of staff, industry, and taxi drivers regarding taxicab rates and fuel efficiency standards.

The consensus recommendations of the Consumer Protection Commission, industry representatives, taxi drivers, and staff are set forth more fully below and are summarized in Attachment 2. These recommendations would provide for an increase in taxicab rates, establish minimum taxicab vehicle fuel efficiency standards, and revise other provisions of Chapter 84.1, including those regarding the use of credit and debit cards, drivers' use of cell phones, and wheelchair accessibility.

**Recommendation on a Taxicab Fare Increase**

Permanent taxicab fare rates were last increased in June 2005, based in part on average regular-grade gasoline prices in March 2005 of \$2.13 a gallon. Retail gasoline prices have experienced significant price swings upward since then, resulting in the periodic approval of emergency and temporary fuel surcharges.

The Consumer Protection Commission, industry representatives, taxi drivers, and staff jointly recommend that Section 84.1-6-3 be amended by increasing both components of a taxi fare, as follows:

- The initial, or "drop," charge, which includes the passenger's first 1/5<sup>th</sup> mile, would increase \$0.50, from \$2.75 to \$3.25.

- The mileage rate, which reflects the amount charged for each succeeding 1/5<sup>th</sup> mile increment, would increase by \$0.05, from \$0.35 to \$0.40. As a result, the per-mile rate would increase from \$1.75 to \$2.00.

As provided by the Code, the fuel surcharges currently in effect would be superseded by these permanent rate changes.

The elimination of the fuel surcharges will significantly temper the impact of the recommended rate increase on the public. In many cases, even if permanent rates are increased, passengers will see reductions in the total cost of a taxicab trip. As shown in Attachment 2 Schedule 1, a passenger taking a five-mile trip will save \$0.30 (a 2.3 percent decrease) when compared to current rates. A passenger taking a nine-mile trip will pay only an additional \$0.70 (or 3.5 percent increase) over current rates.

#### Recommendation on Establishment of Fuel Efficiency Standards

At the Board's September 22, 2008 public hearing, staff proposed graduated taxicab fuel efficiency standards to move the industry towards a more fuel-efficient taxicab fleet. Staff proposed these standards primarily as a means to minimize the need for future fuel surcharges, but also to help reduce vehicle emissions in the County. In recognition of the industry's reliance on used vehicles, the proposed standards were designed to fall slightly below current and future federal passenger-vehicle fuel economy requirements.

At the September 22, 2008 public hearing, an industry representative acknowledged the need to improve taxicab fuel efficiency, but urged the Board to establish a slower and longer transition than staff's proposal. Additionally, the industry requested that the standards take into consideration the need for larger vehicles that are less fuel-efficient, and exempt vehicles powered primarily by "clean special fuels". In light of these requests and the need to maintain greater flexibility among taxicab vehicles, the Consumer Protection Commission, industry, drivers, and staff recommend the following standards for additional and replacement vehicles placed into service in a certificate holder's fleet during each succeeding twelve month period:

- Effective July 1, 2010, 50 percent of additional or replacement vehicles must achieve an EPA combined rating of at least 21 mpg.
- Effective July 1, 2012, 55 percent of additional or replacement vehicles must achieve an EPA combined rating of at least 23 mpg.
- Effective July 1, 2014, 60 percent of additional or replacement vehicles must achieve an EPA combined rating of at least 25 mpg.

Two categories of taxicabs are exempt from the standards: (a) vehicles primarily fueled by an approved clean special fuel as defined by the Virginia Department of Motor Vehicles; and (b) wheelchair accessible vehicles.

Other Changes to the Code

At the September 22, 2008, meeting staff recommended the adoption of amendments to Chapter 84.1 in addition to those regarding rates and fuel efficiency. There has been no opposition to these other proposed amendments, and the CPC's recommendation to adopt these revisions remains unchanged. These other recommended revisions to Chapter 84.1 include:

- *Credit and debit cards.* Given the public's increasing reliance on cashless transactions, taxis would be required to post clear statements regarding check use and credit and/or debit card acceptance, including logo signs if applicable.
- *Cell phone use.* Taxicab drivers would be prohibited from using a cell phone or playing a sound system when transporting a passenger when the passenger requests that the driver not do so.
- *Wheelchair accessible taxicabs.* The revisions would supplement current incentives to operate wheelchair accessible taxicabs by permitting older vehicles to be placed in service. The revisions would permit a wheelchair accessible taxicab up to four years old to be placed in service, so long as its mileage is below 125,000 miles.

Descriptions of other proposed changes to the Code, which are primarily technical, are contained in Attachment 3, Section III.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Chapter 84.1

Attachment 2 – Consensus Staff Report on Proposed Code Revisions

Attachment 3 – Staff Report on Proposed Code Revisions (September 22, 2008)

STAFF:

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

Dave Reidenbach, Chief, Regulatory and Licensing Branch, DCCCP

Steve Sinclair, Chief, Utilities Branch, DCCCP

Susan Hafeli, Utility Analyst, DCCCP

Cynthia Bailey, Assistant County Attorney

Board Agenda Item  
October 20, 2008

3:00 p.m.

Public Hearing on RZ 2006-PR-013 (Washington Property Company, LLC) to Rezone from C-3, C-6, C-8 and HC to C-6 and HC to Permit Commercial Development with an Overall Floor Area Ratio of 0.04, Located on Approximately 13.52 Acres, Providence District

and

Pubic Hearing on SE 2006-PR-005 (Washington Property Company, LLC) to Permit a Drive-In Financial Institution and a Drive-In Pharmacy, Located on Approximately 3.68 Acres Zoned C-6 and HC, Providence District

The application property is located in the southwest quadrant of the intersection of Lee Highway and Nutley Street and the northwest quadrant of the intersection of Arlington Boulevard and Nutley Street at 9200 Arlington Blvd Tax Map 48-4 ((1)) 12.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, June 25, 2008, the Planning Commission voted 8-0-3 (Commissioners de la Fe, Murphy, and Sargeant abstaining; Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors deny RZ 2006-PR-013 and SE 2006-PR-005. As noted in the attached verbatim excerpts, the Commission found that the application property could reasonably be developed under its existing zoning and that the applicant had not adequately demonstrated that the proposed development conformed to the Comprehensive Plan and the Zoning Ordinance standards for approval.

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  
October 20, 2008

3:00 p.m.

Public Hearing on SE 2008-SU-001 (JAI Hotels, LLC) to Permit a Hotel, Located on  
Approximately 5.20 Acres Zoned I-3 and WS, Sully District

The application property is located at 14530 Lee Road, Tax Map 34-3 ((1)) 22.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 10, 2008, the Planning Commission voted unanimously (Commissioner Lusk absent from the meeting) to recommend that the Board of Supervisors approve SE 2008-SU-001, subject to the Development Conditions dated July 7, 2008.

The Commission then voted 10-0-1 (Commissioner Harsel abstaining; Commissioner Lusk absent from the meeting) to recommend that the Board waive Sect. 9-512 of the Zoning Ordinance to allow the development as currently proposed.

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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Board Agenda Item  
October 20, 2008

3:00 p.m.

Public Hearing on SE 2007-DR-018 (William P. Sloan) to Permit a Waiver of the Minimum Lot Width Requirement, Located on Approximately 1.0 Acre Zoned R-2, Dranesville District

The application property is located at 1942 Virginia Avenue, Tax Map 41-1 ((9)) 1A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 10, 2008, the Planning Commission voted unanimously (Commissioner Hart recused from the vote; Commissioner Lusk absent from the meeting) to recommend that the Board of Supervisors approve SE 2007-DR-018, subject to the Development Conditions dated July 10, 2008.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Cathy Lewis, Branch Chief, Zoning Evaluation Division, DPZ

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Board Agenda Item  
October 20, 2008

3:00 p.m.

Public Hearing on SEA 80-L-127-03 (Nextel Communications of the Mid-Atlantic, Inc./Franconia Volunteer Fire Dept Inc.) to Amend SE 80-L-127 Previously Approved for a Public Benefit Association to Permit a Telecommunications Facility and Associated Modifications to Site Design, Located on Approximately 2.76 Acres Zoned R-3 and HC, Lee District

The application property is located at 6304 Beulah Street, Tax Map 81-3 ((5)) 20 and 20A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 31, 2008, the Planning Commission voted unanimously (Commissioners Donahue and Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 80-L-127-03, subject to the Development Conditions dated July 17, 2008;
- Waiver of the transitional screening requirements along the northern and eastern property lines; and
- Waiver of the barrier requirement along the eastern property line.

In a related action, the Planning Commission voted unanimously (Commissioners Donahue and Hall absent from the meeting) to approve 2232-L07-02 (Nextel Communications & Franconia Volunteer Fire Department) for the installation of a 107-foot tall tree monopole on the site of the Franconia Volunteer Fire Department at 6304 Beulah Street. The Commission determined that the application satisfied the criteria of location, character and extent, as set forth in Sect. 15.2-2232 of the *Code of Virginia* and was in substantial accordance with the provisions of the Comprehensive Plan

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  
October 20, 2008

3:30 p.m.

Public Hearing on AR 83-S-007-03 (Mary E. Hampshire, Victoria Anna Hampshire, Gifford Ray Hampshire) Local A&F District Renewal Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 25.0 Acres Zoned R-C and WS, Springfield District

The application property is located at 6301 and 6295 Newman Road, Tax Map 76-1 ((1)) 1Z and 26Z.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 25, 2008, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to recommend that the Board of Supervisors approve AR 83-S-007-03 to renew the Hampshire Local Agricultural and Forestal District, subject to the Ordinance provisions contained in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
October 20, 2008

3:30 p.m.

Public Hearing on AR 83-S-008-03 (Carol C. Mattusch and Richard S. Mason) Local A&F District Renewal Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 31.87 Acres Zoned R-C and WS, Springfield District

The application property is located at 12301 Fairfax Station Road, Tax Map 76-3 ((1)) 4Z and 24Z.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on October 16, 2008. The Commission's recommendation will be forwarded to the Board subsequent to that date.

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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Board Agenda Item  
October 20, 2008

3:30 p.m.

Public Hearing on AR 83-D-006-03 (Cajoll Company and John W. Hanes III Trust) Local A&F District Renewal Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 57.38 Acres Zoned R-E, Dranesville District

The application property is located at 9809 Arnon Chapel Road, Tax Map 8-3 ((1)) 45Z, 47, 50Z and 51Z.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 25, 2008, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to recommend that the Board of Supervisors approve AR 83-D-006-03 to renew the Cajoll Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 10, 2008.

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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Board Agenda Item  
October 20, 2008

3:30 p.m.

Public Hearing on AR 91-D-008-02 (Helen R. Hill Trust) Local A&F District Renewal Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 36.103 Acres Zoned R-A, Dranesville District

The application property is located at 10500 Leesburg Pike, Tax Map 12-4 ((1)) 46Z.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 25, 2008, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to recommend that the Board of Supervisors approve AR 91-D-008-02 to renew the Hills Plant Nursery Local Agricultural and Forestal District, subject to the Ordinance provisions dated September 10, 2008.

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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Board Agenda Item  
October 20, 2008

3:30 p.m.

Public Hearing on PCA 92-M-038 (Paolozzi Investments, Inc.) to Amend the Proffers for RZ 92-M-038 Previously Approved for Commercial Development and Site Modifications to Permit a Car Wash and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio (FAR) of 0.19, Located on Approximately 1.08 Acres Zoned C-5, CRD, HC and SC, Mason District

and

Public Hearing on SE 2008-MA-019 (Paolozzi Investments, Inc.) to Permit a Car Wash and Modifications and Waivers in a Commercial Revitalization District, Located on Approximately 1.08 Acres Zoned C-5, CRD, HC and SC, Mason District

The application property is located on the south side of Columbia Pike approximately 300 feet north of Lacy Boulevard at 5901 Columbia Pike, Tax Map 61-2 ((1)) 117.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 2, 2008, the Planning Commission voted unanimously (Commissioners Litzenberger, Lusk, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 92-M-038, subject to the execution of proffers consistent with those dated August 29, 2008;
- Approval of SE 2008-MA-019, subject to the Development Conditions dated September 17, 2008; and
- Modification of the transitional screening requirements next to the residential properties to the south and west, in favor of that shown on the GDP/SE Plat;

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
October 20, 2008

4:00 p.m.

Public Hearing on SE 2008-LE-013 (Chevy Chase Bank, F.S.B.) to Permit a Drive-In Financial Institution in a Highway Corridor Overlay District and Waiver of Certain Sign Regulations, Located on Approximately 30,474 Square Feet, Zoned C-2 and HC, Lee District

The application property is located at 5511 and 5515 Franconia Road, Tax Map 81-4 ((4)) 6 and 7.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on October 16, 2008. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Kellie Mae Goodard-Sobers, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
October 20, 2008

4:00 p.m.

Public Hearing on SE 2008-SP-014 (Little Acorn Patch, Ltd.) to Permit a Child Care Center with a Maximum Daily Enrollment of 89 Children, Located on Approximately 6.89 Acres Zoned C-6 and HC, Springfield District

The application property is located at 6226 Rolling Road, Tax Map 79-3 ((4)) 42 and 43.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 11, 2008, the Planning Commission voted unanimously (Commissioners Flanagan and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-SP-014, subject to the proposed Development Conditions contained in Appendix 1 of the staff report; and
- Modification of the barrier requirement.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
October 20, 2008



4:00 p.m.

Public Hearing on Proposed Amendments to the Public Facilities Manual (PFM) and *The Code of the County of Fairfax, Virginia* Related to the Conservation of Trees During the Land Development Process

ISSUE:

Board of Supervisor's public hearing to consider proposed amendments to the Public Facilities Manual (PFM) and the *Code of the County of Fairfax, Virginia* (County Code) to add new Chapter 122 (Tree Conservation Ordinance) and revise Chapters 101 (Subdivision Provisions), 104 (Erosion and Sedimentation Control), 112 (Zoning Ordinance) and 120 (Tree Conservation Ordinance) (to be renamed) related to the conservation of trees during the land development process.

PLANNING COMMISSION RECOMMENDATION:

On September 24, 2008, the Planning Commission held a public hearing on these amendments and the decision was deferred until October 2, 2008. At their meeting on Thursday, October 2, 2008, the Planning Commission voted 8-0-1 (Commissioner Harsel abstaining; Commissioners Litzenberger, Lusk, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of the proposed amendments to the Public Facilities Manual and the Code of the County of Fairfax, including the new Chapter 122 (Tree Conservation Ordinance) as well as the revisions to Chapter 101 (Subdivision Ordinance), Chapter 104 (Erosion and Sedimentation Control), Chapter 112 (Zoning Ordinance) and Chapter 120 (Tree Conservation Ordinance to be renamed), as set forth in the staff report, and including the staff recommended changes to Sections 12-0701.4 and 12-0506.2C of the Public Facilities Manual, as set forth in the handout dated September 24, 2008 (Attachment 2); and
- The effective date and time of the proposed amendments shall be 12:01 a.m. on January 1, 2009, and that the following shall be grandfathered: 1) proffered conditions, approved development plans, special exception plats, and special permit plats approved prior to 12:01 a.m. January 1, 2009; and 2) site plans, public improvement plans, grading plans, and subdivision plans [excluding preliminary plats], which are submitted prior to 12:01 a.m. on January 1, 2009, provided that any such plan obtains final approval no later than close of business on July 1, 2009.

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RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments as recommended by the Planning Commission.

TIMING:

The Board is requested to take action on October 20, 2008. On September 8, 2008, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on September 24, 2008, and deferred decision to October 2, 2008.

BACKGROUND:

The proposed amendments originate from Fairfax County's legislative efforts to acquire state enabling authority to preserve forest resources during the land development process. Starting in 2002, the Board included either a legislative proposal or a position supporting proposed amendments to Va. Code Ann. §15.2-961 related to tree conservation in the County's annual legislative program. These efforts culminated in the enactment of a new section, § 15.2-961.1, to the Code of Virginia, effective July 1, 2008, that allows localities within Planning District 8 and classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act and Amendments of 1990, to adopt local ordinances providing for the conservation of trees during the land development process. The new state enabling authority allows the County to shift its regulatory focus from tree replacement to tree preservation. In addition to the new authority for tree preservation, localities in Planning District 8, such as Fairfax County, that had adopted local tree canopy ordinances prior to July 1, 1990, based on the enabling authority of Va. Code Ann. § 15.2-961, are allowed to adopt tree conservation provisions under the enabling authority of Va. Code Ann. § 15.2-961.1 based on the 10-year tree canopy as opposed to the 20-year tree canopy that would result in less tree conservation. Fairfax County adopted tree cover requirements based on the 10-year tree canopy on April 16, 1990, effective June 30, 1990.

The enabling authority stems from two bills (House Bill 1437 and Senate Bill 710) that were passed by the 2008 Virginia Legislative Assembly. A copy of the adopted legislation is included as Attachment A of the Staff Report. The language of these bills was developed by a committee that was formed as a result of a conference sponsored by the Northern Virginia Urban Forest Roundtable. The committee included Virginia State Senator Patricia Ticer and Virginia State Delegate David Bulova plus representatives of the Northern Virginia Building Industry Association, the Fairfax County Tree Commission, the Virginia Department of Forestry Board, and the Fairfax County Urban Forest Management Division. The language and underlying concepts of the proposed amendments and adopted legislation honor the work of these stakeholders. In addition, various technical components of the proposed amendments were prepared with assistance from various local environmental groups such as the Virginia Native Plant

Board Agenda Item  
October 20, 2008

Society and from local arborists that are affiliated with the Mid-Atlantic Chapter of the International Society of Arboriculture and Society of Municipal Arborists.

The proposed amendments include a new Chapter of the County Code, Chapter 122 (Tree Conservation Ordinance). The purpose and intent of this chapter is to provide for the conservation of trees during the land development process. The conservation (i.e. preservation and planting) of trees during the land development process will protect, sustain, and enhance the County's urban forest resources. These forest resources provide important aesthetic, social, and economic benefits and are indispensable to the conservation and management of vital atmospheric, water, soil, and ecological resources. The proposed amendments directly support the goals and objectives of the following initiatives and programs:

- The Board's Environmental Vision, *Environmental Excellence for Fairfax County: A 20-Year Vision*, 2004
- The Board's Environmental Agenda, 2004
- The Tree Action Plan (Core Recommendation #7), 2006
- Fairfax County's 30-year Tree Canopy Goal of 45%
- Fairfax County Legislative Program, 2008 Virginia General Assembly

The proposed ordinance, Chapter 122 (Tree Conservation Ordinance), has been prepared in response to a directive from the Board at the March 10, 2008, Board meeting. The proposed Ordinance and related amendments to the PFM and County Code incorporate the full authority granted to localities in the Code of Virginia and will be administered by the Director of the Department of Public Works and Environmental Services. Because existing requirements for tree conservation located in the Erosion and Sedimentation Control Ordinance, Subdivision Ordinance, and Zoning Ordinance will now be centralized in the new Tree Conservation Ordinance, amendments to those ordinances and the PFM are necessary to delete the current requirements and implement the requirements of the new ordinance.

On September 24, 2008, the Planning Commission held a public hearing on the proposed amendments. At the public hearing, staff presented changes to the advertised amendments to address comments received from industry regarding hazardous trees on off-site properties. Specifically, staff recommended changes to PFM § 12-0701.4 to address removal of hazardous trees from off-site properties and changes to PFM §12-0506.2C to address tree inventory and poor condition analysis requirements of hazardous trees on off-site properties. A copy of the proposed changes is contained as Attachment 2. After some discussion on the proposed amendments, the Planning Commission deferred decision to October 2, 2008.

A summary of the proposed Ordinance and amendments to the PFM and County Code is provided below.

**PROPOSED AMENDMENTS:**

The proposed amendments include a new chapter of the County Code, Chapter 122 (Tree Conservation Ordinance), providing for the conservation of trees to protect, sustain and enhance the County's forest resources. In addition, revisions to the PFM and Chapters 101 (Subdivision Provisions), 104 (Erosion and Sedimentation Control), 112 (Zoning Ordinance) and 120 (Tree Conservation Ordinance) (to be renamed) of the County Code are being proposed to align them with the proposed tree conservation provisions set forth in new Chapter 122 (Tree Conservation Ordinance) as further described below.

***Comparison Table (refer to Attachment B of the Staff Report)***

The attached comparison table outlines the major features of the proposed tree conservation amendments and compares the proposed requirements to the current County Code and PFM regulations.

***New Chapter 122 (Tree Conservation Ordinance)***

The proposed amendments include a new Chapter to the County Code, Chapter 122, entitled Tree Conservation Ordinance. The purpose and intent of this Chapter is to provide for the conservation of trees during the land development process. The conservation (i.e. preservation and planting) of trees during the land development process will protect, sustain, and enhance the County's urban forest resources. These forest resources provide important aesthetic, social, and economic benefits and are indispensable to the conservation and management of vital atmospheric, water, soil, and ecological resources.

A copy of proposed Chapter 122 is included as Attachment C of the Staff Report.

***Amendments to Chapter 112 (Zoning Ordinance)***

The proposed Zoning Ordinance amendments support the core recommendations of the Tree Action Plan and relocates the current tree cover requirements from the Zoning Ordinance to the proposed Chapter 122 (Tree Conservation Ordinance). Specifically the Zoning Ordinance amendment does the following:

- Amends the tree cover provisions, including the ten year tree cover requirement, because these requirements are being moved to the proposed Chapter 122 (Tree Conservation Ordinance) and the PFM, the amendment revises the landscaping and screening purpose and intent statement in Sect. 13-101 to no longer require a specified percentage of tree cover in ten years.
- Amends Sect. 13-106 to clarify the long-term requirements for property owners to maintain and replace required landscaping.
- Adds a new peripheral and interior parking lot landscaping purpose and intent statement in a new Sect. 13-201. The new statement emphasizes the linkage between parking lot landscaping and efforts to improve air and water quality.

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- Adds a new transitional screening and barrier requirement purpose and intent statement in a new Sect. 13-301. The purpose and intent of the transitional screening and barrier requirements, among other things, is to lessen the visual and noise impacts of a more intensive use on nearby properties.
- Amends the transitional screening requirements in Sect. 13-303 to reduce the density of plant materials required in order to improve the long-term screening effectiveness of screening yards and the ability of the trees and shrubs used for screening to resist outbreaks of infectious plant diseases and infestations of insects.
- Replaces the tree cover requirements with a reference to the tree cover requirements contained in the new Chapter 122 (Tree Conservation Ordinance) and the PFM.
- Makes other minor editorial changes to reflect changes in tree conservation ordinance terminology and to provide appropriate cross references.

The proposed amendments to the Zoning Ordinance are included as Attachment D of the Staff Report.

***Amendments to Chapter 101 (Subdivision Provisions)***

The proposed amendments revise Chapter 101 (Subdivision Provisions) to implement and adopt the new tree conservation provisions set forth in Chapter 122 (Tree Conservation Ordinance) of the County Code and the PFM. Specifically, the Subdivision Ordinance amendments do the following:

- The current tree cover requirement standards set forth in paragraph 21 of § 101-2-2 (Minimum Tree Cover Requirement Standards) are being eliminated and replaced with the new tree conservation provisions emphasizing the preservation of existing trees by incorporating, by reference, new Chapter 122 and the PFM.
- In addition, paragraph 13 of §101-2-3 (Preliminary subdivision plat) related to preliminary subdivision plats and the cluster subdivision provision of §101-2-8 (Subdivision Cluster Provisions) are being revised to incorporate, by reference, the new tree conservation provisions, add requirements for preliminary subdivision plats to address tree canopy requirements, and update the name of the Urban Forestry Division to Urban Forest Management Division.

The proposed amendments to the Subdivision Ordinance are included as Attachment E of the Staff Report.

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***Editorial Amendments to Chapters 104 (Erosion and Sedimentation Control) and 120 (Tree Conservation)***

The proposed changes to Chapters 104 (Erosion and Sedimentation Control) and 120 (Tree Conservation) are editorial in nature and include adding references to new Chapter 122 and the PFM. In addition, Chapter 120, currently referred to as the “Tree Conservation Ordinance”, is being renamed to the “Heritage, Specimen, Memorial, and Street Tree Ordinance” to align with the Chapter’s stated purpose and intent related to regulating the preservation and removal of heritage, specimen, memorial, and street trees and to avoid conflict with the name of new Chapter 122, entitled “Tree Conservation”.

The proposed amendments to Chapters 104 and 120 are included as Attachments F and G, respectively, of the Staff Report.

***Amendments to the Public Facilities Manual (PFM)***

The proposed amendments to the PFM incorporate plan submission requirements, technical standards and specifications, and onsite practices that support the conservation of trees and minimize the extent of disturbance to onsite and offsite trees and forested areas and includes the following:

- Increased 10-year tree canopy requirements (from 20 to 25 percent) for R-3, R-4, PDH-3, and PDH-4 zoning districts
- Increased 10-year tree canopy requirements (from 20 to 30 percent) for R-A, R-P, R-C, R-E, R-1, R-2, PDH-1, and PDH-2 zoning districts and low-density areas of a PRC District
- A new “tree preservation target” provision that identifies specific levels of tree preservation that are expected to be achieved on development sites, along with a built-in modification/review process which can be used to justify deviations from the preservation target when:
  1. meeting the target would prevent the development of uses and densities allowed by the Zoning Ordinance, and
  2. development sites contain existing vegetation that does not meet standards for health and structural condition, and
  3. construction activities are expected to impact existing trees so they are not likely to survive in a healthy and sound manner
- New health and condition standards for trees and forested areas that will improve the long-term health and safety of trees and forested areas

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- New tree inventory and condition analysis provisions that will help to reveal which trees are most suitable for preservation and which trees should be removed to maximize the safety of tree preservation areas
- New incentives for preserving existing tree canopy in the following categories:
  1. for preservation of rare, endangered or valuable forest communities, and
  2. for the preservation of trees proposed for official designation as heritage, specimen, memorial or street trees
- New or increased incentives to plant trees for:
  1. energy conservation benefits
  2. air quality benefits
  3. water quality benefits, and
  4. wildlife benefits
- New incentives to plant native tree species and improved cultivars of species that can withstand harsh urban conditions
- New provisions allowing the use of tree seedlings, woody shrubs, and woody seed mix in meeting 10-year tree canopy requirements
- New provisions to allow canopy requirements to be met off-site, when they cannot be met on-site, through the use of tree banking and/or contribution to a tree fund
- Amendments to the 10-year tree canopy requirement modification process that includes a reduction to the maximum level that tree canopy requirements can be modified
- New provisions requiring the management of hazardous conditions and invasive plants that may occur within forested areas
- New language that underscores the need to preserve and manage understory plants and soil conditions in tree preservation areas
- New tables as follows:
  - Table 12.4: 10-Year Tree Canopy Requirements, (currently in Zoning Ordinance Section 13-401.1 with revised requirements consistent with the State enabling legislation)
  - Table 12.5: Endangered or Unique Forest Communities
  - Table 12.6: Multipliers for Heritage, Specimen, Memorial and Street Trees
  - Table 12.9: Species for Air Quality Improvement

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- Table 12.10: Native and Wildlife Benefit Species (new table and reiterates information included in proposed Table 12.19 in the Tree Uses column and provides information on species not included in Table 12.19)
- Updated plates 1-12(1M-12) thru 9-12(9M-12)
- Editorial revisions to chapters 2, 6 and 11 related to updating section references, adding references to new Chapter 122 (Tree Conservation Ordinance) and updating the name of the Urban Forest Management Division.

The proposed amendments to the PFM are included as Attachment H of the Staff Report and include amendments to Chapters 2, 6, 11 and 12, and plates #1-12(1M-12) thru 9-12(9M-12).

FISCAL IMPACT:

None. Current staffing levels are sufficient to implement the proposed amendments.

REGULATORY IMPACT:

The proposed amendments to the County Code and PFM will potentially impact those entities that submit engineering plans and plats to the Department of Public Works and Environmental Services. The proposed amendments emphasize tree conservation during land development by requiring submission of a tree conservation plan and narrative for plans of development that require tree preservation. If adopted by the Board, the proposed amendments would encourage developers to conserve trees during land development by incorporating into the PFM and County Code plan submission requirements, technical standards and specifications, and onsite practices that support tree preservation and minimize the extent of disturbance to onsite and offsite trees and forested areas.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report

Attachment 2 – Revisions dated September 24, 2008

STAFF:

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

Howard J. Guba, Deputy Director, DPWES

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

Eileen McLane, Zoning Administrator, Department of Planning and Zoning

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4:30 p.m.

Public Hearing on PCA 2004-SU-028 (Penske Automotive Group, Inc.) to Amend the Proffers for RZ 2004-SU-028 Previously Approved for Commercial Development to Permit Vehicle Sale, Rental and Ancillary Service Establishment and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.20, Located on Approximately 9.26 Acres Zoned C-8, AN and WS, Sully District

and

Public Hearing on SEA 2004-SU-027 (Penske Automotive Group, Inc.) to Amend SE 2004-SU-027 Previously Approved for Commercial Development to Permit an Additional Vehicle Sales, Rental and Ancillary Service Establishment and Associated Modifications to Site Design with No Increase in Total FAR, Located on Approximately 9.26 Acres Zoned C-8, AN and WS Sully District

The application property is located in the S.W. quadrant of the intersection of Stonecroft Boulevard and Stonecroft Center Court, Tax Map 33-4 ((1)) 3B.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on October 16, 2008. The Commission's recommendations will be subsequently forwarded to the Board of Supervisors.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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October 20, 2008

4:30 p.m.

Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5A (Residential Permit Parking Districts)

ISSUE:

Board authorization to advertise a public hearing for October 20, 2008, at 4:30 p.m., to consider the proposed amendments to Section 82-5A of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to allow public colleges and universities to be included in the criteria to establish a Residential Permit Parking District (RPPD), and to exclude vehicles with temporary tags and non-motorized vehicles from parking in RPPDs.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments (Attachment I) to the Fairfax County Code.

TIMING:

The public hearing was authorized on September 22, 2008, for October 20, 2008, at 4:30 p.m.

BACKGROUND:

In response to a situation that has been developing near the Northern Virginia Community College (NOVA), the Board on July 21, 2008, directed County staff to amend the existing RPPD ordinance to add public colleges and universities under the same criteria currently used by high schools and rail stations when establishing an RPPD. This inclusion would eliminate the need for those institutions to meet the requirements set forth in Fairfax County Code Section 82-5A-4(b) for minimum and out-of-area vehicle parking percentages that currently apply to other RPPD applicants.

To limit the extent of this provision, staff recommends that this amendment be restricted to public institutions of higher education in residential districts that occupy land owned by the Commonwealth of Virginia, which in Fairfax County, are NOVA and George Mason University (GMU).

As an additional change to the current RPPD ordinance, staff recommends amending Fairfax County Code Section 82-5A-9 to provide that RPPD parking restrictions apply to all non-motorized vehicles, such as boats and trailers, as well as all vehicles with temporary tags. Currently, that section expressly excludes those vehicles from the RPPD parking regulations. Although this amendment may require RPPD residents to park their

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boats and trailers on their property rather than the public street, this would ensure that available space will be fully utilized to park permitted motorized vehicles as well as motorized vehicles of authorized visitors. It may also deter those types of non-motorized vehicles owned by those who reside outside of the RPPD from parking indefinitely within a RPPD. With regard to motorized vehicles with temporary tags that are owned by RPPD residents, those vehicle owners within any RPPD will receive a temporary permit for their vehicle until they acquire their permanent vehicle plates and the permanent permit will then be issued. This amendment is intended to prevent owners of vehicles with temporary tags that do not reside within the RPPD from parking on streets therein.

Staff is therefore recommending changes to Fairfax County Code Section 82-5A as indicated in Attachment I:

1. In Section 82-5A-2 define a *Virginia college or university campus*.
2. Expand Section 82-5A-4(a) to specifically include a *Virginia college or university campus* as criteria for qualifying to establish a RPPD.
3. In Section 82-5A-9 remove the reference to vehicles with temporary tags and non-motorized vehicles such as boats and trailers.
4. In Section 82-5A-10(c), change reference from subsection (b) to (c) and indicate the procedure for acquiring a 60-day nonrenewable pass for residents with temporary tags.

FISCAL IMPACT:

Staff anticipates several new RPPDs may be established. As a result, there will be associated processing and sign installation costs as well as ongoing permit renewal and sign maintenance costs. These costs are not expected to be significant.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Fairfax County Code Section 82-5A

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Pam Pelto, Office of the County Attorney  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Maria Turner, FCDOT  
Hamid Majdi, FCDOT

Board Agenda Item  
October 20, 2008

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)

ISSUE:

Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Springdale Residential Permit Parking District (RPPD) District 33.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Springdale RPPD, District 33.

TIMING:

On September 22, 2008, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on October 20, 2008, at 4:30 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

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A petition requesting expansion of the RPPD was received on May 21, 2008. The proposed District expansion includes the following street: Courtland Drive (Route 7556) from Hoffmans Lane (Route 7555) to the end, excluding the reverse frontage of commercially zoned 61-2((01)) parcel 117.

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on May 21, 2008 thereby satisfying Code fee requirements.

On July 20, 2008, staff conducted a peak parking demand survey for Courtland Drive. This survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning block was occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning block, thereby satisfying Code parking requirements.

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to expand the Springdale RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$600. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*  
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

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

Board Agenda Item  
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4:30 p.m.

Public Hearing for the Continued Leasing of County-Owned Property to the Chantilly Youth Association (Sully District)

ISSUE:

Public hearing for the continued leasing of County-owned property at 12504 Bennett Road, previously the Navy Vale Fire Station (Tax Map No. 35-4 ((1)) 37A, Sully District), to the Chantilly Youth Association (CYA).

RECOMMENDATION:

The County Executive recommends that the Board authorize County staff to execute a new Lease Agreement substantially in the form of Attachment B for the continued leasing of County-owned property at 12504 Bennett Road, previously the Navy Vale Fire Station (Tax Map No. 35-4 ((1)) 37A), to Chantilly Youth Association (CYA).

TIMING:

On September 22, 2008, the Board of Supervisors authorized the advertisement of a public hearing to be held on October 20, 2008, at 4:30 pm., for the continued leasing of County-owned property at 12504 Bennett Road, previously the Navy Vale Fire Station (Tax Map No. 35-4 ((1)) 37A), to Chantilly Youth Association (CYA).

BACKGROUND:

In 1985 the Navy Vale Fire Station was transferred to the County as part of an agreement with the Navy Vale Volunteer Fire Department. In 1987, the Board of Supervisors authorized the leasing of the facility and land to the Chantilly Youth Association (CYA) for the storage and distribution of sports equipment. The lease agreement between the Board of Supervisors and CYA recently expired, and CYA requested a new lease agreement. The proposed terms of the new lease agreement between the Board of Supervisors and CYA are summarized below.

The lease agreement is effective for a one year period beginning on July 1, 2008. The lease will automatically renew for an additional period of five terms of one year, unless notice to the contrary is given by either party 60 days prior to the end of the then current term.

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The facility will be accepted by CYA "as is", and will be maintained in suitable condition by CYA at their expense. Use of the facility will be restricted to the storage and distribution of sports equipment. Use of the facility for any other purpose will require prior approval by the County and will be subject to CYA securing all necessary permits and/or approvals required for the requested additional use. CYA will be responsible for all utility costs associated with their use of the facility, normal maintenance and repair costs. Also, CYA will be responsible for landscaping, grounds care, and parking lot repair as needed. In return, CYA will not be charged monetary rent by the County. Therefore, it is recommended that the Board of Supervisors authorize staff to execute a lease agreement substantially in the form of the lease agreement in Attachment B.

FISCAL IMPACT:

Approval of this lease agreement will not generate any revenue. However, the terms of the agreement will eliminate all maintenance costs that would be otherwise incurred by the County.

ENCLOSED DOCUMENTS:

Attachment A – Tax Map  
Attachment B – Proposed Lease Agreement

STAFF:

Jose A. Comayagua, Jr., Director, Facilities Management Department

Board Agenda Item  
October 20, 2008

5:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 9534 Burning Branch Road  
(Springfield District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 9534 Burning Branch Road, Burke, VA 22015 (Tax Map No. 078-3-((08))-0002)(Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 9534 Burning Branch Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On September 8, 2008, the Board authorized advertisement of this public hearing to be held Monday, October 20, 2008, at 5:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2008) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

In November 1996, the Board authorized the implementation of a Blight Abatement Program

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using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of “Blighted property” under Va. Code Ann. 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 9534 Burning Branch Road was referred to the Blight Abatement Program (BAP) on March 28, 2006. Located on the subject property is a vacant, split foyer, single family dwelling. The property also contains an in-ground swimming pool along with numerous household items and construction debris strewn about the property. The residential structure was constructed in 1978 according to Fairfax County Tax Records. The single family dwelling has been vacant since February 14, 2006, when the dwelling caught fire. The fire report estimated the damage at approximately \$150,000 dollars. Due to the extensive fire damage the single family dwelling is not economically feasible to repair and needs to be demolished. Additionally the in-ground swimming pool is not secured and is a potential hazard to the community. BAP staff is recommending that the pool be filled in as part of the demolition effort to mitigate this hazard.

On June 6, 2007, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. On June 16, 2007, the owner hired a contractor start the interior demolition work and the interior of the structure was gutted. The owner was in communication with BAP staff as to her plans but approximately one month later the repair work stopped and to date the owner has not taken any additional action to clean up the debris on the property, secure the pool or finish the repair of the fire damaged structure. BAP staff has left numerous messages trying to reach the owner to get her to attend to the above matters to no avail. The blighted conditions remain.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on October 2, 2008, and October 9, 2008.

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

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held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the Property owner of the Board's action, HCD will proceed with demolition of the structures. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of October 2, 2008, is \$267,182. It is estimated that the cost of demolition of the structures will be approximately \$60,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 9534 Burning Branch Road (Springfield District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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5:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 5397 Summit Drive (Springfield District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 5397 Summit Drive, Fairfax, VA 22030 (Tax Map No. 055-4-((02))-0036)(Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 5397 Summit Drive blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On September 8, 2008, the Board authorized advertisement of this public hearing to be held Monday, October 20, 2008, at 5:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2008) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

In November 1996, the Board authorized the implementation of a Blight Abatement Program

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using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of “Blighted property” under Va. Code Ann. 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 5397 Summit Drive was referred to the Blight Abatement Program (BAP) on March 29, 2006. Located on the subject property is a vacant, two-story, split foyer dwelling with a full basement. The property also contains an in-ground swimming pool, hot tub, shed, low boy trailer, recreational vehicle, one inoperable van and a large pile of broken asphalt. The residential structure was constructed in 1964 according to Fairfax County Tax Records. The single family dwelling has been vacant since at least March 29, 2006, when the blight abatement program received its first complaint. County permit records show a demolition permit was approved on June 5, 2007. The dwelling has been gutted for demolition and all the utilities have been terminated. Due to the above information and the extreme lack of maintenance over the past couple of years this single family dwelling is not economically feasible to repair and needs to be demolished.

On July 20, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. The notice was received by the owner and on August 8, 2006, BAP staff received a letter from Michael Koch of Patriot Design & Build, LLC who advised BAP staff that he was contracted by the owner to demolish the structure on the property. Mr. Koch further stated that he was working to obtain the permits for the demolition and this action would be accomplished in the next couple of weeks. To date the redevelopment of the property has not occurred and the blighted conditions remain. All attempts by BAP staff to achieve voluntary compliance from the property owner have been unsuccessful.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on October 2, 2008, and October 9, 2008.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate the blighted conditions on the Property, it is

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requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the Property owner of the Board's action, HCD will proceed with demolition of the structure. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of October 2, 2008, is \$267,182. It is estimated that the cost of demolition of the structures will be approximately \$45,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 5397 Summit Drive (Springfield District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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5:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 5399 Summit Drive (Springfield District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 5399 Summit Drive, Fairfax, VA 22030 (Tax Map No. 055-4-((02))-0037)(Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 5399 Summit Drive blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On September 8, 2008, the Board authorized advertisement of this public hearing to be held Monday, October 20, 2008, at 5:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2008) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 5399 Summit Drive was referred to the Blight Abatement Program (BAP) on March 27, 2006. Located on the subject property is a vacant, two-story, split foyer dwelling with a full basement. The property also contains a 30 yard dumpster filled with construction debris. In addition the property contains an open unsecured well, a large pile of broken bricks and several large storage piles of dirt.

The residential structure was constructed in 1964 according to Fairfax County Tax Records. The single family dwelling has been vacant since at least March 27, 2006, when the blight abatement program received its first complaint. County permit records show a demolition permit was approved on June 5, 2007. The dwelling has been gutted for demolition and all the utilities have been terminated. Due to the above information and the extreme lack of maintenance over the past couple of years this single family dwelling is not economically feasible to repair and needs to be demolished.

On July 20, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. The notice was received by the owner and on August 8, 2006, BAP staff received a letter from Michael Koch of Patriot Design & Build, LLC who advised BAP staff that he was contracted by the owner to demolish the structure on the property. Mr. Koch further stated that he was working to obtain the permits for the demolition and this action would be accomplished in the next couple of weeks. To date the redevelopment of the property has not occurred and the blighted conditions remain. All attempts by BAP staff to achieve voluntary compliance from the property owner have been unsuccessful.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on October 2, 2008, and October 9, 2008.

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Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the Property owner of the Board's action, HCD will proceed with demolition of the structure. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of October 2, 2008, is \$267,182. It is estimated that the cost of demolition of the structures will be approximately \$40,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 5399 Summit Drive (Springfield District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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October 20, 2008

5:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 7131 Alger Road (Mason District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 7131 Alger Road, Falls Church, VA 22042 (Tax Map No. 050-3-((04))-0131)(Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 7131 Alger Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On September 8, 2008, the Board authorized advertisement of this public hearing to be held Monday, October 20, 2008, at 5:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2008) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific

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properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of “Blighted property” under Va. Code Ann. 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 7131 Alger Road was referred to the Blight Abatement Program (BAP) on January 23, 2008. Located on the subject property is a vacant, one-story dwelling with no basement. The property also contains a detached garage and one inoperable vehicle. The residential structure was constructed in 1951 according to Fairfax County Tax Records. The single family dwelling has been vacant since March 29, 2007, when the dwelling caught fire. The fire report estimated the damage at approximately \$200,000 dollars. On October 31, 2007, the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. Due to the extensive fire damage the single family dwelling is not economically feasible to repair and needs to be demolished.

On July 2, 2008, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. The letter was signed for by someone other than the owner and BAP staff has not been able to reach the owner to find out what his plan is for the property. To date the owner has not taken any action to abate the blighted conditions of the property.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on October 2, 2008, and October 9, 2008.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the Property owner of the Board’s action, HCD will proceed with demolition of the structures. HCD is also asking that

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the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of October 2, 2008, is \$ 267,182. It is estimated that the cost of demolition of the structures will be approximately \$20,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 7131 Alger Road (Mason District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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5:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 6834 Beulah Street (Lee District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 6834 Beulah Street, Springfield, VA 22150 (Tax Map No. 091-1-((01))-0025)(Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 6834 Beulah Street blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On September 8, 2008, the Board authorized advertisement of this public hearing to be held Monday, October 20, 2008, at 5:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2008) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 6834 Beulah Street was referred to the Blight Abatement Program (BAP) on December 20, 2006. Located on the subject property are the charred remains of a church that was extensively damaged by fire on December 20, 2004. The property also contains a large shed located in a small cemetery at the rear of the property. The shed was not damaged by fire and is in good condition. The original church was constructed in 1884 and was in continuous use until the fire in 2004. Due to the extensive fire damage the church cannot be repaired and needs to be demolished. The trustees of the church are pursuing rebuilding the church. They have requested an interpretation to reconstruct an existing church within the original building footprint with a slight increase in gross square feet on the second level while remaining under the permitted floor area ratio for the site. On July 28, 2008, this request was denied by Zoning Evaluation staff.

On July 2, 2008, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the trustees advising them of this determination. BAP staff has been in communication with several of the trustees on a regular basis. On April 17, and 18, 2008, the trustees of the church hired a contractor to remove some of the burned remains of the church in an effort to make the property more presentable. Even though this partial demolition was completed the property still remains blighted and the trustees are not in agreement as to the rebuilding effort.

After the (NETF) determination the church trustees informed BAP staff that they intended to take down the rest of the church structure to ground level leaving the basement floor. The basement was to be covered with a tarpaulin and the site secured with a chain link fence until redevelopment of the property was undertaken. This effort was to be completed by August 15, 2008, but to date this action has not been finished.

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In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on October 2, 2008, and October 9, 2008.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the trustees to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the trustees fail to abate the blighted conditions within thirty days after notification to the Trustees of the Board's action, HCD will proceed with demolition of the structure. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the trustees who are ultimately liable for all abatement costs incurred. A lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the trustees, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of October 2, 2008, is \$267,182. It is estimated that the cost of demolition of the structure will be approximately \$20,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Trustees. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

- Attachment 1: Property Photographs
- Attachment 2: Ordinance for 6834 Beulah Street (Lee District)
- Attachment 3: Blighted Property Technical Report and Abatement Plan

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STAFF:

Paula C. Sampson, Director, Department of Housing and Community Development (HCD)  
John Payne, Deputy Director, Real Estate, HCD  
Cynthia Ianni, Director, Design, Development and Construction Division, HCD  
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD  
Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and  
Blighted Properties Unit

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5:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 13430 Lee Highway (Sully District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 13430 Lee Highway, Centreville, VA 20120 (Tax Map No. 055-3-((01))-0003) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 13430 Lee Highway blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On September 8, 2008, the Board authorized advertisement of this public hearing to be held Monday, October 20, 2008, at 5:30 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2008) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific

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properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of “Blighted property” under Va. Code Ann. 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 13430 Lee Highway was referred to the Blight Abatement Program (BAP) on July 7, 1998. Located on the subject property is a vacant, dilapidated, two-story, single family dwelling with standing seam metal roof and full basement. The residential structure was constructed in 1930 according to Fairfax County Tax Records. The structure has been vacant and not maintained for useful occupancy for at least eleven years. Records dating back to March 1997 show the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. Additionally property maintenance staff determined that the rear wall of the structure was buckled and the foundation compromised. Due to the extreme dilapidation the dwelling is not economically feasible to repair and needs to be demolished. On numerous occasions BAP staff have spoken with the owners of record and tried to compel them to abate the blighted conditions of the property but to date they have not taken any significant action to do so.

On February 27, 2003, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. All attempts by BAP staff to achieve voluntary compliance from the owners have been unsuccessful.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on October 2, 2008, and October 9, 2008.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owners to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owners fail to

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abate the blighted conditions within thirty days after notification to the Property owners of the Board's action, HCD will proceed with demolition of the structure. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of October 2, 2008, is \$267,182. It is estimated that the cost of demolition of the structures will be approximately \$25,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 13430 Lee Highway (Sully District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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Board Agenda Item  
October 20, 2008

5:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 5505 Clifton Road (Springfield District)

ISSUE:

Public hearing by the Board of Supervisors (Board) to consider adoption of a Spot Blight Abatement Ordinance for 5505 Clifton Road, Clifton, VA 20124 (Tax Map No. 055-3-((04))-0021) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 5505 Clifton Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On September 8, 2008, the Board authorized advertisement of this public hearing to be held Monday, October 20, 2008, at 5:30 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2008) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

In November 1996, the Board authorized the implementation of a Blight Abatement Program

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using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of “Blighted property” under Va. Code Ann. 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 5505 Clifton Road was referred to the Blight Abatement Program (BAP) on July 7, 1998. Located on the subject property is a vacant, one-story, dwelling with no basement. The property also contains two accessory structures. The residential structure was constructed in 1952 according to Fairfax County Tax Records and has been vacant since 1965 according to the owner. The dwelling has been utilized for many years for the storage of hoarded items and there is moisture intrusion and mold throughout the structure. Due to the extreme lack of maintenance this structure is not economically feasible to repair and needs to be demolished.

On July 20, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. The owner responded to the notice but to date has not taken any action to abate the blighted conditions of the property.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on October 2, 2008, and October 9, 2008.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the Property owner of the Board’s action, HCD will proceed with demolition of the structure. HCD is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the

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demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of October 2, 2008, is \$267,182. It is estimated that the cost of demolition of the structures will be approximately \$20,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 5505 Clifton Road (Springfield District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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5:30 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 41.1,  
Animal Control and Care

ISSUE:

Public hearing to amend the Code of the County of Fairfax, Chapter 41.1, Animal Control and Care.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 41.1.

TIMING:

The Board authorized the advertisement of a public hearing on the proposed amendments on September 22, 2008; scheduled for October, 20, 2008, at 5:30 p.m. If approved, the provisions of these amendments will become effective on November 1, 2008.

BACKGROUND:

During its 2008 Session, the General Assembly passed several bills amending the State comprehensive animal laws, including a bill repealing Title 3.1 and recodifying it into a new title numbered 3.2. Staff recommends incorporating those applicable changes into Chapter 41.1. Staff also recommends changes to update terminology; reflect current enforcement practices; clarify language; modify dog license fees and adoption-related fees; establish a bond requirement for certain owners whose animals are held in the Animal Shelter pending charges on neglect or cruelty to animals; and establish fees for euthanizing and cremating wildlife. The changes as explained below are recommended for adoption at this time. These proposed amendments were presented to the Animal Care and Control Commission at its July 2008 meeting, and the Commission reacted favorably.

Article 1 - General.

Staff proposes a change to conform the definition of "adequate water" to that in State law, as amended in the 2008 Session of the General Assembly.

Article 2 – Animal Control and Rabies Control.

Section 41.1-2-2 (Dog Licenses). The proposed change in sub-section (a) conforms the language in our ordinance to that found in the State code. In sub-section (b) the dog license annual fee is proposed to be set at the maximum allowed by State law, a flat \$10.00 for all dogs, regardless of whether the dog is fertile or infertile, to be more reflective of the actual cost of selling the license. The County's dog license fee has not changed in the last 25 years. For comparison purposes, the table below showing annual licensing fees for nearby localities is included. It should be noted that the maximum dog licensing fee allowed by State Code Section 3.2-6528 is \$10. Staff from the City of Alexandria advises that it is able to charge \$30.00 for non-spayed/neutered dogs because its city charter exempts it from certain aspects of state law, to include the cap on animal licensing fees.

Locality	Spay / Neutered	Non-Spayed / Neutered
Arlington County	\$10.00	\$10.00
Loudoun County	\$10.00	\$10.00
City of Alexandria	\$10.00	\$30.00
Prince William County	\$ 5.00	\$ 5.00
<b>Fairfax County (proposed)</b>	<b>\$10.00</b>	<b>\$10.00</b>

Section 41.1-2-5 (c) and (e) (County Animal Shelter). Sub-section (c) updates the language by deleting the word "destroyed" and replacing it with "euthanized" which reflects the language in the State code. Additionally, staff proposes an amendment to subsection (e) that would raise the first impoundment fee for a cat or dog to \$25, bringing it in line with other nearby localities. Subsection (e) would also be amended to provide for graduated impoundment fees for cats and dogs that repeatedly come into the Animal Shelter; the General Assembly authorized graduated fees for repeated impoundments in 2008 (Senate Bill 663).

Section 41.1-2-5 (e) (Adoption Fees and Charges for Spay/Neuter Surgeries). The current County Code regarding adoption fees and spay-neuter charges is not reflective of the costs for those services. The changes proposed would update the fees for shelter services and require full payment for spay/neuter surgeries directly to the veterinarian performing the surgery. The proposed changes include the following:

- Increase the adoption fee for dogs from \$20.00 to \$40.00 and the adoption fee for cats from \$20.00 to \$30.00 to offset the cost of services provided. The cost of services the Shelter currently provides for dogs and cats in preparation for adoption would be over \$100.00 if performed at a community veterinary clinic. Further, plans are underway to include two additional services: rabies vaccinations and micro-chipping for shelter cats and dogs. The proposed

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adoption fees will still be significantly lower than retail cost of the provided services. Area shelters vary in what they charge for adoptions. When looking at the comparison of adoption fees of dogs and cats for various shelters, the fees range from \$20.00 (for dogs and cats) to \$180 (for dogs), \$225 (for puppies), \$100 (for cats), and \$150 (for kittens). Any comparison of fees needs to take into account the variety of services those fees cover.

- Below is an example of typical veterinary charges for services that will be included for cats and dogs adopted from the shelter. Micro-chipping and rabies vaccinations are not currently provided.

<b>Cats</b>	<b>Fees Charged</b>	<b>Dogs</b>	<b>Fees Charged</b>
Rabies	\$ 15.00	Rabies	\$ 15.00
FVRCP	\$ 29.00	DHLPP	\$ 29.00
FeL/FIV Test	\$ 53.00	Heartworm Test	\$ 43.00
Microchip	\$ 34.50	Microchip	\$ 34.50
Vet Exam Voucher	\$ 32.00 (or more)	Vet Exam Voucher	\$ 32.00 (or more)
<b>Total</b>	<b>\$153.50</b>		<b>\$163.50</b>

- Reduce the adoption fee for rabbits from \$20.00 to \$15.00.
- Add an adoption fee for those animals for whom no fee is currently charged.
- Have spay/neuter fees for unsterilized dogs and cats paid in full directly to the veterinary clinic(s) contracted for that service. Currently citizens pay a “deposit” to the County at the time of adoption and the balance at the vet when they pick up their new pet after surgery. Since newly adopted pets are now sent for surgery *prior* to going home with their new owners, the process can be significantly streamlined by eliminating the deposit which ultimately must be refunded to the veterinarian by the County resulting in a cumbersome and costly accounting process.

Section 41.1-2-5 (f) (New). Pursuant to Virginia Code Ann. Section 3.2-6569, would establish the requirement of posting of a bond by the owner for animals held for more than 30 days in the Animal Shelter pending trial on charges related to neglect or cruelty to animals.

Section 41.1-2-16 (Burial and Cremation of Animals). Establishes fees for disposal of “nuisance” wildlife brought to the shelter for euthanasia by individuals and pest disposal companies who have trapped them. Currently there is no charge for this service. The

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proposed fees would help to offset the actual cost to the County for impoundment, euthanasia and cremation of these animals.

FISCAL IMPACT:

These additional fees are estimated to generate \$264,000 in revenue:

- \$225,000 in dog license sales based on 45,000 dog licenses being sold for spayed or neutered dogs at \$10 rather than \$5 as provided under the current ordinance.
- \$25,000 in increased adoption fees.
- \$7,000 additional revenue resulting from increasing initial impoundment fee from \$20 to \$25; estimated increased revenue resulting from multiple impoundments are not available via the current records management system.
- \$7,000 revenue resulting from charging a cost based fee for disposal of trapped wildlife.

Estimated Cost (to be absorbed within existing FY 2009 appropriation):

- \$15,000 to cover the cost of the two additional services (rabies vaccinations and microchips) if those items are provided to all cats and dogs adopted from the shelter.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Amendments to Chapter 41.1, "Animal Control and Care"

STAFF:

Colonel David M. Rohrer, Chief of Police  
Michael Lucas, Director of Animal Control  
Karen Diviney, Animal Shelter Director  
Erin C. Ward, Assistant County Attorney

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5:30 p.m.

Public Hearing on SEA 95-P-045 (Aircell, LLC) to Amend SE 95-P-045 Previously Approved for a Waiver of Certain Sign Regulations to Permit a Telecommunications Facility in a Highway Corridor Overlay District, Sign Control District and Associated Modifications to Site Design and Development Conditions, Located on Approximately 6.68 Acres Zoned C-4, HC and SC, Providence District

The application property is located at 1753 Pinnacle Drive, Tax Map 29-4 ((1)) 2.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 2, 2008, the Planning Commission voted unanimously (Commissioners Litzenberger, Lusk, and Murphy absent from the meeting) to recommend that the Board of Supervisors approve SEA 95-P-045, subject to the proposed Development Conditions dated October 1, 2008.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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5:30 p.m.

Public Hearing on RZ 2008-DR-006 (VISIONONLINE, Inc.) to Rezone from R-1 and C-8 to R-1 to Permit Residential Development at a Density of 0.96 Dwelling Units Per Acre, Located on Approximately 2.09 Acres, Dranesville District

The application property is located in the southeast quadrant of the intersection of Jordan Lane and Seneca Road, Tax Map 6-4 ((12)) 8.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 18, 2008, the Planning Commission voted unanimously (Commissioners Alcorn, Harsel, Lusk, and Murphy absent from the meeting) to recommend that the Board of Supervisors approve RZ 2008-DR-006, subject to the execution of proffers consistent with those dated August 26, 2008.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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5:30 p.m.

Public Hearing on RZ 2008-PR-011 (The Mitre Corporation) to Rezone from C-3 and HC to C-3 and HC with New Proffers and to Permit an Additional Office Building Which Would Result in an FAR of 1.0 Within the Application Property, Located on Approximately 19.61 Acres, Providence District

and

Public Hearing on PCA 92-P-001-05 (The Mitre Corporation) to Delete 19.61 Acres of Land from RZ 92-P-001 Previously Approved for Commercial Development and the Proffers Associated with that Approval, Located on Approximately 19.61 Acres Zoned C-3 and HC, Providence District

The application property is located at the south terminus of Colshire Drive, south of Dolley Madison Boulevard and west of Anderson Road, Tax Map 30-3 ((28)) 3A1 and 4A3.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 18, 2008, the Planning Commission voted 7-0-1 (Commissioner Donahue abstaining; Commissioners Alcorn, Harsel, Lusk, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2008-PR-011 and PCA 92-P-001-05, subject to the execution of proffers consistent with those dated September 5, 2008;
- Modification of the transitional screening yard requirements and the barrier requirements along the southern boundary, as shown on the proffered Generalized Development Plan;
- Modification of the number of loading spaces, pursuant to the provisions of Sect. 11-201; and
- Reaffirmation of the previously-approved reduction in the minimum yard requirement for Mitre 3, pursuant to the provisions of Sect. 2-418.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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6:00 p.m.

Public Hearing on PCA-C-696-07 (Dulles Development, LLC) to Amend RZ C-696 Previously Approved for Mixed Use Development to Permit Modifications to Proffers with an Overall Floor Area Ratio of 0.99, Located on Approximately 35.94 Acres Zoned PDC, Hunter Mill District

and

Public Hearing on SE 2008-HM-018 (Dulles Development, LLC) to Permit Fast Food Restaurants in Residential Buildings, Located on Approximately 20.25 Acres Zoned PDC, Hunter Mill District

The application property is located south of Sunrise Valley Dr. on both sides of Dulles Station Blvd. and Sayward Blvd. at 2320, 2323, 2330 and 2333 Dulles Station Blvd. Tax Map 15-4 ((5)) 2A, 2B, 3A, 5A, 7A1, 7A2 and 8A; 16-1 ((25)) 1A, 1B and 6A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 18, 2008, the Planning Commission voted unanimously (Commissioners Alcorn, Harsel, Lusk, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA C-696-7, subject to the execution of proffers consistent with those dated August 26, 2008;
- Approval of SE 2008-HM-018, subject to the Development Conditions dated September 3, 2008, and subject also to Board approval of PCA C-696-7;
- Reaffirmation of the following previously-approved waivers and modifications:
  - Modification of the loading space requirement in favor of the loading spaces shown on the CDPA/FDPA;
  - Modification of the transitional screening yard and barrier requirements along a portion of the southern boundary of the site where it abuts the existing multifamily development in favor of the landscaping shown on the CDPA/FDPA;
  - Waiver of the 600 foot maximum length for a private street;
  - Modification of the construction materials for sidewalks, per Sect. 8-0100 of the Public Facilities Manual (PFM);

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- Modification of the construction materials for trail requirements, per Sect. 8-0200 of the PFM; and
- Modification of the use limitation for the PDC District to permit the gross floor area of residential uses (secondary use) to exceed 50% of the principal uses to allow residential uses up to 81% of the principal uses.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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6:00 p.m.

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

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