

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
DECEMBER 8, 2008**

AGENDA

8:30		Commission for Accreditation of Park and Recreation Agencies (CAPRA) Accreditation Reception Government Center Forum
9:00	Done	Presentations
10:00	Done	Presentation of the Lawrence V. Fowler Award
10:10	Done	Presentation of the 2008 Exceptional Design Awards
10:30	Adopted	Board Adoption of the 2009 Legislative Program
10:45	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:45	Done	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Approved	Streets into the Secondary System (Dranesville, Hunter Mill, Mason, and Springfield Districts)
2	Approved	Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 65 (Plumbing and Gas Provisions) of The Code of the County of Fairfax, Virginia (County Code), and Chapter 9 (Water and Fire Regulations) of the Public Facilities Manual (PFM) Re: Public Water and Sewer Connections
3	Approved	Extension of Review Periods for 2232 Review Applications (Dranesville, Hunter Mill, Lee, Mason, Mount Vernon, Providence, Springfield, and Sully Districts)
4	Approved	Authorization to Advertise a Public Hearing for the Conveyance of County-Owned Property to the Virginia Department of Transportation for the Woodrow Wilson Bridge Project (Lee District)
5	Approved	Supplemental Appropriation Resolution AS 09086 for Various Fairfax Agencies to Accept Department of Homeland Security Urban Area Security Initiative Sub-Grant Awards from the District of Columbia Office of the Deputy Mayor for Public Safety and Justice Through the State Administrative Agency for the National Capital Region

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BOARD OF SUPERVISORS
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**ADMINISTRATIVE ITEMS
(continued)**

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| 6 | Approved | Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Lee District) |
| 7 | Approved | Discontinuance of Roadways from the Secondary System of State Highways Located Within the Right-of-Way of the Franconia-Springfield Parkway (Lee District) |
| 8 | Approved | Additional Time to Commence Construction for Special Exception SE 98-L-063, Mobil Oil Corporation (Lee District) |
| 9 | Approved | Additional Time to Commence Construction for SEA 85-P-093, Epiphany of Our Lord Byzantine Catholic Church (Providence District) |
| 10 | Approved | Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment Re: Mobile and Land Based Telecommunication Facilities |
| 11 | Approved | Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts (Hunter Mill, Mount Vernon, and Springfield Districts) |
| 12 | Approved | Confirmation of the Addition of the Director of Fairfax County Public School (FCPS) Alternative School Programs as a Member of the Fairfax-Falls Church Community Policy and Management Team (CPMT) |
| 13 | Approved | Authorization to Advertise a Public Hearing to Obtain Input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia for Three Replacement Vehicles |

ACTION ITEMS

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| 1 | Approved | Approval of Standardized Language for Vegetated Buffer Easements and Reforestation Easements |
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**ACTION ITEMS
(continued)**

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|---|-----------------|--|
| 2 | Approved | Sale of General Obligation Public Improvement Bonds, Series 2009 A and General Obligation Bond Refunding Bonds |
| 3 | Approved | Authorization to Contract with Sprint-Nextel to Fund Regional 800 MHz Rebanding Implementation Coordination |
| 4 | Approved | Approval to Implement an Adjustment to FAIRFAX CONNECTOR Bus Fare Policies and Rates |
| 5 | Approved | Endorsement of the Chief Administrative Officers Task Force's Comments Regarding the Preliminary FY 2010 Virginia Railway Express Budget |
| 6 | Deferred | Approval of Award of Loan Funds in FY 2009 HOME Program Community Housing Development Organization Funds to Two Fairfax County Nonprofit Affordable Housing Developers |
| 7 | Approved | Acceptance of the Josiah H. Beeman Commission Report to Facilitate the Transformation of the Fairfax-Falls Church Mental Health System |
| 8 | Approved | Authorization to Make an Affordable Housing Program Partnership (AHPP) Tier I Predevelopment Loan from Fund 144, Housing Trust Fund, and an AHPP Tier III Loan from the Community Development Block Grant Section 108 Loan, to Wesley Strawbridge, L.P., for the Acquisition, Rehabilitation and Preservation of the 128-Unit Strawbridge Square Apartments (Mason District) |

INFORMATION ITEMS

- | | | |
|---|--------------|---|
| 1 | Noted | Contract Awards and Approval of Street Acceptance Items During the Period Between the December Board Meeting and the First Board Meeting in January |
| 2 | Noted | Contract Award - Geotechnical Engineering and Testing Services Task Order Contract |
| 3 | Noted | Contract Award – Richard Byrd Community Library Renovation and Addition (Lee District) |

**FAIRFAX COUNTY
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**INFORMATION ITEMS
(continued)**

4	Noted	Presentation of the Fiscal Year 2008 Comprehensive Annual Financial Report (CAFR)
5	Noted	Contract Award – Architectural/Engineering Design Services for Herndon Fire Station (Dranesville District)
6	Noted	Contract Award – Development and Operation of “The Residences at the Government Center” Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (Springfield District)
7	Noted	Contract Award – Construction of the Olley Glen (Formerly Little River Glen Phase III) Senior Housing Project (Braddock District)
8	Noted	Contract Award – Implementation Coordination Phase Agreement for 800MHz Radio Rebanding in the National Capital Region
9	Noted	Comments Regarding the Virginia Department of Transportation’s (VDOT’s) Proposed Access Management Regulations and Standards for Minor Arterials, Collectors, and Local Streets
11:15	Done	Matters Presented by Board Members
12:05	Done	Closed Session

PUBLIC HEARINGS

3:30	Approved	Public Hearing on RZ 2006-PR-013 (Washington Property Company, LLC) (Providence District)
3:30	Approved	Public Hearing on SE 2006-PR-005 (Washington Property Company, LLC) (Providence District)
3:30	Public hearing indefinitely deferred	Public Hearing on PCA 92-M-038 (Paolozzi Investments, Inc.) (Mason District)
3:30	Public hearing indefinitely deferred	Public Hearing on SE 2008-MA-019 (Paolozzi Investments, Inc.) (Mason District)

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**PUBLIC HEARINGS
(continued)**

3:30	Approved	Public Hearing on SEA 97-V-046 (Washington D.C. SMSA Limited Partnership D/B/A Verizon Wireless) (Mount Vernon District)
3:30	Public hearing deferred to 1/12/09 at 3:30 p.m.	Public Hearing on SEA 2002-MA-003 (T-Mobile Northeast LLC/Trustees of the Sleepy Hollow United Methodist Church) (Mason District)
3:30	Approved	Public Hearing on SEA 2002-PR-035 (Trustees of Oakton United Methodist Church) (Providence District)
4:00	Approved	Public Hearing on Proposed Plan Amendment S08-IV-RH1 (Tax Map Parcels 100-1 ((1)) 9pt., 11A, 11A1, 14 and 15), North of Telegraph Road, East of Beulah Street (Lee and Mount Vernon Districts)
4:00	Approved	Public Hearing to Establish the Singletons Grove Community Parking District (Sully District)
4:00	Approved	Public Hearing to Establish the Reston Community Parking District (Hunter Mill District)
4:00	Approved	Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)
4:30	Approved	Public Hearing to Expand the White Oaks Community Parking District (Springfield District)
4:30	Approved	Public Hearing on the Proposed Comprehensive Agreement with JPI Development Services, L.P. for the Development and Operation of "The Residences at the Government Center" Pursuant to the Public-Private Education and Infrastructure Act of 2002 (Springfield District)
5:00	No speakers	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
December 8, 2008

9:00 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize the team members of the McConnell Public Safety and Transportation Operations Center, Bus Operations Center and West Ox Complex Site Infrastructure for their service on these projects. Requested by Chairman Connolly.
2. RESOLUTION – To recognize Columbia Lighthouse for the Blind for its service to the residents of Fairfax County. Requested by Supervisor Bulova.
3. CERTIFICATE – To recognize Claire and Kat Lanigan for their outreach to children of deployed members of the military. Requested by Supervisor Hudgins.
4. CERTIFICATE – To recognize Boy Scout Troop 152 for its 75th anniversary. Requested by Supervisor Hudgins.
5. RESOLUTION – To recognize Roger Sims for his years of service to Fairfax County. Requested by Supervisor Herrity.
6. CERTIFICATE – To recognize Joe Alexander for his induction into the American Public Transportation Association Hall of Fame. Requested by Supervisor McKay.
7. RESOLUTIONS – To recognize the South County Federation for its 25th anniversary and Marcia Hanson for her years of service to Fairfax County and the Mount Vernon District. Requested by Supervisor Hyland.

— more —

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8. CERTIFICATE – To recognize those companies that have signed the Cool Businesses pledge for their commitment to environmental stewardship. Requested by Chairman Connolly.
9. RESOLUTION – To recognize the Park Authority for receiving full accreditation from the Commission for Accreditation of Park and Recreation Agencies. 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 Lawrence V. Fowler Award

ENCLOSED DOCUMENTS:

None

STAFF:

Gerald E. Connolly, Chairman, Board of Supervisors

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10:10 a.m.

Presentation of the 2008 Exceptional Design Awards

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Robert Wilson Mobley, AIA, Chairman of the 2008 Exceptional Design Award Jury

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10:30 a.m.

Board Adoption of the 2009 Legislative Program for the Virginia General Assembly and Approval of the County's 111th Congress Federal Appropriations Requests for FY 2010

ISSUE:

Board adoption of a legislative program for the 2009 Session of the Virginia General Assembly and Board approval of items identified for FY 2010 federal appropriations requests for the 111th Congress as well as principles for federal legislation in the 111th Congress.

TIMING:

Immediate. On November 17, 2008, the Board of Supervisors held a public hearing on the 2009 Legislative Program. This program will be presented at the Board's annual breakfast meeting with the members of the Fairfax County Delegation to the Virginia General Assembly on December 16, 2008.

Board action is also requested at this time in order to formally submit requests to Fairfax County's Congressional Delegation for the 111th Congress. County staff will begin the process of completing formal applications for each request as required by the House and Senate Appropriations Committees. The Chairman of the Board will present the requests to individual members of the Fairfax County Delegation at a series of scheduled meetings on Capitol Hill.

BACKGROUND:

The draft State legislative program has been developed over the past several months by the Legislative Committee of the Board. The program contains the Committee's recommended legislative initiatives and positions for the County at the 2009 Session of the Virginia General Assembly; an issue paper on human services needs is included as an addendum to this program. In preparing this package, the Committee has considered the County's legislative needs and opportunities and has endeavored to maintain a program of priority legislative requests. The Legislative Committee will continue to meet, generally on a weekly basis, throughout the Session to monitor legislation and recommend positions for adoption at regular Board meetings.

The draft Federal appropriations requests were also developed as part of the Legislative Committee process. Preliminary discussions took place at the September 26, 2008 meeting, and the committee reviewed staff recommendations at the November 14, 2008

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meeting. Staff recommendations presented to the Committee focused on areas determined to be of strategic importance to the County, including transportation, Base Realignment and Closure (BRAC), public safety, and the environment. Specifics on general budget items as well as the County's appropriations requests will be reported periodically to the Board as the federal appropriations process progresses.

Finally, draft Principles for Federal Legislation in the 111th Congress are attached. These principles contain the Legislative Committee's recommended positions for the County during the 111th Congressional session.

ENCLOSED DOCUMENTS:

Attachment 1- Draft Fairfax County Legislative Program for the 2009 Virginia General Assembly

Attachment 2 - 2009 Draft Human Services Issue Paper

Attachment 3 - Draft FY 2010 Federal Appropriations Funding Requests to the 111th Congress

Attachment 4- Draft Principles for Federal Legislation – 111th Congress

STAFF:

Anthony H. Griffin, County Executive

Susan E. Mittereder, Legislative Director

Katharine D. Ichter, Director, Department of Transportation

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10:45 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be Heard December 8, 2008

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:45 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE – 1

Streets into the Secondary System (Dranesville, Hunter Mill, Mason, and Springfield, 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>
Vista Park	Dranesville	Sparger Street
Woodland Park Land Bay C-1	Hunter Mill	Sunrise Valley Drive (Route 5320) (Additional Right-of-Way (ROW) Only) Sunrise Valley Drive (Route 5320) (Additional ROW Only)
Seven Corners Corporation	Mason	Leesburg Pike (Route 7) (Additional ROW Only)
Lakehaven Estates	Springfield	Burke Lake Road (Route 645) (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 - 2

Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 65 (Plumbing and Gas Provisions) of The Code of the County of Fairfax, Virginia (County Code), and Chapter 9 (Water and Fire Regulations) of the Public Facilities Manual (PFM)
Re: Public Water and Sewer Connections

ISSUE:

Board authorization to advertise proposed amendments to Chapter 65 (Plumbing and Gas Provisions) of the *Code of the County of Fairfax, Virginia (County Code)* and Chapter 9 (Water and Fire Regulations) of the Public Facilities Manual (PFM), regarding public water and sewer connections.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments to Chapter 65 (Plumbing and Gas Provisions) of the County Code and Chapter 9 (Water and Fire Regulations) of the PFM, as set forth in the Staff Report dated December 8, 2008.

TIMING:

Board action is requested on December 8, 2008, to provide sufficient time to advertise a public hearing on January 15, 2009, before the Planning Commission, and a public hearing on February 9, 2009, at 4:00 p.m., before the Board.

BACKGROUND:

On July 23, 2007, the Board requested that staff review the current provisions in the PFM regarding public water supply and return to the Board with recommendations. The Board's request was based on a situation that occurred at 1400 Alexandria Avenue where the water well, which was serving a new house, irreparably failed and a new well could not be drilled. The property at 1400 Alexandria Avenue is located in the Mount Vernon District and is a 20,561 square-foot lot created as part of a two-lot subdivision that did not require extension of the public water supply system. The cost to extend public water to the home was estimated at \$50,000 to \$60,000.

Staff presented its recommendations to the Board's Development Process Committee (Committee) on January 14, 2008. Staff recommended the PFM be amended to require that a public water supply be provided for all new subdivisions where the lots have areas less than 75,000 square feet. This amendment will eliminate the current exemption for two-lot subdivisions that create lots with areas between 20,000 square feet and 75,000 square feet.

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Staff also recommended the Plumbing and Gas Provisions of the County Code be amended to require connection to public water and sewer systems when they are deemed available for any proposed or existing building where there is no well or septic system, or that has a failing well or septic system that cannot be repaired. The current Plumbing and Gas Provisions encourage connection to public water and sewer systems, but do not require it in such situations. The amendment to the Plumbing and Gas Provisions also would allow for exceptions granted by the Fairfax County Health Department and would clarify that the distance used to determine if a public water or sewer system is available is measured from the property line rather than the structure on the lot.

After the presentation to the Committee, the proposed amendments were presented to industry representatives. Based on comments from industry, staff changed the proposed language in the Plumbing and Gas Provisions to clarify that the connection of sanitary sewer would only be required if the structure is located in an approved sewer service area.

The amendments would make public water and sewer available to more properties as the public water and sewer systems are extended throughout the county. Public water is a more reliable source of water and is tested for quality on a regular basis. Public sewer is a more reliable form of wastewater treatment than septic systems, thereby reducing the environmental and health threat posed by failing septic systems.

PROPOSED AMENDMENTS:

The proposed amendment to the Water and Fire Regulations of the PFM would require that public water supply systems be provided in all new subdivisions where the lots are less than 75,000 square feet.

The proposed amendment to The Plumbing and Gas Provisions of the County Code would require connection to public water when it is deemed available, and would require connection to public sewer when it is deemed available and when the structure is within an approved sewer service area. These connection requirements would apply to any existing or proposed building where there is no well or septic system, or that has a failing well or septic system that cannot be repaired. The amendment would allow for exceptions granted by the Health Department and would clarify that the distance used to determine if public water or sewer is available is based on the property line rather than the structure.

Connection to a public water or sewer system may require extension of the public system in order to connect service lines to buildings. Under the Plumbing and Gas Provisions, sewer and water service lines may not cross adjacent properties or premises unless approved by the Building Official or his designee. For residences, the easement for the sewer and water service may not extend over more than one property unless otherwise approved by the Building Official or his designee. In practice, the public sewer system is normally extended to the property line or at least the neighbor's property line. Fairfax Water's policy regarding service connections, which is located in their Design Practice Manual, is that if the existing

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water main is not located at the property line along the street frontage, the public water system must be extended to the middle of the lot along the street frontage. The proposed amendments do not change these existing requirements.

REGULATORY IMPACT:

If the PFM amendment is adopted, it would no longer be possible to create a two-lot subdivision with lots between 20,000 square feet and 74,999 square feet, without extending public water to the subdivision. This could make it economically infeasible to create some two-lot subdivisions. However, it would also prevent future problems for homeowners having to maintain or possibly replace failed wells, which may include extending the public water system. Based on questions from Supervisor Foust at the Development Process Committee meeting, staff reviewed all two-lot subdivisions that occurred in the Dranesville district in a three-year period from July 1, 2004 to June 30, 2007. Out of 32 two-lot subdivisions, none of them would have been affected by these proposed PFM amendments.

If the amendment to The Plumbing and Gas Provisions of the County Code is adopted, the expense of connecting to and/or extending public water and sewer would be placed on the persons developing the lot or replacing a failing well or septic system. The person could be a builder or a homeowner depending on the situation.

FISCAL IMPACT:

Potential revenue from future connection fees can be anticipated.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report Dated December 8, 2008

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 – 3

Extension of Review Periods for 2232 Review Applications (Dranesville, Hunter Mill, Lee, 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: application FS-H08-78 to February 6, 2009; applications FS-H08-83 and FS-V08-84 to February 12, 2009; application FSA-S03-3-1 to February 15, 2009; applications FS-Y08-82 and FS-M08-87 to February 16, 2009; applications FSA-30-1 and FSA-D97-41-2 to February 22, 2009; applications FS-M08-106 and FS-L08-107 to March 2, 2009; applications FS-P08-108 and FSA-H98-6-1 to March 5, 2009; application FS-Y08-80 to March 6, 2009; applications FS-P08-90 and FS-H08-93 to March 7, 2009; and applications 2232-D06-21, 2232-M07-12, 2232-P08-10, 2232-P08-11, 2232-MD08-12, 2232-MD08-13, and 2232-H08-14 to June 1, 2009.

TIMING:

Board action is required on December 8, 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 periods for applications 2232-D06-21, 2232-M07-12, 2232-P08-10, 2232-P08-11, 2232-MD08-12, 2232-MD08-13, and

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2232-H08-14 listed below, which were accepted for review by the Department of Planning and Zoning (DPZ) between November 27, 2006, and July 2, 2008. These applications are for public facilities, and thus are not subject to the State Code provision to extend the review periods by no more than sixty additional days.

The Board also should extend the review periods for applications FS-H08-78, FS-Y08-80, FS-Y08-82, FS-H08-83, FS-V08-84, FS-M08-87, FS-P08-90, FS-H08-93, FS-M08-106, FS-L08-107, FS-P08-108, FSA-30-1, FSA-D97-41-2, FSA-H98-6-1 and FSA-S03-3-1 listed below, which were accepted for review by DPZ between September 9, 2008, and October 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-D06-21 Fairfax County Dept. of Public Works and Environmental Services
Expansion of Dolley Madison Library
1244 Oak Ridge Avenue
Dranesville District

- 2232-M07-12 Columbia Crossroads LP
East County Human Services Center (PPEA proposal)
5837 Columbia Pike
Mason District

- 2232-P08-10 Metropolitan Washington Airports Authority and Virginia
Department of Rail and Public Transportation on behalf of
Washington Metropolitan Area Transit Authority
Tysons East Station (Metrorail)
Dolley Madison Boulevard / Old Meadow Road
Providence District

- 2232-P08-11 Metropolitan Washington Airports Authority and Virginia
Department of Rail and Public Transportation on behalf of
Washington Metropolitan Area Transit Authority
Tysons Central 123 Station (Metrorail)
Chain Bridge Road / Tysons Boulevard
Providence District

- 2232-MD08-12 Metropolitan Washington Airports Authority and Virginia
Department of Rail and Public Transportation on behalf of
Washington Metropolitan Area Transit Authority
Tysons Central 7 Station (Metrorail)
Leesburg Pike / Chain Bridge Road
Hunter Mill and Providence Districts

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- 2232-MD08-13 Metropolitan Washington Airports Authority and Virginia
Department of Rail and Public Transportation on behalf of
Washington Metropolitan Area Transit Authority
Tysons West Station (Metrorail)
Leesburg Pike / Spring Hill Road
Hunter Mill and Providence Districts
- 2232-H08-14 Metropolitan Washington Airports Authority and Virginia
Department of Rail and Public Transportation on behalf of
Washington Metropolitan Area Transit Authority
Wiehle Avenue Station (Metrorail)
Dulles International Airport Access Highway / Wiehle Avenue
Hunter Mill District
- FS-H08-78 Cricket Communications
Rooftop antennas
2340 Dulles Corner Boulevard
Hunter Mill District
- FS-Y08-80 Cricket Communications
Rooftop antennas
13873 Park Center Road
Sully District
- FS-Y08-82 Cricket Communications
Rooftop antennas
3600 Joseph Siewick Drive
Sully District
- FS-H08-83 Cricket Communications
Rooftop antennas
1800 Presidents Street
Hunter Mill District
- FS-V08-84 Cricket Communications
Antenna colocation on existing monopole
8101 Lorton Road (Old Lorton Elementary School / Administrative
Center)
Mount Vernon District
- FS-M08-87 Cricket Communications
Antenna colocation on existing guyed tower
7001A Cindy Lane
Mason District

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- FS-P08-90 Cricket Communications
Antenna colocation on existing tower
8101A Lee Highway
Providence District
- FS-H08-93 Cricket Communications
Antenna colocation on existing transmission tower
9600 Center Street
Hunter Mill District
- FS-M08-106 FiberTower
Rooftop antennas
6200 Wilson Boulevard
Mason District
- FS-L08-107 FiberTower
Rooftop antennas
5716 South Van Dorn Street
Lee District
- FS-P08-108 T-Mobile Northeast LLC
Rooftop antennas
1800 Tysons Boulevard
Providence District
- FSA-30-1 Sprint-Nextel Communications
Add two dish antennas and two equipment cabinets to rooftop
11800 Sunrise Valley Drive
Hunter Mill District
- FSA-D97-41-2 Sprint-Nextel Communications
Add five dish antennas and two equipment cabinets to rooftop
1350 Beverly Road
Dranesville District
- FSA-H98-6-1 Sprint-Nextel Communications
Add one dish antenna and one equipment cabinet to rooftop
8661 Leesburg Pike
Hunter Mill District

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FSA-S03-3-1 Sprint-Nextel Communications
Add one dish antenna and one equipment cabinet to rooftop
4035 Ridge Top Road
Springfield District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing for the Conveyance of County-Owned Property to the Virginia Department of Transportation for the Woodrow Wilson Bridge Project (Lee District)

ISSUE:

Authorization to advertise a public hearing to convey County-owned property at 5631 and 5635 Telegraph Road to the Virginia Department of Transportation (VDOT) for the Woodrow Wilson Bridge Project.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing regarding the conveyance of County-owned property to VDOT, which is required for the Woodrow Wilson Bridge Project.

TIMING:

Board action is requested for December 8, 2008, to provide sufficient time to advertise the proposed public hearing on January 12, 2009, at 4:00 pm.

BACKGROUND:

The Board of Supervisors is the owner of two vacant parcels of real property identified as Tax Map Numbers 083-1-((1)) parcel 43 and parcel 44. The subject properties are located at 5631 and 5635 Telegraph Road and are required for the Telegraph Road Interchange of the Woodrow Wilson Bridge Project. The properties contain 16,803 square feet of land zoned C-8. VDOT is requesting to acquire 4,944 square feet of land, a permanent Utility Easement encumbering the entire remainder and a temporary construction easement of 11,853 square feet.

The land and improvements were acquired by Fairfax County in May 1991 for the Telegraph Road Project and VDOT recently requested transfer of the portion of land and easements. The Telegraph Road Interchange is scheduled to be completed in 2013. VDOT offered \$230,700 for the land and improvements and \$218,300 for the damages to the remaining land and improvements for a total offer of \$449,000.

Staff recommends the conveyance of the properties to VDOT for the Woodrow Wilson Bridge Project. The offer was reviewed and deemed fair by staff in the Facilities

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Management Department, Department of Public Works and Environmental Services
and the Department of Transportation.

Pursuant to Section 15.2-1800 of the Code of Virginia, a public hearing is required prior
to the disposition of County-owned property.

FISCAL IMPACT:

Compensation from VDOT in the amount of \$449,000 will be allocated to Fund 304
Transportation Improvement - Project 006490 Construction Reserve.

ENCLOSED DOCUMENTS:

Attachment A – Public Notice

Attachment B – Tax Map No. 83-1

STAFF:

Edward L. Long, Deputy County Executive

Jose A. Comayagua, Director, Facilities Management Department

Katharine D. Ichter, Director, Fairfax County Department of Transportation

Howard J. Guba, Department of Public Works and Environment Services

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ADMINISTRATIVE – 5

Supplemental Appropriation Resolution AS 09086 for Various Fairfax Agencies to Accept Department of Homeland Security Urban Area Security Initiative Sub-Grant Awards from the District of Columbia Office of the Deputy Mayor for Public Safety and Justice Through the State Administrative Agency for the National Capital Region

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09086 in the amount of \$4,192,594 for Fairfax County to accept Department of Homeland Security (DHS) FY 2008 Urban Area Security Initiative (UASI) Sub-Grant Awards from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia which is serving as the SAA. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. No Local Cash Match or in-kind match will be required. The grant periods for the FY 2008 sub-grant awards are retroactive from September 1, 2008 through August 31, 2010.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 09086 in the amount of \$4,192,594. These funds will be used by various County agencies to enhance security and overall preparedness by implementing the projects summarized in Attachment 1. All projects will be implemented in accordance with the program guidance documents. No Local Cash or in kind match is required.

TIMING:

Board approval is requested on December 8, 2008, as funding is available immediately.

BACKGROUND:

The Urban Area Security Initiative (UASI) provides Homeland Security Grant program (HSGP) funds from the Department of Homeland Security (DHS) as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities. Fairfax County is one of 12 jurisdictions that currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

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The UASI funding allocations are determined by a formula based on credible threat, presence of critical infrastructure, vulnerability, population and other relevant criteria. Grant awards are made to the identified urban area authorities through State Administrative Agencies (SAA). The NCR process for allocation of the UASI funds included the development of concept papers that were vetted and endorsed by the Metropolitan Washington Council of Governments (MWCOC) Regional Emergency Support Function (RESF) committees, review of proposals by the Chief Administrative Officers (CAO) committee, preparation and submission of project proposals and application documents by the RESFs, prioritization of proposals by the CAOs and ultimately the development of funding recommendations by the CAOs. The Senior Policy Group (SPG) then renewed and recommended proposals and forwarded selected proposals to the SAA for awards.

Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a sub-grant award to handle all of the financial management, audit, procurement and payment provision of the sub-grant award and grant program. Several Fairfax County agencies including the Office of Emergency Management, Police Department and Fire and Rescue Department are expected to act as sub-grantees for these funds. A listing of all the sub-grant awards being requested for acceptance is attached along with a synopsis for each project. Individual awards are also attached to support requested acceptance.

FISCAL IMPACT:

Grant funding in the amount of \$4,192,594 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance capabilities in emergency management, police, fire service, and interoperable communications. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009. Indirect costs are only recoverable for those awards where positions have been created. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

Approval of this grant will provide for the continuation of two grant positions: the National Incident Management System (NIMS) Compliance Officer and the Training and Exercise Officer. The County has no obligation to continue funding these positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Summary

Attachment 2 – Grant Award Documents

Attachment 3 – Supplemental Appropriation Resolution AS 09086

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STAFF:

Robert Stalzer, Deputy County Executive

Olivia McLean, Coordinator, Office of Emergency Management

Ronald Mastin, Chief, Fire and Rescue Department

David Rohrer, Chief, Police Department

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ADMINISTRATIVE - 6

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures for Ridge View Drive (Attachment I), consisting of the following:

- One speed hump and one raised crosswalk on Ridge View Drive (Lee 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 December 8, 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 a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria for Ridge View Drive. Subsequently, petitions were gathered from the community evidencing support for further study. A task force was formed with the community to develop a traffic calming plan to reduce the speed of traffic. Once a plan for the road was adopted and approved by staff and VDOT, the plan was submitted for approval to residents of the petition area in the community. On November 13, 2008, the Department of Transportation received written verification from the local supervisor confirming community support for the referenced traffic calming plan.

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FISCAL IMPACT:

The estimated cost of \$20,000 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Ridge View Drive.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

Board Agenda Item
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ADMINISTRATIVE - 7

Discontinuance of Roadways from the Secondary System of State Highways Located Within the Right-of-Way of the Franconia-Springfield Parkway (Lee District)

ISSUE:

Board adoption of the attached resolution requesting that four segments of roadway be discontinued from the Secondary System of State Highways (Secondary System).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) requesting that the subject segments of roadway be discontinued from the Secondary System.

TIMING:

Board action is requested on December 8, 2008.

BACKGROUND:

This request to discontinue four segments of roadway is being made at the request of the Virginia Department of Transportation (VDOT). The Franconia-Springfield Parkway in the vicinity of the subject roadways was completed approximately 15 years ago. In 1994, the Board of Supervisors adopted a resolution requesting VDOT to accept Franconia-Springfield Parkway into the Secondary System. VDOT has not been able to formally accept this roadway because four subdivision streets once located in the alignment of Franconia-Springfield Parkway have not been deleted from the Secondary System. The proposed action will address the need to eliminate the subdivision streets from the Secondary System while preserving the right-of-way for the Franconia-Springfield Parkway.

The request to add this segment of Franconia-Springfield Parkway is intended to assist VDOT in finalizing its administrative requirements following completion of construction of a highway project. The addition of the subject segment of roadway will formally initiate VDOT maintenance responsibility for the new segment of Franconia-Springfield Parkway. Further, the action taken to add the subject roadway assists VDOT in revising its maintenance mileage logs that are used to determine levels of State maintenance funding within Fairfax County.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment I: Resolution

Attachment II: Chart of streets included in discontinuance request

Attachment III: Sketch prepared by VDOT depicting roadways proposed for discontinuance

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michael A. Davis, FCDOT

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ADMINISTRATIVE - 8

Additional Time to Commence Construction for Special Exception SE 98-L-063, Mobil Oil Corporation (Lee District)

ISSUE:

Board consideration of additional time to commence construction for SE 98-L-063 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six months additional time for SE 98-L-063 to June 2, 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 May 24, 1999, the Board of Supervisors approved Special Exception SE 98-L-063, subject to development conditions. The special exception application was filed in the name of Mobil Oil Corporation, to permit an existing service station/quick service food store with canopy to be enlarged, redesigned and designated as a service station/mini-mart in a Highway Corridor (HC) Overlay District and in the Commercial Revitalization District (CRD) with a modification to the rear yard setback, pursuant to Sects. 9-611 and 9-622 of the Fairfax County Zoning Ordinance. The property is located at 8300 Richmond Highway, west of the intersection of Richmond Highway and Russell Road, Tax Map 101-4 ((4)) 14C (see Locator Map in Attachment 1).

SE 98-L-063 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date unless the Board granted additional time. The SE Plat and development conditions for SE 98-L-063 are included as part of the Clerk to the Board's letter contained in Attachment 2.

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On January 7, 2002, the Board of Supervisors approved thirty months additional time to commence construction for SE 98-L-063 until May 24, 2004, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance. A copy of the Clerk to the Board's letter regarding the approval of additional time is contained in Attachment 3.

On June 7, 2004, the Board of Supervisors approved thirty months additional time to commence construction for SE 98-L-063 until November 24, 2006, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance. A copy of the Clerk to the Board's letter regarding the approval of additional time is contained in Attachment 4.

On April 30, 2007, the Board of Supervisors approved twelve months additional time to commence construction for SE 98-L-063 until November 24, 2007, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance. A copy of the Clerk to the Board's letter regarding the approval of additional time is contained in Attachment 5.

On June 2, 2008, the Board of Supervisors approved six months additional time to commence construction for SE 98-L-063 until December 2, 2008, pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance. A copy of the Clerk to the Board's letter regarding the approval of additional time is contained in Attachment 6.

A request for an interpretation of proposed minor modifications to the SE Plat was submitted to the Zoning Evaluation Division (ZED) on November 1, 2007, followed by a supplemental letter on December 12, 2007. An interpretation letter was issued to Marie B. Travesky, Agent for the applicant, by Regina C. Coyle, Director, ZED, DPZ, on August 29, 2008. The interpretation permitted three of the four proposed site modifications. A copy of the interpretation letter is contained in Attachment 7.

On September 2, 2008, the Department of Planning and Zoning (DPZ) received a letter dated August 29, 2008, from Jennifer L. Adams, agent for the applicant, requesting one year additional time to commence construction for the project. The request was received prior to the date on which the approval would have expired; therefore, the special exception will not expire pending the Board's action on the request for additional time. Ms. Adams indicated that Site Plan (008097-SP-003-1) was accepted by the Site Review Branch of the Department of Public Works and Environmental Services (DPWES) on April 22, 2008. According to DPWES, the site plan was disapproved on June 10, 2008, and has not been re-submitted. A copy of the Environmental and Site Review Division comments that was sent to Core States Engineering on June 9, 2008, is contained in Attachment 9. Ms. Adams stated that since disapproval of the site plan, her client has been working with VDOT to address their comments concerning the site entrances. She states that on October 15, 2008, a meeting on the site was held with VDOT during which a resolution of the entrance issues was reached. Ms. Adams states that additional time is needed to address remaining comments and to finalize the site plan process; however, she has indicated that the site plan will be re-submitted before the end of November.

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Staff has reviewed Special Exception SE 98-L-063 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a service station/mini-mart. Further, staff knows of no change in land use circumstances which affect the compliance of SE 98-L-063 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 98-L-063 are still appropriate and remain in full force and effect. Staff believes that the request for additional time would be in the public interest; however, given the number of times additional time has been requested for this special exception, and the limited amount of additional time granted by the Board of Supervisors with the last request on June 2, 2008, staff recommends that only a limited amount of additional time be approved. Staff believes that six months additional time should be sufficient to complete the site plan approval process and to commence construction. Staff recommends that six months additional time be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of June 2, 2009.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated June 9, 1999, to Marie B. Travesky, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated January 14, 2002, from Nancy Vehrs, Clerk to the Board of Supervisors, to Marie B. Travesky, agent for the applicant

Attachment 4: Letter dated June 9, 2004, from Nancy Vehrs, Clerk to the Board of Supervisors, to Marie B. Travesky, agent for the applicant

Attachment 5: Letter dated April 30, 2007, from Nancy Vehrs, Clerk to the Board of Supervisors, to Marie B. Travesky, agent for the applicant

Attachment 6: Letter dated June 3, 2008, from Nancy Vehrs, Clerk to the Board of Supervisors, to Marie B. Travesky, agent for the applicant

Attachment 7: Interpretation letter dated August 29, 2008, from Regina C. Coyle, Director, ZED, to Marie B. Travesky, agent for the applicant

Attachment 8: Letter dated August 29, 2008, from Jennifer L. Adams, agent for the applicant, to Regina C. Coyle, Director, ZED, DPZ

Attachment 9: Site Review, DPWES, comments dated June 9, 2008

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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

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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December 8, 2008

ADMINISTRATIVE - 9

Additional Time to Commence Construction for SEA 85-P-093, Epiphany of Our Lord
Byzantine Catholic Church (Providence District)

ISSUE:

Board consideration of additional time to commence construction for SEA 85-P-093 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months additional time for SEA 85-P-093 to October 3, 2010.

TIMING:

Routine

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if the subdivision is not recorded 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 3, 2006, the Board of Supervisors approved Special Exception Amendment SEA 85-P-093, subject to development conditions. The Special Exception Amendment application was filed in the name of the Most Reverend Andrew Pataki, Bishop of The Eparchy Catholic Church of Passaic, New Jersey and His Successors in Office, to amend SE 85-P-093, previously approved for a church and child care center, to permit construction of a new place of worship and child care center with an increase in church seats, an increase in land area, and associated changes in site design and development conditions, with no change to the child care center enrollment, pursuant to Sect. 3-204 of the Fairfax County Zoning Ordinance for the property described as Tax Map 59-1 ((1)) 21 and 59-1 ((7)) 1, 2 (see the Locator Map in Attachment 1). SEA 85-P-093 was approved with a condition that the use must be established or construction must be commenced and diligently prosecuted within thirty months of the approval date, unless the Board grants additional time. The development conditions for SEA 85-P-093 are included as part of the Clerk to the Board's letter contained in Attachment 2.

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On October 2, 2008, the Department of Planning & Zoning received a letter dated October 2, 2008, from Lynne J. Strobel, on behalf of the applicant, requesting twenty-four months additional time to commence construction for SEA 85-P-093 (see Attachment 3). The request was received prior to the date on which the approval would have expired; therefore, the special exception amendment will not expire pending the Board's action on the request for additional time. The letter states that the additional time is needed to complete the site plan approval process. Ms. Strobel indicates that delays have been incurred due to the process of a new Bishop having been selected, who then needed to evaluate and authorize the project prior to the completion of construction documents. A site plan has not yet been submitted, but Ms. Strobel anticipates that a site plan will be submitted within a few weeks.

Staff has reviewed Special Exception Amendment SEA 85-P-093 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a place of worship and child care center. Further, staff knows of no change in land use circumstances which affect the compliance of SEA 85-P-093 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SEA was approved. Finally, the conditions associated with the Board's approval of SEA 85-P-093 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that twenty-four months of additional time be approved. This additional time would begin from the prior specified expiration date would result in a new expiration date of October 3, 2010.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated April 12, 2006, to Lynne J. Strobel, Esquire, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated October 2, 2008, from Lynne J. Strobel, agent for the applicant, 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

Pamela Nee, Chief, Environmental and Development Review Branch, Planning Division, DPZ

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

Cathy Belgin, Senior Staff Coordinator, ZED, DPZ



ADMINISTRATIVE – 10

Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment
Re: Mobile and Land Based Telecommunication Facilities

ISSUE:

The proposed amendment increases the maximum allowable height of by right structure and rooftop mounted panel antennas; allows replacement utility poles and light poles on which antennas are mounted that are located in any street right-of-way to be greater in size than the pole being replaced, subject to limitations; and allows mobile and land based telecommunication hub sites to locate by right in residential districts in certain circumstances.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on December 8, 2008, to provide sufficient time to advertise the proposed Planning Commission public hearing on January 8, 2009 at 8:15 p.m. and the proposed Board of Supervisors hearing on February 23, 2009, at 3:30 p.m.

BACKGROUND:

On May 5, 2008, the Board directed the Planning Commission to review the current telecommunication regulations to determine if minor adjustments are needed to address recent changes in the telecommunication industry and to solicit the appropriate input from citizens, industry and staff. This past summer, the Chairman of the Planning Commission conducted two meetings with an advisory group representing the telecommunication industry, citizens and staff, at which possible amendments to the Zoning Ordinance mobile and land based telecommunication provisions were discussed. The recommendations of the advisory group were endorsed by the Planning Commission on September 25, 2008. The proposed amendment incorporates these recommendations into the Zoning Ordinance. Specifically, the amendment effects the following changes:

1. Allows an increase in the maximum allowable height of structure or building rooftop panel antennas that are permitted by right from 6 feet to 8 feet.
2. Currently by right replacement utility poles and light poles on which antennas are mounted that are located in any street right-of-way cannot be increased in size. The proposed amendment allows such replacement poles to be increased in size provided that such poles do not exceed 64 feet in height and 18 inches in diameter.

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3. Defines a mobile and land based telecommunication hub site as an equipment cabinet or structure that serves a mobile and land based telecommunication system when there are no antennas located on the same lot as the equipment cabinet or structure.
4. Allows mobile and land based telecommunication hub sites by right in (a) all C Districts, I Districts, except the I-I District, and in the commercial areas of all P Districts; (b) in any zoning district on lots containing Group 3 special permit uses, except home child care facilities and group housekeeping units, Group 4, 5 or 6 special permit uses, Category 1, 2, 3 or 4 special exception uses, and Category 5 special exception uses, except for bed and breakfasts; (3) and in any zoning district on property owned or controlled by a public use or Fairfax County governmental unit, provided that the hub site meets certain size, setback and screening requirements.
5. Clarifies that the height of replacement utility poles and light/camera standards shall be measured as the vertical distance between the lowest point of finished ground level adjacent to the structure and the highest point of the structure, including antennas.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The proposed amendment provides greater flexibility for the installation of mobile and land based telecommunication facilities, while protecting the adjacent properties from potential adverse impacts from such facilities.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

- Attachment 1 - Resolution
- Attachment 2 - Staff Report
- Attachment 3 - Telecommunications Advisory Group
- Attachment 4 - Planning Commission Verbatim

STAFF:

- Robert A. Stalzer, Deputy County Attorney
- James P. Zook, Director, Department of Planning and Zoning (DPZ)
- Eileen M. McLane, Zoning Administrator, DPZ
- Brian Parsons, Senior Assistant to the Zoning Administrator, DPZ

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ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts (Hunter Mill, Mount Vernon, and Springfield Districts)

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) divide the McNair precinct to create a new precinct; (2) divide the Laurel Hill precinct to create a new precinct; and (3) divide the Newgate precinct to create two new precincts.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Monday, January 12, 2009, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on December 8, 2008, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on January 12, 2009, at 4:00 p.m. and to complete the federal preclearance process thereafter in advance of the 2009 elections.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to increase or decrease the number of precincts and alter precinct boundaries and polling place locations subject to the requirements of Virginia Code §§ 24.2-307, 24.2-310 and 24.2-310.1. Virginia Code § 24.2-307 further requires the General Registrar to notify the governing body whenever the number of voters who voted in a precinct in a presidential election exceeds 4,000. Additionally, Virginia Code § 24.2-307 requires the local governing body to adjust any such precinct boundaries within six months so that the redrawn or new precinct(s) will have no more than 5,000 voters.

However, the 2008 General Assembly passed additional legislation that prohibits changes to precinct boundaries beginning February 1, 2009, and extending through May 15, 2011. The purpose of this legislation is to freeze precinct boundaries to facilitate conduct of the 2010 United States Census and any election reapportionment that may follow. This legislation is comparable to the restrictions that were passed in 1998 in order to prepare for the 2000 census and the 2001 redistricting.

Accordingly, after the November 4, 2008, Presidential Election, the General Registrar notified the Board that the number of voters voting in the McNair, Laurel Hill, and Newgate precincts,

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exceeded 4,000 and that these precincts would need to be divided. Because of the potential for one or more special elections in early 2009, the Registrar recommended that the polling places for any newly established precincts temporarily remain in the same buildings as the original precincts. He also noted that the precinct boundary freeze would not prohibit future polling places moves when the new "Coppermine" and "Laurel Hill" Elementary Schools are opened in September 2009.

In order to meet the February 1, 2009, statutory deadline and to prepare for the upcoming special elections, the following precinct divisions are presented for immediate consideration:

(1) In Hunter Mill District, the General Registrar recommends dividing the McNair precinct which currently has 6,668 registered voters and had a presidential election turnout of 4,482 voters. This proposal will divide the McNair precinct to create a new precinct named "Coppermine." Both the redrawn McNair precinct and the new Coppermine precinct will continue to vote at the McNair Elementary School located at 2499 Thomas Jefferson Drive, Herndon.

(2) In Mount Vernon District, the General Registrar recommends dividing the Laurel Hill precinct which currently has 5,622 registered voters and had a presidential election turnout of 4,490 voters. This proposal will divide the Laurel Hill precinct to create a new precinct named "Lindsay." Both the redrawn Laurel Hill precinct and the new "Lindsay" precinct will continue to vote at the South County Secondary School located at 8501 Silverbrook Road, Lorton.

(3) In Springfield District, the General Registrar recommends dividing the Newgate precinct which currently has 5,134 registered voters and had a presidential election turnout of 4,173 voters. This proposal will create new precincts named "Newgate North" and "Newgate South." Both Newgate North and Newgate South will continue to vote at the Centreville High School located at 6001 Union Mill Road, Clifton.

FISCAL IMPACT:

Insignificant.

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2 - Summary of Proposed Precinct and Polling Place Changes
Attachment 3 – Maps and Descriptions of Proposed Precinct Boundary Changes
Attachment 4 - Proposed Ordinance
Attachment 5 - Draft Advertisement

STAFF:

Rokey Suleman, General Registrar
Michael Long, Senior Assistant County Attorney

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ADMINISTRATIVE – 12

Confirmation of the Addition of the Director of Fairfax County Public School (FCPS) Alternative School Programs as a Member of the Fairfax-Falls Church Community Policy and Management Team (CPMT)

ISSUE:

Confirmation for the Director of FCPS Alternative School Programs to represent the areas of contracted services for private residential and day school placements to the CPMT. Under Virginia legislation, responsibility for funding of federally mandated academic placements in private day and residential school settings is met by the Comprehensive Services Act (CSA).

RECOMMENDATION:

The County Executive recommends that the Board confirm Teresa M. Zutter as a member of the CPMT.

TIMING:

Action is requested for December 8, 2008.

BACKGROUND:

As required under the Virginia Comprehensive Services Act (CSA), the Fairfax County Board of Supervisors and the Fairfax and Falls Church City Councils established a joint Community Policy and Management Team and appointed original members in October, 1992. Members include the Deputy County Executive for Human Services, one representative each from the Cities of Fairfax and Falls Church, the Directors of the Community Services Board, Juvenile and Domestic Relations District Court, (Court Services), Department of Health, Family Services, Office for Children, Community and Recreation Services, two representatives of the Fairfax County Public Schools, one representative of the Falls Church City Schools, two representatives of private providers of children's and family's services, two community representatives and two parent representatives.

The appointment of the Director of FCPS Alternative School Programs will enhance the CPMT's knowledge and expertise in the areas of residential and private day academic placements and assist the team in policy and management and decision-making.

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Verdia L. Haywood, Deputy County Executive

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ADMINISTRATIVE - 13

Authorization to Advertise a Public Hearing to Obtain Input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia for Three Replacement Vehicles

ISSUE:

To obtain public input regarding the Board of Supervisors' approval for the Department of Community and Recreation Services to submit a grant application in the amount of \$156,000 to the Commonwealth of Virginia. If the application is approved, funds will be used to purchase three wheelchair lift-equipped replacement vehicles. The total cost of the vehicles including needed options is estimated at \$156,000. Of this total, the grant will provide 80 percent funding or \$124,800. The balance of 20 percent, or \$31,200, in required Local Cash Match will be absorbed within the budget for the Department of Community and Recreation Services. No additional county funding is required. The public hearing is a requirement of the application process.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing to obtain input for the Department of Community and Recreation Services' Grant Application to the Commonwealth of Virginia. Award of the grant will allow FASTRAN to replace three high-mileage vehicles at a substantially reduced cost to the County.

TIMING:

Board action is requested on December 8, 2008, to provide sufficient time to advertise the proposed public hearing on January 12, 2009, at 4:00 p.m.

BACKGROUND:

The County has the opportunity to apply for FTA Section 5310 funds, through the Commonwealth of Virginia, to purchase three wheelchair lift-equipped vehicles that will replace high-mileage FASTRAN vehicles at a total estimated cost of \$156,000. Of this total, the grant will provide \$124,800 in funding to cover 80 percent of the cost of the vehicles. The remaining 20 percent, or \$31,200, in required Local Cash Match will be absorbed within the budget for the Department of Community and Recreation Services. No additional county funding is required. These vehicles will be used to provide an estimated 19,291 annual rides for senior citizens and people with disabilities. Since 1994, the county has purchased 30 replacement vehicles through this grant program.

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The current FASTRAN authorized bus fleet inventory totals 115 buses. The expected operating life for these vehicles is eight to ten years. Factoring this life cycle into replacement planning efforts, the FASTRAN Division anticipates the need to replace 11 to 15 buses each year. The factors utilized to determine the need to replace buses include age, mileage, and historical maintenance records.

Funding for replacement of FASTRAN buses is contained within Fund 503, the Department of Vehicle Services. FASTRAN (through the General Fund) contributes to Fund 503 on an annual basis to maintain the ability to purchase replacement buses as needed. The Federal Transportation Administration (FTA) Section 5310 grant from the Virginia Department of Rail and Public Transportation provides FASTRAN the opportunity to purchase three replacement buses (of the 11 to 15 needed each year) at a significantly reduced net cost to the county. The award of this grant will allow the FASTRAN replacement fund to save \$124,800. Previous year grant awards have resulted in similar savings to the county and have allowed FASTRAN to keep its annual contributions to the replacement fund at a manageable level.

FISCAL IMPACT:

If the application is approved, the FTA grant will provide 80 percent funding, or \$124,800, of the total purchase cost of \$156,000. This funding will be paid directly to the vendor by the State. The balance of 20 percent, or \$31,200, in required Local Cash Match will be forwarded to the State by the Department of Community and Recreation Services (DCRS) and will be absorbed within the DCRS budget. No additional county funding is required.

ENCLOSED DOCUMENTS:

Attachment 1 : FTA Section 5310 - General Program Information

Attachment 2: Advertisement of a Public Hearing and Review and Comment on the Proposed Use of Funds Received Under the Federal Transit Administration Section 5310 Grant Program

STAFF:

Verdia L. Haywood, Deputy County Executive

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

Matthew A. Spruill, Director, FASTRAN, Department of Community and Recreation Services

Al-Hassan Koroma, Transportation Planner, FASTRAN, Department of Community and Recreation Services

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ACTION - 1

Approval of Standardized Language for Vegetated Buffer Easements and Reforestation Easements

ISSUE:

Board approval of standardized language for vegetated buffer easements and reforestation easements.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed standardized language for vegetated buffer easements and reforestation easements.

TIMING:

Board action is requested on December 8, 2008.

BACKGROUND:

Pursuant to the Chesapeake Bay Preservation Ordinance, the Department of Public Works and Environmental Services (DPWES) may require, as a part of the best management practices waiver/modification process, the establishment of buffer management areas as a precondition to the approval of infill-lot grading plans. On May 5, 2008, the Board directed staff to require a deed restriction for the buffer management area (e.g., easement) as another condition of approval. The proposed standardized language for a vegetated buffer easement has been prepared in response to the Board's directive.

Standardized easement language also has been developed for a reforestation easement. Reforestation is one of the low impact development practices incorporated into the Public Facilities Manual (PFM) in 2007. The PFM requires that reforested areas be placed in an easement.

Although these easements are similar in language and purpose, they are distinct because they derive from different legal authorities.

REGULATORY IMPACT:

The establishment of a vegetated buffer easement will require the preparation of a deed, setting forth the terms and conditions of the easement, and a plat, depicting the

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location and configuration of the easement. Since such deeds and plats have not been required for infill-lot grading plans, the new requirement will increase the cost for the applicant and the processing time for such plans.

FISCAL IMPACT:

Small increase in revenue from the review fees for the easement plats.

ENCLOSED DOCUMENTS:

Attachment 1 – Standard language for a vegetated buffer easement agreement

Attachment 2 – Standard language for a reforestation easement agreement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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ACTION – 2

Sale of General Obligation Public Improvement Bonds, Series 2009 A and General Obligation Bond Refunding Bonds

ISSUE:

Board approval of a resolution (Attachment I) to authorize the sale of General Obligation Public Improvement Bonds on or about January 13, 2009 and authorization for the sale of General Obligation Refunding Bonds as market conditions permit.

RECOMMENDATION:

The County Executive recommends approval of the sale of General Obligation Public Improvement Bonds an amount that will generate \$204.0 million to fund construction of capital facilities and infrastructure as previously approved by the Board.

The County Executive also recommends approval of the sale of General Obligation Refunding Bonds to refund certain maturities of the Series 1999A bonds, of which \$73.15 million of bonds are outstanding and are currently callable. Assuming current market conditions, a refunding of these bonds does not generate the minimum savings threshold established by the County; however, if interest rates fall by approximately 20 basis points (0.20%), a refunding may be viable and staff wants to be in a position to take advantage of this potential opportunity for interest rate savings.

The Board should take the following action:

Approve the resolution authorizing the issuance of the General Obligation Bonds, which also authorizes the execution and delivery of a Continuing Disclosure Agreement and other documents necessary for sale. This resolution delegates to the County Executive or Deputy County Executive /Chief Financial Officer authority to award the bonds to the lowest responsive bidder or if market conditions warrant, pursue a negotiated sale. Bond Counsel has advised that this form of authorization is acceptable and provides flexibility for changing market conditions. This resolution also approves the form of the notice of sale and the Official Statement, and authorizes the Chairman and/or Vice Chairman to sign the Official Statement.

TIMING:

Board action is requested on December 8, 2008.

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BACKGROUND:

Staff is presenting the Board with the necessary documents to proceed with the new money bond sale to meet FY 2009 capital funding requirements for on-going projects. The sale is expected to occur on or about January 13, 2009, in accordance with the schedule of events (Attachment 2). It should be noted that the actual date of the sale will be determined by market conditions.

Since fall 2007, municipal interest rates have risen by approximately 80 basis points (0.80%) when measured by the 20-Bond index. Much of the increase in rates has occurred since the Lehman bankruptcy in mid-September 2008 which essentially froze the municipal market. At that time, investor concerns regarding the safety of money market funds lead to massive withdrawals from tax-exempt money market funds, driving down demand from institutional investors who typically buy and trade municipal bonds. Since then, investor participation in the municipal market has improved, but the market remains volatile and unsettled.

Since the municipal bond markets have experienced significant interest rate swings, staff is evaluating the best strategy for entering the market. Based on recent transactions in the bond market, retail investors (who prefer specific bond maturities and coupons) have been strong participants. The County staff, Bond Counsel, and our Financial Advisors added flexibility to the bond resolution the Board is adopting to provide the County with increased bond sale options. This flexibility will allow staff to structure the parameters of the sale to possibly shorten the maturities, bifurcate the sale into smaller dollar amounts with several series issued to increase the number of firms bidding and thereby obtain the lowest possible interest rates. Also the resolution allows for a negotiated sale rather than only a competitive sale. Increasing the County's options is a sound strategy for weathering this challenging financial market and ensuring the County has market access at favorable interest rates.

The General Obligation Bond sale of \$204.0 million includes an amount of \$155.0 million in bond sales for school facilities plus \$1.6 million from the 2007 School bond for the Newington Bus Garage to be expended out of Fund 311, County Bond Construction and \$47.4 million for general County projects including: \$18.9 million for County and regional park projects, \$14.5 million for road projects, \$8.5 million for human services facilities, \$4.5 million for library facilities, and \$1.0 million for public safety projects performed by the County Construction Fund. Staff has structured the size of this sale to the level necessary that will support the capital construction program in FY 2009, without altering any of the schedules of the projects in progress and previously approved by the Board of Supervisors. The Schedule of Bond Purposes is attached as Attachment 3. The School Board resolution requesting the sale of bonds on behalf of the School system is included as Attachment 4.

It should be noted that the bond sale amount was sized to the smallest amount of bond funding possible. This funding is primarily for projects in construction and/or for which a contract has been signed and therefore expenditures are imminent. County policy is to only

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sell the bonds when the projects require the cash. Bonds being sold in this sale for the School Construction Fund make up approximately 76 percent of the sale.

This sale of \$204.00 million is within the adjusted total maximum sales in the revised Ten Principles of Sound Financial Management. The FY 2009 Adopted Budget Plan states that the annual sale of bonds will be \$275 million or \$1.375 billion over a five-year period, with a technical limit not to exceed \$300 million in a single year. Consistent with previous bond sales, the County's Resolution (Attachment 1) includes a provision which would permit the County Executive or Deputy County Executive/Chief Financial Officer to award the bonds to the best responsive bidder within the guidelines established by the Board. The maximum interest rate permitted on the bonds as established in the Bond Resolution is 7.5 percent. In addition, for a competitive sale staff will use the electronic bidding system to receive bids and participate in providing on-line public access to the Notice of Sale (Attachment 5), and Preliminary Official Statement (Attachment 6). The sale will again utilize the book-entry-only system for the handling of principal and interest payments. If a negotiated sale is used, the County will follow the County's purchasing guidelines and will coordinate closely with Bond Counsel and the County's Financial Advisor to determine the most financially advantageous approach for the County.

The County's Financial Advisor has conducted a refunding analysis of existing General Obligation bonds. Assuming market conditions as of November 3, 2008, the potential refunding does not meet the County's minimum savings threshold. If interest rates decrease approximately 20 basis points (0.20%), a refunding of \$35.515 million of the Series 1999A bonds would generate net present value savings of approximately \$1.5 million or 4.5 percent of the refunded par amount. Actual savings will be dependent upon bond market conditions at the time of the sale. The potential refunding bonds could be sold as a separate bond series on a separate day from the 2009A new money bonds.

Consistent with prior refunding sales, the County's Resolution includes provisions that delegate to the County Executive or the Chief Financial Officer authority to take certain actions and make certain determinations. These actions include determining the refunding candidates to be chosen (subject to the 3 percent or \$1.0 million present value test); determining the final terms and structure of the refunding series; and finalizing any associated legal documentation. Since 1989, the County has refunded over \$1.9 billion of the outstanding General Obligation and Lease Revenue debt for cumulative Net Present Value savings of approximately \$100.5 million.

It should be noted that Attachments 2 through 6 may be subject to minor changes to satisfy final legal review and to provide the most current information possible for bidders, including the addition of information from the FY 2008 Comprehensive Annual Financial Report (CAFR). Any material changes will be noted and forwarded to the Board of Supervisors for approval at a Board meeting in January 2009.

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FISCAL IMPACT:

Based on a conservative True Interest Cost estimate of 6.25 percent, the estimated debt service cost for the sale is \$6.2 million for County purposes and \$19.0 million for School purposes commencing in FY 2010. This funding will be included in the FY 2010 Advertised Budget Plan. The Bond Buyer Index (BBI), which is a good proxy for the County's bonds, stood at 5.14 percent as of November 14, 2008. The County has historically sold at rates from 50 to 100 basis points less than the BBI.

The County has held a Aaa rating from Moody's since 1975, a AAA rating from Standard and Poor's since 1978 and a AAA rating from Fitch Ratings since 1997. As of September 19, 2008, seven states, 22 counties, and 23 cities have a Triple-A bond rating from the three major rating agencies. As a result of the County's excellent Triple-A bond rating, the County has saved over \$364.39 million from County bond and refunding sales.

Current conditions have created a very volatile and unpredictable credit market. Recent interest rates on triple-A rated bond sales have ranged significantly from their typical relationships versus market benchmarks. For example, the 10 year maturity of a standard market benchmark for triple-A rated General Obligation bonds was up as much as 137 basis points (1.37%) from mid-September to mid-October. By the end of October, this index was down 55 basis points (0.55%) from its high during the same month. Typically the County has sold its bonds at interest rates slightly below market expectations for a triple-A rated bond on any given day, a clear sign of high credit quality and buyer confidence. Staff will closely monitor conditions and adjust the structure as necessary to minimize interest costs in this credit environment. Staff will retain flexibility for future refunding opportunities as market conditions improve.

The attached Proposed Bond Sale Schedule (Attachment 2) indicates a sale date the week of January 12, 2009 for the new money bonds, although this is subject to market conditions. The closing date is scheduled for the week of January 26, 2009. The refunding bond sale will be conducted by the end of FY 2009 if market conditions are favorable.

ENCLOSED DOCUMENTS:

Attachment 1: 2009 A County Public Improvement Bond Resolution

Attachment 2: Bond Sale Schedule of Events

Attachment 3: Schedule of Bond Purposes

Attachment 4: School Board Resolution Requesting Sale of Bonds (School Board Approved on November 17, 2009)

Attachment 5: Notice of Sale

Attachment 6: Draft of the Preliminary Official Statement (Copy available in the Office of the Clerk to the Board) (Delivered to the Board under separate cover)

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STAFF:

Edward L. Long, Jr., Deputy County Executive

Victor L. Garcia, Acting Director, Department of Finance

Leonard P. Wales, County Debt Manager

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ACTION - 3

Authorization to Contract with Sprint-Nextel to Fund Regional 800 MHz Rebanding Implementation Coordination

ISSUE:

The County, serving as the Regional Coordinator for 800 MHz public safety rebanding activities of the National Capital Region (“NCR”), is in the final stages of contract negotiations with Sprint-Nextel for the funding necessary to coordinate the implementation of the NCR 800MHz Rebanding Plan. This contract funds work by a vendor (Motorola) and the County’s expenses for serving as the Regional Coordinator.

RECOMMENDATION:

The County Executive recommends that the Board authorize the County Executive to execute the 800 MHz Regional Coordination Funding Agreement upon completion of negotiations. The work and funding requirements of that Agreement are described in the Regional Coordination Statement of Work and Cost Estimate (“Schedule B”), Attachment I.

TIMING:

Board action is requested on December 8, 2008. If the contract is not executed in December 2008, the NCR 800 MHz Rebanding Plan will not be implemented according to the Master Schedule developed by the NCR public safety licensees.

BACKGROUND:

In 2002, at the request of Nextel Communications (which subsequently became Sprint-Nextel), the Federal Communications Commission (“FCC”) initiated a rulemaking proceeding to reassign the 800 MHz radio frequency spectrum used by commercial providers, including Sprint-Nextel, and local governments. In 2004, the FCC adopted Order 04-168, as amended (“Rebanding Order”), which found that public safety communications in the 800 MHz band were encountering increasing amounts of interference from commercial providers, primarily Sprint-Nextel. The Rebanding Order established a new 800 MHz band plan that requires many licensees, including many local governments, to relocate to different frequencies in the 800 MHz band. The County operates public safety and public service radio systems that are subject to the requirement to relocate. The Rebanding Order requires Sprint-Nextel to pay all of the licensees’ reasonable costs of planning and implementing their rebanding activities. Fairfax County and Sprint-Nextel have executed Frequency Reconfiguration Agreements for the rebanding of the County’s two radio systems. In those agreements, the County and Sprint-Nextel agreed that the County’s rebanding activities will be carried out according to a Master Schedule that governs the

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entire NCR. Other NCR licensees' rebanding agreements with Sprint-Nextel contain the same provision. The licensees of the NCR negotiated this provision to ensure that public safety interoperability in the NCR is maintained and the risk to first responders is minimized during the rebanding process.

In order to fulfill those critical goals, County staff, FCC staff, the FCC-appointed Transition Administrator, Sprint-Nextel, Motorola, and NCR licensees worked together to develop a program for regional coordination of the NCR's rebanding process. Fairfax County has been serving as the Regional Coordinator and plans to continue to lead this effort for the NCR. Consistent with the Rebanding Order, Sprint-Nextel will fund the regional coordination effort which, as with individual licensees, consists of two steps and two agreements. The first step, regional rebanding planning, is nearly complete. Pursuant to a Regional Planning Funding Agreement between the County as Regional Coordinator and Sprint-Nextel, Motorola was contracted as the regional planning vendor and worked with NCR licensees to develop a plan and a Master Schedule to coordinate the rebanding implementation of the NCR's public safety radio systems.

The second step is to carry out that plan according to the Master Schedule. The County, serving as Regional Coordinator, has worked with all affected parties to develop a scope of work for Motorola to coordinate the NCR's implementation phase, under the direction and supervision of the Regional Coordinator. Sprint-Nextel agreed to fund the NCR implementation coordination through an 800 MHz Regional Coordination Funding Agreement (the "Funding Agreement"). The scope of work and funding levels are based on the NCR interoperability requirements, minimizing the risk to first responders, and the Master Schedule of activities. The Regional Coordinator has been negotiating the costs associated with the Funding Agreement with Sprint-Nextel, with the assistance and input of FCC staff, the FCC-appointed Transition Administrator, Motorola, and the NCR licensees.

Despite several months of negotiations, the parties have been unable to reach agreement on the statement of work and the costs. Accordingly, the Regional Coordinator and Motorola worked to reduce the statement of work and the costs as much as appropriate in order to reach a final agreement with Sprint-Nextel. The attached Schedule B reflects the absolute minimum level of effort that Sprint-Nextel must agree to fund in order to maintain NCR public safety radio interoperability, minimize risk to first responders, and protect the County from incurring any expense.

Concurrently, the County/Regional Coordinator has been negotiating a sole source contract with Motorola to perform the work set out in the attached Schedule B. In order to maintain the NCR rebanding implementation schedule, the Board will be presented an Information Item today that recommends a contract award to Motorola. However, the contract to Motorola will remain contingent upon final agreement on its terms and conditions, as well as an executed Funding Agreement with Sprint-Nextel.

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Should Sprint-Nextel not agree to fund the level of effort reflected in Schedule B, County staff plans to request that the FCC compel Sprint-Nextel to commit full and appropriate funding to the implementation of the regional plan for 800 MHz rebanding. County staff anticipates that the other 13 NCR licensees will file with the FCC in support of the County's request, as has been the practice during this process.

It is important to recognize that the County's role as Regional Coordinator is voluntary and is premised on conditions that NCR public safety radio interoperability be maintained, the risk to first responders be minimized, and the County not incur any expense for its role as Regional Coordinator. Although regional coordination is vital to an efficient and expedient rebanding of public safety radios in the NCR, the County cannot be compelled to act as the Regional Coordinator or to enter into a Funding Agreement. Furthermore, even in the absence of a Funding Agreement, NCR licensees retain the right to continued NCR public safety radio interoperability, minimize the risk to first responders, and require Sprint-Nextel to pay all of the reasonable costs of planning and implementing their rebanding activities. Therefore, the County and other NCR licensees will continue to exercise these rights, even if the County's goal of entering into a Funding Agreement should ultimately fail.

FISCAL IMPACT:

None. Schedule B specifies that Sprint-Nextel will reimburse the County up to an estimated \$566,223 for its costs and contingencies, and pay directly to Motorola up to an estimated \$5,947,985 for its costs and contingencies. Any future adjustment in costs must be negotiated by the Regional Coordinator and Sprint-Nextel using an established Change Order process. Contracted funds not obligated or spent upon completion of the reconfiguration process will be reconciled between the County and Sprint-Nextel using an established true-up process.

ENCLOSED DOCUMENTS:

Attachment I: Schedule B, 800 MHz Regional Reconfiguration Coordination Agreement

STAFF:

David Molchany, Deputy County Executive
Wanda M. Gibson, Director, Department of Information Technology
Cathy A. Muse, Director, Department of Purchasing and Supply Management
Skip Munster, Program Director, Department of Information Technology
David J. Barney, Program Manager, Department of Information Technology
Michael Long, Senior Assistant County Attorney
Erin Ward, Assistant County Attorney

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ACTION - 4

Approval to Implement an Adjustment to FAIRFAX CONNECTOR Bus Fare Policies and Rates

ISSUE:

Board approval to implement an adjustment to the current FAIRFAX CONNECTOR bus fare policies and rates.

RECOMMENDATION:

The County Executive recommends the Board adopt the Bus Fare Policy and Fare Increase Adjustments described below for the FAIRFAX CONNECTOR bus system:

A. Proposed Standing Fare Policy

Future FAIRFAX CONNECTOR fare increases shall generally follow Washington Metropolitan Area Transit Authority (WMATA) fare increases in implementation date and rate structure.

The public meeting process for any future rate increase shall be incorporated, as much as 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 (Rate) Adjustments

1. The FAIRFAX CONNECTOR bus fares and transfer policy will be adjusted on January 4, 2009, to substantially mirror WMATA's approved fare structure, effective Sunday, January 4, 2009.
2. The new fares are as follows (Attachment I offers a detailed, side-by-side comparison of the proposed fare structure changes):

Base Fare

- SmarTrip Users: The base fare for non-express routes will increase from \$1.00 to \$1.25; the express bus fare will remain unchanged at \$3.00.

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- Non-SmarTrip Users: The base fare will increase from \$1.00 to \$1.35; the express bus fare will increase from \$3.00 to \$3.10.
- Senior/Disabled: The fare for non-express routes will increase from \$0.50 to \$0.60. The senior/disabled express fare will be reduced from \$2.00 to \$0.60.
- This fare change includes all Fairfax CONNECTOR bus routes as well as the bus routes provided by Metrobus in Fairfax County including those that are currently operated at a reduced fare: 2T, 2W, 3T, 12A-C-D-E-F-G-L-M-R-S, 18R and S, 20F-X-W-Y, 24T, 28T, and REX.

Transfers

- Bus-to-Bus
 - SmartTrip users will transfer bus-to-bus for no charge within a three-hour window. This is an increase from the two-hour window currently in place for FAIRFAX CONNECTOR and WMATA.
 - Non-SmarTrip users will no longer be issued a paper transfer; riders will pay another full cash fare when transferring bus-to-bus.
- Rail-to-Bus
 - SmartTrip users will be charged \$0.75 for a rail-to-bus transfer, an increase from \$0.35.
 - Non-SmarTrip users will no longer be issued paper transfers at Metrorail stations (or on buses). Customers will pay another full cash fare when transferring from a train to a bus.
- The TAGS (Transportation Association of Greater Springfield) fare will remain at \$0.25.
- The VRE EZ-bus shuttle fare will increase from free to \$0.25.

TIMING:

The Board is requested to take action on this item on December 8, 2008, to allow the fare structure changes to take place as currently scheduled on January 4, 2009.

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BACKGROUND:

Public transit systems across the country are facing a variety of challenges: demand for more service; rising fuel costs; constrained local budgets, and uncertain local, state, and federal economies. The FAIRFAX CONNECTOR is operating under similar conditions, and a policy to maximize CONNECTOR revenue capacity and maintain consistency with the WMATA fare structure is prudent.

The Board of Supervisors received 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, FAIRFAX CONNECTOR bus fares are less than those charged by the WMATA's Metrobus system, and additional revenues could be generated if FAIRFAX CONNECTOR bus fares were equal to Metrobus fares.

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 designed to encourage residents to access Metrorail by bus rather than by driving to the station. However, other FAIRFAX CONNECTOR bus fares and overall fare policy have generally been in accordance with Metrobus fares and fare policies. 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 logic as the regional SmarTrip fare program adopted by WMATA in January 2008, to provide customers with a simple, uniform fare structure.

On November 6, 2008, the WMATA Board approved implementation of a balanced transfer policy for SmarTrip users effective January 4, 2009. Currently there is a \$0.90 one-way discount for multi-modal trips (using both the rail and the bus system). However, this discount is only applicable to the bus fare when transferring from rail. The balanced transfer policy will provide a \$0.50 discount on both ends of a multi-modal trip, giving a \$0.50 discount when transferring bus-to-rail and \$0.50 discount when transferring rail-to-bus. The total multi-modal discount will be increased from \$0.90 to \$1.00. This discount will be only available to SmarTrip users.

Public Input

Based on the limited number of comments received compared with the number of daily CONNECTOR transit riders, no significant opposition to the proposal has been received. The Fairfax County Department of Transportation (FCDOT) held two 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

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the proposed Standing Policy for future fare increases. A total of three people attended the meetings.

The Fairfax CONNECTOR Fare and Policy Adjustment information was also available on the Fairfax Connector website. Public input was received via e-mail, phone message, and letter. A total of 20 people submitted comments by November 14, 2008, the close of the public comment period.

Of the various comments received, 35% opposed the increase in fares, citing an unnecessary financial hardship in difficult economic times. Another 25% of the total comments received disagreed with the elimination of paper transfers, citing an unfair penalty to assess on cash-paying riders. However, 25% of the comments were supportive of the Fare Policy adjustment. Many customers preferred a fare increase to a decrease in service as a way to reduce any budget gap, as well as supported WMATA's proposal to tie annual fare increases to the Consumer Price Index. (Attachment 2 offers a break down of Public Comments received.)

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 estimated \$2,785,000 annually. The FY 2009 net revenue to be realized from half a year is expected to be approximately \$993,000 after the costs of implementation. Of this amount, the County Executive has included \$900,000 on his list of proposed items to address the projected FY 2009 General Fund revenue shortfall. It is noted that, after implementation of the fare increase, the total annual CONNECTOR fare revenue based on current and projected service levels, is expected to be \$9,160,000.

ENCLOSED DOCUMENTS:

Attachment 1: Recommended CONNECTOR Fare Changes
Attachment 2: Summary of Public Comments

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)
Christin A Wegener, Senior Planner, Fairfax Connector (FCDOT)

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ACTION - 5

Endorsement of the Chief Administrative Officers Task Force's Comments Regarding the Preliminary FY 2010 Virginia Railway Express Budget

ISSUE:

Board endorsement of the Chief Administrative Officers (CAO) Task Force's initial recommendations regarding the proposed FY 2010 Virginia Railway Express (VRE) budget.

RECOMMENDATION:

The County Executive recommends that the Board endorse the CAO Task Force's two primary recommendations on the FY 2010 VRE budget. The recommendations are:

1. VRE should balance the FY 2010 budget without a jurisdictional subsidy increase.
2. VRE should use the adopted VRE Master Agreement's allocation formula to determine shares of VRE's total FY 2010 subsidy consistent with the third year phase-in of the formula change adopted by the VRE Operations Board on June 15, 2007.

TIMING:

The Board should act on this item on December 8, 2008, because this is the last Board meeting before the VRE Operations Board considers adoption of the FY 2010 VRE budget on December 19, 2008.

BACKGROUND:

The VRE Chief Executive Officer presented the preliminary FY 2010 budget to the VRE Operations Board on August 15, 2008. The FY 2010 budget included a deficit of approximately \$8.6 million. The shortfall was attributed to many factors. The main factors included Amtrak contract obligations, state and federal funding shortfalls, volatile fuel expenses, transition costs for possible new contract operator for VRE, and equipment maintenance costs. These factors are explained in Attachment 1, an excerpt from the August 15, 2008, VRE Operations Board meeting, Action Agenda Item 9-A.

The budget was referred to the local jurisdictions for review and comment. Since August, a staff task force, organized by CAOs of the VRE jurisdictions, has reviewed the preliminary budget and met with VRE staff to discuss it in detail.

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The CAO Task Force is preparing a final report summarizing its review of the FY 2010 budget and offering any further recommendations that may be developed. The Task Force and VRE staff met on October 23 and November 7, 2008, to discuss recommendations. The Task Force met again on November 7, 2008, to finalize their recommendations. The CAOs will meet in early December 2008, before the December VRE Operations Board meeting, to officially review the Task Force's recommendations and receive the VRE staff response. It is anticipated that VRE will deliver a balanced budget by the December 19, 2008, VRE Operations Board meeting. This includes the adoption of a seven percent fare increase, effective January 1, 2009, which will provide additional revenue in both FY 2009 and FY 2010. VRE staff is now preparing final revisions to the FY 2010 budget in preparation for this meeting. Although the Task Force's report is not finalized, it will contain two primary recommendations for the budget. The recommendations are as follows:

1) Balance the FY 2010 Budget Without an Increase to the Local Subsidy

In August 2008, VRE staff calculated a projected shortfall for the FY 2010 budget of \$8.6 million. The primary factors for this deficit included Amtrak contract obligations, state and federal funding shortfalls, volatile fuel expenses, transition costs for possible new contract operator for VRE, and equipment maintenance costs. Additional details are provided in Attachment 1. At the onset, all VRE participating jurisdictions emphasized to VRE that they could not afford a subsidy increase for FY 2010, due to the national economic crisis, exacerbated by their own forecasted financial problems. In response, the VRE Chief Executive Officer agreed to maintain the total FY 2009 jurisdictional subsidy level. However, doing so did not preclude the incorporation of changes which will occur as a result of the adopted Master Agreement allocation formula change and the October 2008, passenger survey.

In addition to VRE staff working to reduce the shortfalls mentioned, they have incorporated a 10 percent fare increase in the FY 2010 budget, beginning July 1, 2009, to help balance the budget. If conditions affecting the main factors that generated the large deficit for FY 2010 change before the Operations Board adopts the budget in December, or the Northern Virginia Transportation District Commission (NVTC), and the Potomac Rappahannock Transportation Commission (PRTC) (which oversee the VRE) adopt the budget at their January meetings, the amount of the fare increase may be reduced or eliminated.

2) Continue To Use VRE Master Agreement Allocation Formula to Fund Operating Costs

The CAO Task Force recommends that VRE's operating expenditures be allocated using the Master Agreement Allocation Formula consistent with the third year of the four year phase-in of the formula change adopted by the VRE Operations Board on June 15, 2007. This formula ultimately will result in VRE's subsidy being allocated entirely based on ridership beginning in FY 2011.

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FISCAL IMPACT:

The preliminary FY 2010 VRE budget includes an estimated total jurisdictional subsidy of \$17,275,499, which includes major increases for insurance costs, diesel fuel, operational expenses, capital costs, and debt service payments for the purchase of 50 new bi-level railcars. Based on the most recent information received, Fairfax County's portion of the total FY 2010 local subsidy is not expected to exceed \$5,507,805, which was the amount in FY 2009.

As per the approved VRE Master Allocation Formula, FY 2008 was the first year of a four year phased reduction schedule for Fairfax's subsidy share. FY 2010 is the third year of the phase-in schedule. When the subsidy change is fully implemented, at the end of the four year phase-in period (FY 2011), and all other things being equal, Fairfax County's subsidy will be \$1,197,079 less than it is now, a 24% reduction, based on FY 2008 dollars.

When the final amount of Fairfax County's share is known, the County Executive will include that amount in the FY 2010 Advertised Budget Plan. The Board is not being asked to approve Fairfax County's FY 2010 VRE subsidy at this time.

ENCLOSED DOCUMENTS:

Attachment 1: An excerpt from the August 15, 2008, VRE Operations Board Meeting Agenda Action Item 9-A.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Michael R. Lake, Senior Transportation Planner, Coordination and Funding Division, FCDOT

Carl Winstead, Transportation Planner, Coordination and Funding Division, FCDOT

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ACTION - 6

Approval of Award of Loan Funds in FY 2009 HOME Program Community Housing Development Organization Funds to Two Fairfax County Nonprofit Affordable Housing Developers

ISSUE:

Board approval of the award of loan funds of federal HOME Program Community Housing Development Organization (CHDO) funds to the Brain Foundation and Robert Pierre Johnson Housing Development Corporation (RPJ). The loan proceeds will be used for the acquisition and preservation of affordable housing for rental to very low-income households. The Board approved the allocation of \$402,624 for the FY 2009 HOME CHDO Set-Aside under the FY 2009 Consolidated Plan Annual Action Plan. Funding loan awards totaling \$293,500 are proposed: (1) \$150,000 to the Brain Foundation; and (2) \$143,500 to Robert Pierre Johnson Housing Development Corporation.

RECOMMENDATION:

The County Executive recommends the Board approve the award of loan funds of: \$150,000 to the Brain Foundation; and \$143,500 to Robert Pierre Johnson Housing Development Corporation.

TIMING:

Approval by the Board is requested in order to enable both groups to proceed with timely acquisition of units.

BACKGROUND:

Fairfax County receives funding each year from the U.S. Department of Housing and Urban Development (HUD) through the HOME Investment Partnerships Program. The HOME Program requires that at least 15% of each annual allocation be set aside for certified CHDOs. The Fairfax County Department of Housing and Community Development (HCD) issued a Request for Proposals (RFP) on August 25, 2008, with responses due on September 26, 2008. Proposals from two Fairfax County CHDOs were received in response to this RFP. These proposals were reviewed by an HCD Selection Advisory Committee (SAC) and based on this review, the SAC recommended the approval of the award of HOME CHDO funds for the following proposed activities:

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The Brain Foundation

The Brain Foundation is an all-volunteer, non-profit 501(c)(3) organization founded in 2003. The mission of the Brain Foundation is to enable those who are challenged with serious and persistent brain injury or illness to live with dignity and safety in communities that provide them recognition, acceptance, protection, healing, and opportunity.

The Brain Foundation applied for funding in the amount of \$150,000 under the FY 2009 RFP to purchase one foreclosed 4-bedroom single-family unit to serve as a group home for four extremely low-income male tenants with serious brain injury or illness (annual income is 30% AMI or less, as determined by HUD and adjusted for household size), where each individual bedroom will serve as a 0-bedroom apartment, as this term is used by HUD. The HCD SAC award recommendation of \$150,000 will provide enough subsidy to assist the Brain Foundation in the purchase of one single-family unit. The proposed rent for each 0-bedroom unit is \$250. Under the HOME Fair Market Rent (FMR) requirements for group homes, the maximum rent for a 0-bedroom unit under the 2009 HUD FMR limits for the Washington, DC Metro area is \$539.25. Any HOME contract with the Brain Foundation for this loan would require the unit rents to be set at the proposed rate of \$250 per month for the first year, with any subsequent increase subject to the review and approval of HCD program staff.

Under its FY 2009 CHDO proposal, the Brain Foundation also indicated that residents of the group home would receive ten hours of case management/supportive services each week through Pathway Homes, a charitable organization which provides non-time-limited housing and supportive services to adults with serious mental illness in Northern Virginia.

Robert Pierre Johnson Housing Development Corporation, Inc. (RPJ)

RPJ is an Arlington-based nonprofit affordable housing developer that was founded in 1978 by the National Capital Presbytery. During its more than 28 years of operation, RPJ Housing has been involved in the building, renovation, and/or management of over 2,450 units of low-income housing in the Metro Washington, D. C. area.

RPJ applied for funding in the amount of \$143,500 under the FY 2009 RFP to acquire two single-family units for use as transitional housing units serving two low-income homeless households (annual income of 50% AMI or less, as determined by HUD and adjusted for household size). RPJ was awarded \$312,610 under the FY 2007 CHDO set-aside. It has completed a project with this funding, and an award balance of \$88,360 remains. RPJ will combine these remaining award funds with funds awarded under the FY 2009 RFP for a total of \$231,860. Of this total amount, \$10,000 is proposed as a developer's fee.

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The HOME subsidy provided under the FY 2009 RFP will help to substantially reduce the amount of debt service on the properties, allowing RPJ to keep the rents affordable. HCD will ensure that project rents are capped at the applicable High HOME Rent limit for the duration of the proposed 30-year affordability period. The proposed rent for each unit is \$500. The 2008 High Home Rent Limit for a 2-bedroom apartment is \$1,324; the 2008 Low HOME Rent Limit is \$1,107. Any HOME contract with RPJ for this loan would require the unit rents to be set at the proposed rate of \$500 per month for the first year, with any subsequent increase subject to the review and approval of HCD program staff.

Based upon its review, the SAC recommended the following allocations of HOME CHDO funds:

The Brain Foundation	\$150,000
RPJ	\$143,500
<hr/>	<hr/>
Total Recommended Funding	\$293,500

The FCRHA is authorized to expend funds approved by the Board of Supervisors and HUD for the purpose of undertaking HOME eligible activities that involve capital costs, or where a loan, deferred trust, or other restricting conditions need to be imposed. Final terms of the respective loans to the Brain Foundation and RPJ will be in compliance with all applicable HOME and other federal requirements, and will be taken to the HCD Loan Underwriting Committee (LUC) for review and approval. Any proposed changes or adjustments made to either project description submitted by the respective applicants shall be subject to the review and approval of the LUC.

In order to assure compliance with the HOME requirements, a deed of trust will be placed on each assisted property ensuring that these properties are used for the purpose of providing affordable housing. The affordability period imposed under the loans and stated in each deed of trust shall be for 30 years, which is twice the duration of the minimum period required under the HOME Final Rule.

The FY 2009 CHDO RFP advertised the availability of \$402,624 in CHDO set-aside funds. Of these, applicants have requested a total of \$293,500, leaving a remaining balance of \$109,124. The FY 2009 RFP states that:

The following is a description of options HCD may pursue should it not receive enough proposals that satisfactorily meet the evaluation criteria. HCD may:

1. Award additional funds for the proposals submitted under this RFP based on project needs and number of affordable units; or
2. At its discretion, HCD may award funding to unsolicited proposals on a first

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- come, first serve basis; or
3. Informally solicit proposals as opportunities are identified to fully utilize available funding for preservation of additional units.

If no application meets the selection criteria, the county reserves the right to fund no applications in this round of funding, or to reopen the period for submission of proposals indefinitely.

HCD will re-advertise the remaining CHDO set-aside funds to be used for the preservation of affordable housing for low-income households. It is recommended that these remaining funds be used in conjunction with the county's efforts to address the current foreclosure crisis through the acquisition of foreclosed and abandoned housing units.

FISCAL IMPACT:

Funding in the amount of \$402,624 is available in Project 013954, CHDO Undesignated, in Fund 145, HOME Investment Partnership Program. After the reallocation of \$150,000 to the Brain Foundation and \$143,500 to RPJ, a balance of \$109,124 remains for additional awards.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
John Payne, Deputy Director, Real Estate and Development, HCD
Aseem Nigam, Director, Real Estate Finance and Grants Management (REF&GM), HCD
Audrey Spencer-Horsley, Chief of Resource Development and Compliance, REF&GM, HCD
Doug Lynott, Senior Program Manager, REF&GM, HCD

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ACTION – 7

Acceptance of the Josiah H. Beeman Commission Report to Facilitate the Transformation of the Fairfax-Falls Church Mental Health System

ISSUE:

Board acceptance of the Josiah H. Beeman Commission Report and directive to develop an implementation plan.

RECOMMENDATION:

The County Executive recommends that the Board: (1) accept the Josiah H. Beeman Commission Report (Attachment 1); (2) direct the County Executive and the Fairfax-Falls Church Community Services Board to develop an implementation plan within 90 days, that includes estimates of the level of investment required, the degree of difficulty anticipated, and an estimated timeframe for implementation.

TIMING:

Routine. The Board heard a detailed briefing of the Report during its Human Services Committee meeting on October 27, 2008. In order to move forward, the Board is asked to accept the report and direct the development of an implementation plan for transformation of the mental health system.

BACKGROUND:

On October 23, 2006, the Board formally established the Josiah H. Beeman Commission. Members of this Commission include national, state, regional, and local mental health leaders as well as advocates for and persons with psychiatric disabilities. As outlined in its charter, identified as Appendix B of Attachment 1, the Commission was established to advise the Board on the future direction and design of the mental health services delivery system serving Fairfax County, the City of Fairfax, and the City of Falls Church. The Commission was asked to recommend a vision for the service delivery system and to develop recommendations and strategies for facilitating the transformation to achieve this vision. The Commission's report, identified as Attachment 1, conveys to the Board a series of recommendations and supporting strategies for transforming the Fairfax-Falls Church system of mental health care.

As the Commission built the foundation for its recommendations which included a vision, philosophy, and set of values, it conducted a parallel process of gathering input from various stakeholder groups through a survey and a series of conversations. These stakeholders included individuals (youth and adults) receiving mental health services, family members

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and significant others, service providers, leaders of county human services departments, advocates for individuals receiving mental health services, and the general public. Overall themes from conversations with stakeholders are listed in the report, and findings of the survey are referenced throughout the report and summarized in Appendix C, identified as Attachment 2.

The Commission's report was presented to the Human Services Committee of the Board of Supervisors on October 27, 2008. The Commission's roadmap is described in seven broad themes, each with one or more accompanying recommendation:

Leadership and Governance:

Promote effective leadership and governance to attain and sustain the vision for the mental health system.

Fiscal Management:

Maximize and leverage all potential sources of funding for the system and for individuals with psychiatric disabilities.

Prevention and Early Intervention:

Increase prevention and early intervention efforts for children, youth, and adults in order to decrease the need for mental health services.

Services and Supports:

Build a community wide service delivery system that, in its entirety, supports recovery and resilience.

Access: Assure that all who seek access to the mental health system secure either access to public mental health services and supports or linkage to private or nonprofit mental health partners. Build a robust network which ensures accountability for both public and private entities.

Care Coordination: Make care coordination (case management) a centerpiece of the mental health service delivery design utilizing a strength-based model.

Care in the Community: Implement a policy that completes the shift from office to community-based provision of care.

Housing: Assure safe, affordable, and stable housing for persons with psychiatric disabilities.

Employment and Education: Expand employment and education support for persons with psychiatric disabilities

Primary Health Care: Facilitate connection with primary health care for persons with psychiatric disabilities.

Workforce and Training:

Assure a workforce that possesses skills, values, and attributes consistent with the vision of a recovery-and-resilience-oriented system.

Data and Outcomes:

Ensure cross-system accountability with performance and outcome measures, and use the data to improve the system.

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Technology and Information Sharing:

Utilize technology to support providers in delivering quality care, individuals in participating in their care, and the system in collecting data for effective management.

The over-arching objective of the recommendations and supporting strategies is to promote increased wellness and employment of individuals with psychiatric disabilities. Imbedded in the recommendations and supporting strategies are service and business practices that reflect the goals of system transformation which include improving access, optimizing efficiency, enhancing financing mechanisms, and promoting favorable outcomes for adults, children, youth, and their families. The Josiah H. Beeman Commission Report to the Fairfax County Board of Supervisors is available on-line at:

http://www.fairfaxcounty.gov/opa/beemancommission/finalreport/jhbc_final_report.pdf

FISCAL IMPACT:

Initial estimates of level of investment required for recommended strategies will be presented as a part of the implementation plan.

ENCLOSED DOCUMENTS:

Attachment 1: Josiah H. Beeman Commission Report to the Fairfax County Board of Supervisors (Separate from package) (Available in the Office of the Clerk to the Board)

Attachment 2: Summary of Survey on Mental Health Services, Appendix C of the Report (Separate from package) (Available in the Office of the Clerk to the Board)

STAFF:

Verdia L. Haywood, Deputy County Executive

Lynne Crammer, Chair, Fairfax-Falls Church Community Services Board

George Braunstein, Executive Director, Fairfax-Falls Church Community Services Board

Marguerite Kiely, Staff Director, Josiah H. Beeman Commission

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ACTION - 8

Authorization to Make an Affordable Housing Program Partnership (AHPP) Tier I Predevelopment Loan from Fund 144, Housing Trust Fund, and an AHPP Tier III Loan from the Community Development Block Grant Section 108 Loan, to Wesley Strawbridge, L.P., for the Acquisition, Rehabilitation and Preservation of the 128-Unit Strawbridge Square Apartments (Mason District)

ISSUE:

The Board is requested to authorize an Affordable Housing Partnership Program (AHPP) Tier I predevelopment loan in an amount not to exceed \$50,000 and an AHPP Tier III loan in an amount not to exceed \$5,040,000 as part of the overall financing for the acquisition, rehabilitation and preservation of the 128-unit Strawbridge Square Apartments by Wesley Strawbridge, L.P.

RECOMMENDATION:

The County Executive recommends the approval of an Affordable Housing Partnership Program (AHPP) Tier I predevelopment loan of \$50,000 and an AHPP Tier III loan of \$5,040,000, subject to an appraisal, as part of the overall financing for Strawbridge Square Apartments.

TIMING:

In order for this proposed transaction to proceed in a timely basis Wesley intends to apply for 9% non-competitive low income housing tax credits from Virginia Housing Development Authority (VHDA) and the funding from the local jurisdiction must be committed by December 31, 2008.

Due to the timing of the contract and the seller's desire to close by late April, Wesley is unable to pursue competitive 9% tax credits for 2009 because tax credit applications are due to VHDA in March 2009 and the final project rankings will not be announced until June 6, 2009. Wesley instead intends to apply to VHDA for a reservation of 9% non-competitive low-income housing tax credits which are available this year.

BACKGROUND:

The general partner of Wesley is Wesley Lincoln, Inc., a Virginia corporation (WLI). WLI is an affiliate of Wesley Housing Development Housing Corporation (WHDC). WHDC is the guarantor of Wesley's obligations under the sales contract described below. WHDC has been operating in Northern Virginia for over 30 years. The mission of WHDC is to develop,

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own, operate, and maintain affordable housing and sustain quality communities for low- and moderate-income persons in Northern Virginia.

WHDC has 42 full-time and 2 part-time employees including site-based property management staff. Its operations include real estate, property management, finance, fundraising, social services and family programs. WHDC Property Management has 28 employees that manage 875 units in 15 properties, six of which are tax credit properties.

The current owner of the property is Strawbridge Square Apartments Partners, L.P. whose general partner is AIMCO Holdings, L.P. (the Seller). The land is owned by an affiliate of WHDC and is leased to the limited partnership.

Wesley entered into a sale contract with the Seller on August 27, 2008 to purchase the property for \$13,500,000 (\$105,469 per unit). The 2008 assessed value of the land is \$5,120,000 and \$12,522,550 for the improvements. The AHPP Tier III loan will be subject to an appraisal.

Project Description

Built in 1979, the project consists of townhome and garden style apartments in seven buildings situated on 10.66 acres. There are 20 one-bedroom units, 52 two-bedroom units, 36 three-bedroom units, and 20 four-bedroom units.

The site is near recreation (Lincolnia Park), shopping (Landmark Mall is within one mile) and regional roads and transportation, and employment opportunities. The project is fully occupied with a waiting list of over 300 households.

Potential Benefits

Preservation of the project will result in the following benefits:

1. Strawbridge Square is identified in the RHA Semi-Annual At-Risk Housing Report dated June 19, 2008 as being at risk of losing the Section 8 contract which could result in the conversion to market-rate rents.
2. Should the current owner, AIMCO, decide not to renew the Section 8 contract, which is currently renewed annually, the units could be converted to market rate.
3. This project would preserve 128 units as affordable for a minimum of 35 years. However, since WLI, an affiliate of WHDC, will be the general partner of the limited partnership that will own the property, it is likely that the project will remain affordable so long as Wesley remains the owner.
4. Under the new Housing Act, the Section 8 contract could potentially be renewed for 15 years by the new owner.
5. Thirty percent (30%) of the of the total units will be affordable to households at 50% of the Area Median Income (AMI) so long as the HAP Section 8 contract remains in place. Should the contract not be renewed, the percentage of units affordable at 50% of AMI will be reduced to 20% of the total units.

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6. The project will provide six handicapped accessible units which will meet Section 504 requirements.
7. The project will incorporate Universal Design features.
8. It is anticipated that WLI or WHDC shall have the Right of First Refusal. Should WLI or WHDC not elect to purchase the property at the end of the 15-year tax credit period, then it is anticipated that the FCRHA shall have the Right of First Refusal.

Rehabilitation

Wesley has submitted an application for AHPP Tier One Predevelopment funds for predevelopment costs and for AHPP Tier Three funds for the acquisition and rehabilitation of Strawbridge Square.

Tier One Predevelopment Funds will be used for feasibility activities and fees for third party professional consultants such as engineering and architectural firms needed for the adaptation of units to 504 accessibility, Universal Design features, Earthcraft green building criteria, and scope of work.

The Tier Three Funds will be used for the acquisition and rehabilitation of the property. The acquisition price for the improvements is \$13,500,000 (\$105,469 per unit) and the rehab hard cost is estimated to be \$5,832,447 (\$45,566 per unit).

An engineering study was completed by EDG Architects. Interior improvements will include replacing dated kitchens, new appliances, bathroom fixtures and vanities and HVAC systems. Exterior renovations will include new roofs, windows, entranceways, new trim and architectural accents and lighting. Site improvements will include tot lot upgrades, landscaping and community room and rental office improvements.

Accessibility

There are six existing handicapped-accessible units. Wesley is committed to insuring those units are modified to meet federal Section 504 accessibility requirements in compliance with Board and FCRHA policy. In addition to the six handicapped units, Wesley is also committed to including Universal Design features in the scope of work. Particular attention is to be focused on design features intended to provide greater flexibility of use by the widest range of users and visitors including: large unit and building address numbers, canopy protection over the entrances, additional curb cuts, easy-to-grasp hardware and touch latches, front mounted controls of appliances, and single lever faucets on kitchen sinks, lavatories and bathtubs.

Affordability

The current rents are project-based Section 8 rents. The current contract covers 127 of the 128 units with one unit being non-revenue producing maintenance unit. Tenants pay 30% of their incomes towards their rent, but the property received the fair market rent based on the Section 8 contract. The current contract expires December 31, 2008.

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Currently, the Section 8 contract is being renewed annually based on previous regulations. However, under the recent Housing and Economic Recovery Act of 2008, the Section 8 contracts may be renewed for a 15-year period, subject to annual appropriations. Wesley intends to pursue the longer contract period. In the event that the contract is not renewed for the 15-year period, an annual renewal of the contract will be sought.

Since the Strawbridge Square has project-based Section 8 for all units, tenants pay up to 30% of their income for rent regardless of the rent level set-aside and rents are based on HUD determined Fair Market Rents (FMR). While FMR may be higher than the tax credit rents, this is allowed in tax credit properties as long as the tenants pay no more than 30% of their income for rent which and which must be equal to or less than the tax credit rent limits. WHDC will set aside 30% of the units to be affordable to households having incomes at 50% AMI. In the event that the Section 8 contract is not renewed, WHDC will set aside a minimum of 20% of the units at such 50% AMI affordability level because the project would be unable to support the new debt. As a condition of the AHPP loan, Wesley shall be required to negotiate in good faith additional units to be set aside, up to 30% of the total units, at the 50% AMI level. The final set-aside will be dependent upon factors such as the permanent financing interest rate, utility allowance adjustments and price of the tax credits.

The proposed rents are listed below:

Unit Size	# of Units	Proposed Rent	Utility Allowance	Gross Rent	% Median
1 BR	4	\$920	\$72	\$992	50%
2 BR	11	996	81	1,077	50%
3 BR	8	1,470	93	1,563	50%
4 BR	4	1,845	137	1,982	50%
1 BR	6	920	78	998	60%
1 BR	10	928	78	1,006	60%
2 BR	14	996	81	1,077	60%
2 BR	10	1,335	87	1,422	60%
2 BR	14	996	75	1,071	60%
2 BR	3	996	76	1,072	60%
3 BR	28	1,470	126	1,596	60%
4 BR	16	1,845	137	1,982	60%
Total Units	128				

Wesley is using the utility allowances provided in the Section 8 contract. As long as the Section 8 contract is in place, these utility allowances will be used in the rent calculations for the project while in operation. Further, Wesley is also be charging Fair Market Rents (FMRs) which are higher than the tax credit rents, but allowed under the tax credit program. HCD is using the 50% and 60% tax credit rents in the underwriting calculations. The tax credit rents vary somewhat from Section 8 rents and, overall, the total revenue from tax credit rents is approximately \$70,000 less.

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Relocation

It is anticipated that all rehab will be completed without relocating tenants, but if temporary relocation is needed, those units will not be vacated for more than 5 days. \$300,000 has been set aside in the budget for relocation. A relocation plan has been provided and is currently under review by HCD Relocation staff.

Financing

The Tier I loan of \$50,000 would be repayable upon closing of permanent financing. The loan shall be forgiven if the project does not go forward.

Construction financing in the amount of \$10,120,000 would be provided by VHDA.

Sources and Uses:

SOURCES		USES	
VHDA	\$ 6,620,000	Acquisition Costs	\$ 13,500,000
VHDA (SPARC)	\$ 1,500,000	Construction/Rehab Costs	\$ 5,832,447
VHDA (REACH)	\$ 2,000,000	Developer's Fee	\$ 3,028,468
AHPP (Section 108 Loan)	\$ 5,040,000	Soft Costs	\$ 2,152,625
Deferred Developer Fee	\$ 1,734,332	Relocation	\$ 300,000
Tax Credit Equity	\$ 7,919,208	Reserves	\$ 350,000
Cash from Operations	\$ 350,000		
Total Sources	\$25,163,540	Total Uses	\$ 25,163,540

The VHDA loans will be combined and the blended rate is estimated to be 8.5%. The pro forma reflects a first year debt coverage ratio of 1.15.

On December 3, 2007, the Board of Supervisors approved using \$6.3 million from Fund 319, The Penny for Affordable Housing for the new construction of Olley Glen. At that time, the Board also approved the application to HUD for a Section 108 loan in the amount of \$8,350,000. In exchange for the use of the One Penny Fund for Olley Glen, the Board approved making \$6.3 million of the Section 108 Loan available to nonprofit and for-profit developers for eligible costs associated with affordable housing preservation projects. Strawbridge Square Apartments is considered an affordable housing preservation project and is the first use of this Section 108 Loan option.

The AHPP CDBG Section 108 loan to the partnership will be a cash flow loan with a 2% simple interest rate for a 35-year term to match the VHDA loans. The interest paid by the partnership will be treated as CDBG program income.

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The annual debt service paid by the FCRHA to HUD on the CDBG Section 108 loan, which is expected to be about \$340,650, will be paid from future annual CDBG entitlements for a period of 20 years.

One of the requirements for this 9% tax credit allocation by VHDA is that the locality must provide at least 20% of the total development cost in financing. Wesley is requesting \$5,040,000 from the AHPP which is equal to 20% of the total development cost. A portion of the developer fee (57% of the developer fee) will be deferred and used as a source of funds to pay for project costs.

STAFF IMPACT:

None

FISCAL IMPACT:

Funding in an amount up to \$5,040,000 will be allocated from the Section 108 loan, recently approved by HUD, to Project 013827, Strawbridge Square Apartments and \$50,000 from Fund 144, Housing Trust Fund, will be reallocated from Project 014042 to Project 013827, Strawbridge Square Apartments. Project 014042 currently has a balance of \$50,000. In addition, there will also be an annual monitoring fee of \$5,000 to be received by the FCRHA from the limited partnership and placed in Fund 940, FCRHA General Operating Fund. Should the project not receive the non-competitive 9% credits, Wesley would most likely need to request additional time from the seller in order to compete in the 2009 competitive tax credit round or seek alternative financing from sources other than the County. In addition, the County would have the flexibility of re-evaluating the transaction under the prevailing housing market conditions at that time.

ENCLOSED DOCUMENTS:

Attachment 1 - Vicinity Map

Attachment 2 - Property Cash Flow Analysis

Attachment 3 - AHPP Term Sheet

STAFF:

Verdia Haywood, Deputy County Executive

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

John Payne, Director, 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

Molly Norris, Senior Real Estate Finance Officer, 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 – 1

Contract Awards and Approval of Street Acceptance Items During the Period Between the December Board Meeting and the First Board Meeting in January

Current Board policy requires that the County Executive obtain Board authorization to award construction, professional and consultant contracts in excess of \$100,000 unless a severe emergency occurs (flood, sewer main breaks, etc.). Since December 15, 1980, the Board of Supervisors has authorized the County Executive or the appropriate Deputy County Executive to award miscellaneous construction and professional and consultant contracts during the period between the December meeting and the first meeting in January. In addition, since September 24, 1984, the Board also has authorized the County Executive or the appropriate Deputy to approve requests for roads to be accepted into the State Secondary System, and similar matters without Board action during the period between the December meeting and the first meeting in January.

Unless otherwise directed, the County Executive or the appropriate Deputy County Executive will continue to approve street acceptance items and award contracts during the period between the December meeting and the first meeting on January 12, 2009. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive a copy of all contracts awarded.

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant County Executive

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INFORMATION - 2

Contract Award - Geotechnical Engineering and Testing Services Task Order Contract

Consulting engineering services are needed to provide geotechnical engineering and testing services on various Fairfax County projects which are being designed by County staff and/or when these services are not part of a design contract with an outside firm. The contract will be for calendar year 2009 with the option to renew for one additional year. The ceiling for the contract is \$350,000 for calendar year 2009.

The firm of ECS Mid-Atlantic, LLC. was selected in accordance with the guidelines contained in the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that ECS Mid-Atlantic, LLC. has a current Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to ECS Mid-Atlantic, LLC. in the amount of \$350,000. The contract will be renewable for one additional year.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment 1 - List of Awardee and other firms interviewed
(Copy of Contract available in Office of the Clerk to the Board)

STAFF:

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

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INFORMATION - 3

Contract Award – Richard Byrd Community Library Renovation and Addition (Lee District)

A total of 17 contractors were prequalified to bid on the project for the construction of the Richard Byrd Community Library Renovation and Addition, Project 004843, Fund 302, Library Construction. Ten sealed bids were received and opened on October 30, 2008. This contract award will provide for the construction of a 10,000 S. F. addition to the existing building and the renovation of the 9,500 S.F existing space. This project is included in the FY 2009-FY 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Keller Brothers Inc. Keller Brothers, Inc's bid of \$4,690,000 is \$425,272 or 8.3% lower than the Engineer's Estimate of \$5,115,272. The second lowest bid of \$4,991,995 is \$301,995 or 6.4% above the low bid. The highest bid of \$5,378,000 is \$688,000 or 14.7% above the low bid. Review of the order of bidders indicates that six bidders are below and four bidders are above the Engineer's Estimate.

The firm of Keller Brothers, Inc. was recently awarded the construction contract for the Less Secure Shelter II project, has successfully performed work for other governmental jurisdictions, and is considered a responsible contractor. The Department of Tax Administration has verified that Keller Brothers, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after December 29, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Keller Brothers Inc. in the amount of \$4,690,000.

FISCAL IMPACT:

Funding is available in Project 004843, Richard Byrd Community Library, Fund 302, Library Construction to award this contract and to fund the associated contingencies, and other project costs including utility connections, contract administration, and inspection.

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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

INFORMATION – 4

Presentation of the Fiscal Year 2008 Comprehensive Annual Financial Report (CAFR)

Annually, pursuant to the *Code of Virginia* (Code), Section 15.2-2511, as amended, Fairfax County's financial statements are audited by an independent certified public accountant. This audit is conducted in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States; and the Specifications for Audits of Counties, Cities, and Towns issued by the Auditor of Public Accounts of the Commonwealth of Virginia. The Code also requires that an independent certified public accountant present a detailed written report to the local governing body at a public session by December 31. The County's financial statements for fiscal year 2008 have been audited by KPMG LLP (KPMG), and KPMG's unqualified opinion with respect thereto is presented on page 1 of the Financial Section of the County's CAFR. A representative from KPMG is with us today.

In addition to meeting the requirements of the Code, the audit was designed to meet the requirements of the U. S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and the related Circular A-133 Compliance Supplement. Known as the Single Audit, this is a special type of compliance audit applicable to specific federal grant programs. The requirements of the Single Audit are established by federal legislation and regulation and are very stringent. KPMG's reports related specifically to this audit activity are included in a separate Single Audit Act Report.

Auditing standards generally accepted in the United States of America require that the auditors communicate all significant deficiencies, including material weaknesses, in writing to those charged with governance. In a letter addressed to the Board of Supervisors, KPMG reports that no material weaknesses were noted. This has been the case for the past 15 consecutive years, which is quite an achievement considering the size and complexity of the County's financial operations.

Matters involving the internal control over financial reporting and other operational matters of the County that do not warrant inclusion in the above described letter are communicated by KPMG in a separate management letter addressed to the Director of Finance. For the fiscal year ended June 30, 2008, KPMG had seven comments related to internal control over financial reporting and other operational matters. Responses to these comments from County management are included in the management letter.

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A comprehensive package was delivered directly to the offices of each member of the Board of Supervisors on or before November 24th, 2008. The package included:

- The Fiscal Year 2008 Comprehensive Annual Financial Report.
- KPMG's required communications letter pertaining to the conduct of the audit addressed to the Board.
- KPMG's management letter addressed to the Director of Finance.
- KPMG's letter reporting no material weaknesses addressed to the Board.
- The Single Audit Act Report.

In compliance with the Code, a copy of the Fiscal Year 2008 CAFR is being provided to the Clerk to the Board of Supervisors where it shall remain open to public inspection. The CAFR is being made available for public use in the reference sections of the County's regional and community libraries as well as on Fairfax County's Web site at <http://infoweb.fairfaxcounty.gov/finance/dofindex.htm>

ENCLOSED DOCUMENTS:

None. A comprehensive package has been delivered to the office of each member of the Board of Supervisors.

STAFF:

Edward L. Long, Jr., Deputy County Executive
Victor L. Garcia, Acting Director, Department of Finance
Shakeel Yusuf, Acting Deputy Director, Department of Finance
Ronald F. Franks, Chief, Financial Reporting Division, Department of Finance
Richard M. Modie, Financial Reporting Manager, Department of Finance

Board Agenda Item
December 8, 2008



INFORMATION - 5

Contract Award – Architectural/Engineering Design Services for Herndon Fire Station (Dranesville District)

Consultant services are needed to provide conceptual architectural and engineering design services for a new Herndon Fire Station, Project 009215, in Fund 312, Public Safety Construction. The new Fairfax County Herndon Fire Station is proposed to be co-located at the existing Town of Herndon Police Station site. The existing building at the 4.93 acre site is approximately 60,000 square feet, of which the Herndon Police Department occupies 31,831 square feet with the remainder leased by the Town of Herndon. The new fire station would be constructed by renovating, where feasible, and reconstructing, as required, to accommodate a four-bay, approximate 14,500 square-foot fire station. This project is included in the FY 2009 – FY 2013 Adopted Capital Improvement Program.

As noted in the County Executive's memo to the Board of Supervisors on October 31, 2008, full design and construction of this project has been deferred one year from fall 2008 to fall 2009. This contract award is for Phase I of the project consisting of space programming, and conceptual site and building design. This preliminary work is required to define the fire station requirements on the Herndon Police Station site as part of the negotiations with the Town of Herndon for the co-location at the police station site. Phase II, which includes the full design and construction administration services, will not be negotiated until an agreement has been reached with the Town of Herndon on the property and authorization to proceed has been provided.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of Samaha Associates, P.C. was selected based on the firm's technical expertise and relevant experience in fire station projects.

The Department of Tax Administration has verified that Samaha Associates, P.C. is located in the City of Fairfax and does not require a Fairfax County Business, Professional and Occupational License.

The engineering design services contract amount is \$102,280.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Samaha Associates, P.C. in the amount of \$102,280.

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FISCAL IMPACT:

Funding in the amount of \$119,000 is available in Fund 303, Project 009484, Fire Station Feasibility Study, to fund the \$102,280 necessary to award Phase I, feasibility/conceptual design portion of this contract, and to fund the associated contingency. Additional funding is available in Fund 312, Project 009215, Herndon Fire Station to fund the other project costs associated with this study and the land negotiations with the Town of Herndon.

ENCLOSED DOCUMENTS:

Attachment 1- List of Awardee and other firms interviewed
(Copy of Contract Amendment available in the Office of the Clerk of the Board)

STAFF:

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

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INFORMATION - 6

Contract Award – Development and Operation of “The Residences at the Government Center” Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (Springfield District)

The Department of Purchasing and Supply Management (DPSM) issued a Request for Proposal RFP 07-898910-30 soliciting qualified firms to enter into a Public-Private Partnership contract for the construction and operation of “The Residences at the Government Center”, an innovative, high-quality, mixed-income, workforce rental housing community on a portion of the 86.4 acre Fairfax County Government Center campus.

In accordance with the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), DPSM sought qualified developers to ground lease certain real property adjacent to the Fairfax County Government Center and to design and construct an innovative mixed income residential development to include at least approximately 200,000 square feet of residential improvements and including approximately 6,000 square feet of multi-use/multi-purpose community facility.

RFP07-898910-30 was publicly advertised and notice was sent to 939 potential offerors. Six (6) developers submitted proposals. A Selection Advisory Committee (SAC) was formed and comprised of representatives from the County’s Department of Planning and Zoning, Management and Budget, and Housing and Community Development. A Technical Advisory Committee (TAC) was also formed to provide technical input. The TAC was comprised of members from the Departments of Facilities Management, Housing and Community Development, Planning and Zoning, Public Works and Environmental Services, Office of County Attorney, and outside consultants: BC Consultants, PFM (Public Financial Management), and Tetrault & Associates. The SAC evaluated the six proposals in accordance with the criteria and procedures established in the RFP. The evaluation process considered the written proposals, oral interviews and follow-up inquiries. The top two candidates were further interviewed and asked to provide responses to additional follow-up questions. All aspects of the proposals, including financial projections, of the top two firms were also reviewed.

The SAC evaluated and ranked the proposals in accordance with the criteria and procedures in the RFP. Upon completion of negotiations with the two top-ranked offerors, the SAC recommended the award of the contract to JPI Apartment Construction, Inc.

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The Fairfax County Department of Tax Administration has verified that JPI Apartment Construction, Inc. does possess the appropriate Fairfax County Business, Professional & Occupational License (BPOL).

The Business Classification of the contractor is as follows:

JPI Apartment Construction, Inc. is a large business

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed to award this contract to JPI Apartment Construction, Inc. The award of this contract will consist, at present, of the execution and delivery of the Comprehensive Agreement and the Contract to Ground Lease, and, in the future, the execution and delivery of the Ground Lease.

The public hearing on the Proposed Comprehensive Agreement with JPI Development Services, L.P. for the Development and Operation of "The Residences at the Government Center" is scheduled on this date, December 8, 2008 at 4:30 p.m. This information item is to be deferred until the conclusion of the public hearing.

FISCAL IMPACT:

"The Residences at the Government Center" will be constructed on county-owned land and it is anticipated that the project will not result in a cost to the county.

ENCLOSED DOCUMENTS:

Attachment 1: List of Offerors for RFP07-898910-30

Attachment 2: Property description and Approximate Configuration of Land Bay C2

Attachment 3: Project Description

STAFF:

Verdia L. Haywood, Deputy County Executive

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

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

John Payne, Deputy Director, Real Estate, HCD

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December 8, 2008



INFORMATION – 7

Contract Award – Construction of the Olley Glen (Formerly Little River Glen Phase III) Senior Housing Project (Braddock District)

The Glens at Little River campus is an adult community for low and moderate income seniors planned for development in four phases. The campus is located at the intersection of Olley Lane and Little River Turnpike in the Braddock District. Olley Glen (The Project) will be the third phase of The Glens at Little River. Phase I was completed in 1990 and it includes Little River Glen, a 120-unit independent-living senior housing development, and a regional Senior Center. Phase II is comprised of Braddock Glen Assisted Living, a 60-unit assisted living facility, and an Adult Day Health Care Center; construction was completed in 2006.

Phase III, Olley Glen, proposes to construct 90 additional units of independent-living senior housing.

Phase IV proposes to construct the final 60 units of independent-living senior housing, additional Senior Center space, and up to 12 units of Magnet Housing. When all four phases are completed, The Glens at Little River campus will include 270 units for independent elderly, 60 units for assisted-living elderly, an Adult Day Health Care Center, an expanded Senior Center and up to 12 units of Magnet Housing. There is no timetable for the development of Phase IV at this point. This project is included in the FY 2009 – FY 2013 Adopted Capital Improvement Program.

Project Description

Olley Glen is similar in design to Little River Glen. The Project will consist of 90 units located in three two-story buildings with elevators. The buildings are connected by covered walkways. Each building will have a common kitchen and family room on the first floor. All units will have washers, dryers, and dishwashers. Food service for lunches will be provided to those residents who wish to avail themselves of this service at the Senior Center located in the Little River Glen facility. There will be an office in each of the three buildings to provide community and social services for the residents. All units will have universal design features plus six units will be fully handicapped accessible. Site improvements will include additional site lighting, landscaping and paved parking as well as a large courtyard that contains site furnishings, a reflecting pond, a horseshoe pit and an herb garden.

The Department of Housing and Community Development (HCD) advertised the project for construction on August 1, 2008. The bid opening was held on September 11, 2008 and six bidders submitted bids. Of the six bidders, the three lowest bids were:

<u>Contractor</u>	<u>Bid Amount</u>
1. Harkins Builders, Inc.	\$10,238,000.00
2. Falls Church Construction Corporation (FCCC)	\$10,759,000.00

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3. Brechbill & Helman Construction Co., Inc. \$10,909,000.00

The lowest bidder, Harkins Builders, Inc., was determined to be nonresponsive and ineligible to bid. FCCC submitted the second lowest bid of \$10,759,000. Their bid of \$10,759,000 was approximately twenty-eight percent (28%) lower than the architects estimate of \$15,000,000 and is \$150,000 lower than the next lowest bid. FCCC is a non-minority, Virginia Class "A" Licensed, General Contractor located in Fairfax, Virginia. FCCC has proven to be a reputable, responsible and responsive corporation. The Department of Tax Administration has verified that FCCC has the appropriate Fairfax County Business Professional and Occupational License for this work.

On December 3, 2007, and on June 11, 2008, the Board of Supervisors and the Fairfax County Redevelopment and Housing Authority (FCRHA), respectively, approved a financing plan for the Olley Glen project (See Attachment 2).

On October 28, 2008, the FCRHA approved the award of a construction contract to FCCC for the construction of the Olley Glen project. Unless otherwise directed by the Board of Supervisors, the FCRHA will proceed to award the contract to FCCC in the amount of \$10,759,000.

FISCAL IMPACT:

Funding in the amount of \$11,834,900 is necessary to award this contract to FCCC. This amount includes the \$10,759,000 bid amount, plus a standard ten percent (10%) contingency of \$1,075,900. On December 3, 2007, and on June 11, 2008, the Board of Supervisors and the FCRHA, respectively, approved a financing plan for the Olley Glen project. Funding for construction as approved by the Board has been fully obligated and is being held by The Bank of New York Mellon Trust Company, N.A., as trustee. Based on the post bid update for this project, surplus funds in the approximate amount of \$3.3 million are available as flexibility within the financing plan.

ENCLOSED DOCUMENTS:

Attachment 1: Bid Tabulation

Attachment 2: Revised Sources and Uses Table

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, Real Estate, HCD

Cynthia J. Ianni, Director, Design, Development and Construction (D, D & C), HCD

Regina Gerner, Senior Design and Construction Manager, D, D & C, HCD

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INFORMATION – 8

Contract Award – Implementation Coordination Phase Agreement for 800MHz Radio Rebanding in the National Capital Region

On November 19, 2007, the Board of Supervisors approved an agreement (“Regional Planning Phase Agreement”) between the County as Regional Coordinator for the 800 MHz licensees in the National Capital Region (“NCR”) and Motorola, Inc. (“Motorola”) (Contract XX08-952595-40A) to plan for 800 MHz rebanding in the NCR. Specifically under the contract, Motorola is developing the Regional Master Schedule and the Radio Interoperability Template Database for NCR. Sprint Nextel Operations, Inc. (“Sprint Nextel”) will pay the costs directly to Motorola to support the several affected jurisdictions in the NCR.

The County as Regional Coordinator is now negotiating a sole source contract with Motorola to provide Program Management to coordinate implementation of the Regional Master Schedule and rebanding activities in the NCR. This includes the modification of over 1,200 different public safety radio templates that are essential to preserve and continue the NCR’s radio interoperability. Motorola has been determined to be the only practicable source to provide these services. Motorola is the manufacturer of the radio systems in use by the County and most other jurisdictions in the NCR including Arlington, Loudoun, Prince William, and Montgomery counties, the Cities of Alexandria, Fairfax, and the District of Columbia. Motorola is the source of the firmware that will be needed to reconfigure the Motorola equipment that has been deployed by the County and the other jurisdictions in the National Capital Region. This proprietary software provides for minimal interruption of this critical radio communication. It is critical that the Motorola proprietary software be coordinated and deployed properly in the implementation phase. Existing public safety interoperability must also be accounted for in the implementation phase to provide for minimal or no disruption to NCR mutual aid radio operations, and regional coordination with the affected licensees is essential. Motorola has the technical experience and capability to provide these critical services. Therefore, Motorola is the only practicable source to perform the services provided under the Implementation Phase Agreement.

Upon completion of negotiations, staff recommends the award of the contract to Motorola.

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed to award this contract to Motorola, Inc.

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FISCAL IMPACT:

The RCFA between the County and Sprint Nextel will provide for direct payment by Sprint Nextel to Motorola for regional implementation services. Additional costs above the agreed-to amount must be jointly negotiated via a Change Order process. Authorized funds not obligated or spent upon completion of the reconfiguration process will be reconciled between the County and Sprint Nextel via a true-up process.

ENCLOSED DOCUMENTS:

None

STAFF:

Edward L. Long, Jr., Deputy County Executive
Cathy A. Muse, Director, Department of Purchasing and Supply Management
Wanda M. Gibson, Director, Department of Information Technology

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December 8, 2008

INFORMATION – 9

Comments Regarding the Virginia Department of Transportation's (VDOT's) Proposed Access Management Regulations and Standards for Minor Arterials, Collectors, and Local Streets

The 2007 General Assembly approved legislation directing the Virginia Department of Transportation's (VDOT's) commissioner to develop and publish access management standards for state highways. These regulations and design standards are intended to reduce traffic congestion, improve safety, support economic development, and reduce the need for new highways or widening of existing highways. The goal is to maximize performance of existing facilities by setting requirements for entrances, turn lanes, spacing between intersections, and other roadway elements.

During the 2008 General Assembly, legislation was enacted to require that the regulations and standards be implemented in phases according to a highway's functional classification. The first phase allowed access management requirements for VDOT highways classified as principal arterials to take effect July 1, 2008. During the second (current) phase, the regulations and standards that were developed during 2007 for minor arterials, collectors, and local streets are undergoing public comment and review.

The proposed regulations and standards for minor arterials, collectors, and local streets were published in the October 13, 2008, Virginia Register. Four public hearings have been held throughout the state, including one at VDOT's Northern Virginia District office on November 5. After public input and any resultant modifications, these regulations and standards are scheduled to become effective October 1, 2009. VDOT's "Minimum Standards of Entrances to State Highways" will be replaced by a new Appendix G of the VDOT Road Design Manual (following Appendix F which was established for Principal Arterials in July 2008).

The concept of access management is consistent with the Fairfax County Comprehensive Plan's Policy Plan for Transportation, Objective 10 Policy b, which calls for preserving and enhancing the efficiency of the arterial street network by reducing and consolidating private entrances, median crossovers, and similar disruptions to traffic flow. The County routinely requires various types of access management elements as part of the development review depending on the size and type of project. However, County staff has concerns about specific elements of VDOT's proposed standards and regulations that appear to be more appropriate for rural or developing areas of Virginia than for Fairfax County. Staff previously submitted detailed comments to VDOT on the draft regulations and standards that were reviewed in 2007 prior to the phasing of implementation by type of functional classification. VDOT made modifications since that initial review that have addressed many of the previous comments; however, there are still some issues of concern.

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Major staff comments are described below. Full comments including minor editorial or technical comments are included in Attachment I.

1. The regulations and standards are heavily oriented towards vehicular traffic flow and increasing capacity by limiting traffic signals and intersection spacing. There needs to be more explicit consideration of accommodating pedestrians and bicycles in the transportation system.
2. The proposed access spacing standards, turn lane lengths, and other elements often cannot be met in urban areas such as Fairfax County, particularly in retrofit situations and in areas such as Tyson's Corner, Springfield, Annandale, Merrifield, Springfield, and others which are planned for higher density and town centers within urban grid systems.
3. Staff recommends that all developer plans submitted by October 1, 2009, be exempt from the spacing standards rather than only plans that have been approved by October 1, 2009, as proposed by VDOT.
4. The definition of a private entrance as limited to serving only two private residences is a problem, since Fairfax County allows pipestem driveways serving up to five residences and they may not be able to meet the sight distance requirement for a commercial entrance.
5. It is not clear how the transition period will work in implementing these new standards and regulations. Many of the topics covered in new Appendix G of the Road Design Manual are also covered in existing Appendix C and the process for obtaining design waivers is different.

Unless otherwise directed by the Board, the Department of Transportation will transmit the attached comments (Attachment I) to VDOT for consideration before the close of the public comment period on December 15, 2008.

ENCLOSED DOCUMENTS:

Attachment I – Staff Review Comments

Attachment II – Proposed Access Management Regulations: Minor Arterials, Collectors, and Local Streets

STAFF:

Robert A. Stalzer, Deputy County Executive

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

James Patteson, Director, Land Development Services, Department of Public Works and Environmental Services (DPWES)

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

Judith Cronauer, Code Analysis Section, DPWES

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11:15 a.m.

Matters Presented by Board Members

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12:05 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Eileen M. McLane, Fairfax County Zoning Administrator v. Blanca D. Amaya*, Case No. CL-2008-0008084 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
 - 2. *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)
 - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hussain Kanaan, Myrna Kanaan, and Yasmine Kanaan*, Case No. CL-2008-0006680 (Fx. Co. Cir. Ct.) (Lee District)
 - 4. *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)
 - 5. *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)

6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene Sorto*, Case No. CL-2006-0014416 (Fx. Co. Cir. Ct.) (Lee District)
7. *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)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sonia G. Munoz*, Case No. CL-2007-0015538 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *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)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dorothy E. Young and Leon A. Young*, Case No. CL-2007-0010490 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. 7610 Lee Highway, LLC, d/b/a Park's Auto Service*, Case No. CL-2008-0003570 (Fx. Co. Cir. Ct.) (Providence District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia, and Ronald L. Mastin, Fairfax County Fire Marshal v. Adela Cuellar Taylor*, Case No. CL-2008-0001917 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2007-0002905 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Frank A. Passarelli*, Case No. CL-2008-0010202 (Fx. Co. Cir. Ct.) (Sully District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lan Ngoc Phan, et al.*, Case No. CL-2007-0014491 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jorge A. Zavala and Lorena N. Alvarada*, Case No. CL-2008-0009441 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Crystal Dodge Sims*, Case No. CL-2008-0011405 (Fx. Co. Cir. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2008-0010681 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cesia C. Rivera*, Case No. CL-2008-0011521 (Fx. Co. Cir. Ct.) (Lee District)
20. *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)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Consuelo A. Goldie and John V. Medrano*, Case No. CL-2008-0010163 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gloria M. Salazar and Wilian F. Salazar*, Case No. CL-2008-0010089 (Fx. Co. Cir. Ct.) (Mount Vernon District)
23. *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)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nick M. Pittas and Helen Pittas*, Case No. CL-2008-0008545 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Morad K. Elshaer a/k/a Morad K. El-Shaer, Daleen K. Elshaer, and Rana K. Elshaer*, Case No. CL-2008-0010094 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
26. *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)

27. *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)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Curry*, Case No. CL-2008-0010740 (Fx. Co. Cir. Ct.) (Lee District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Quy Tran and Quyen T. Ngo*, Case No. CL-2008-0014392 (Fx. Co. Cir. Ct.) (Providence District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Donald Joseph Grieme*, Case No. CL-2008-0014416 (Fx. Co. Cir. Ct.) (Mount Vernon District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Luis F. Becerra Barba*, Case No. CL-2008-0014599 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariano C. Evangelista and Armida A. Evangelista*, Case No. CL-2008-0014600 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcelina Almanza*, Case No. CL-2008-0014662 (Fx. Co. Cir. Ct.) (Braddock District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Misael Soria Vargas*, Case No. CL-2008-0015193 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdelkrim Elmouhib*, Case No. 08-0026797 (Fx. Co. Gen. Dist. Ct.) (Providence District)

37. *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)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alexis Rodriguez and Maria Claribe Arrgueta De Rodriguez*, Case No. 08-0031587 (Fx. Co. Gen. Dist. Ct.) (Mason District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marco A. Guzman and Cinthia L. Guzman*, Case No. 08-0030691 (Fx. Co. Gen. Dist. Ct.) (Providence District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dirar Khatib*, Case No. 08-0031565 (Fx. Co. Gen. Dist. Ct.) (Lee District)

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Board Agenda Item
December 8, 2008

3:30 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

Public 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
December 8, 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
December 8, 2008

3:30 p.m.

Public Hearing on SEA 97-V-046 (Washington D.C. SMSA Limited Partnership D/B/A Verizon Wireless) to amend SE 97-V-046 Previously Approved for a Telecommunications Facility to Permit Additional Antennas and Associated Modifications to Site Design and Development Conditions, Located on Approximately 1.16 Acres Zoned C-8, Mount Vernon District

The application property is located at 9102 Richmond Highway, 9128 and 9130 Belvoir Court, Tax Map 109-1 ((1)) 38, 39 and 41.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 30, 2008, the Planning Commission voted unanimously to recommend the following actions to the Board of Supervisors:

- Approval of SEA 97-V-046, subject to the Development Conditions dated October 30, 2008, with Condition 17 amended to include language concerning maintenance of landscaping and to reflect that other types of trees, in addition to white pines, should be planted; and
- Waiver of the transitional screening and barrier requirements along the northern and eastern boundaries of the site in favor of the existing vegetation, as shown on the SEA Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
December 8, 2008

3:30 p.m.

Public Hearing on SEA 2002-MA-003 (T-Mobile Northeast LLC/Trustees of the Sleepy Hollow United Methodist Church) to Amend SE 2002-MA-003 Previously Approved for a Church and Child Care Center with a Maximum Daily Enrollment of 99 Students and a Telecommunications Facility to Permit Additional Antennas on an Existing Telecommunications Facility (Monopole) and Associated Modifications to Site Design and Development Conditions, Located on Approximately 5.04 Acres Zoned R-2, Mason District

The application property is located at 3435 Sleepy Hollow Road, Tax Map 60-2 ((33)) 1A and 1B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 30, 2008, the Planning Commission voted unanimously to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2002-MA-003, subject to the Development Conditions dated October 15, 2008;
- Modification of the transitional screening requirements along the four property lines in favor of the existing vegetation, as shown on the SEA Plat; and
- Waiver of the barrier requirements along the northeastern, northwestern and southeastern property boundaries and modification of the barrier requirement along the southwestern property boundary in favor of that shown on the SEA Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
December 8, 2008

3:30 p.m.

Public Hearing on SEA 2002-PR-035 (Trustees of Oakton United Methodist Church) to Amend SE 2002-PR-035 Previously Approved for Church and Child Care Center/Nursery School to Permit an Increase in the Maximum Daily Enrollment from 24 to 40 Children and Change in Hours of Operation, Located on Approximately 1.82 Acres Zoned R-2 and C-6, Providence District

The application property is located at 2951 Chain Bridge Road, Tax Map 47-2 ((1)) 91.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 6, 2008, the Planning Commission voted unanimously (Commissioners de la Fe, Flanagan, and Hart absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2002-PR-035, subject to the Development Conditions dated November 6, 2008;
- Modification of the transitional screening requirement to allow existing vegetation to remain along the southern, eastern, and western property lines, as depicted on the SE Plat;
- Waiver of the barrier requirement along the southern, eastern, and western property lines; and
- Waiver of the on-road bike lane requirement along Chain Bridge Road (Route 123).

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
December 8, 2008

4:00 p.m.

Public Hearing on Proposed Plan Amendment S08-IV-RH1 (Tax Map Parcels 100-1 ((1)) 9pt., 11A, 11A1, 14 and 15), North of Telegraph Road, East of Beulah Street (Lee and Mount Vernon Districts)

ISSUE:

The proposed Plan Amendment is located in the Lehigh and Newington Community Planning Sectors in the Rose Hill and Springfield Planning Districts, respectively. The property is currently planned for private recreation with an option for residential use at 2-3 du/ac and residential use at 3-4 du/ac. The proposed Plan Amendment would add an option for retail and office use at an intensity up to .30 FAR. A concurrent zoning application (RZ-2008-MD-003) proposes to rezone the property from the I-3 industrial and R-1 residential districts to the PDC planned development commercial district.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 20, 2008, the Planning Commission voted 9-0-2 (Commissioners Alcorn and Harsel abstaining; Commissioner Sargeant recusing himself) to recommend that the Board of Supervisors adopt Plan Amendment S08-IV-RH1, with the following revisions to the proposed language found in the staff report dated November 6, 2008:

- In recommendation 47 on page 15 of the staff report, clarify the specific land area associated with the reference to include total acreage information to state: "As an option to the guidance found in recommendations 45 and 46, retail and office use up to .30 FAR may be appropriate on a total site area of approximately 33 acres that includes approximately 29 acres of parcel 100-1((1))9pt. and parcels..."; and
- Revise the first bullet under item 47 (on page 15 of the staff report) to read as follows: "Taller structures should be located at a sufficient distance from Telegraph Road to avoid conflict with Fort Belvoir security standards. Coordination on any development in the affected area should be made with the Fort Belvoir Director of Plans, Training, Mobilization, and Security. Building tapering, vegetative buffering, and screening should be provided as needed on the periphery to create a transition to the surrounding areas. Lighting and sound from any development should be designed so that it is not intrusive to adjacent residential development."

The Planning Commission then voted 10-0-1 (Commissioner Harsel abstaining; Commissioner Sargeant recusing himself) to recommend the following two additional revisions to the Board of Supervisors:

- On page 15 of the staff report, modify the second bullet under item 47 to read as follows: "The development is encouraged to at least meet U.S. Green Building

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December 8, 2008

Council's Leadership in Energy and Environmental Design (LEED) silver standards or other comparable programs with third party certification. The impervious nature of hard surfaces should be offset through approaches such as providing vegetated planting strips in surface parking lots."

- On page 16 of the staff report, modify the first bullet to read as follows: "Occupancy is phased to transportation improvements so that an Approach Level of Service D is maintained at relevant intersections. If such improvements are not possible, intensity should be reduced accordingly."

RECOMMENDATION:

The County Executive recommends that the Board adopt the Planning Commission recommendation as shown on Pages 15-16 of Attachment I, with the modifications shown above. The recommendation supports development of a shopping center with a grocery store anchor at an intensity up to .30 FAR with conditions relating to transportation, design and green building techniques.

TIMING:

Planning Commission public hearing – November 20, 2008

Board of Supervisors public hearing – December 8, 2008, at 4:00 p.m.

BACKGROUND:

On February 11, 2008, the Board authorized Plan Amendment PA S08-IV-RH1 for property owned by the Hilltop Sand and Gravel Company. The Board directed staff to evaluate a mix of retail, office and possibly residential uses up to .41 FAR.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Staff Report for Plan Amendment S08-IV-RH1

Attachment 2: Planning Commission Verbatim

STAFF:

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

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

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

Aaron Klibaner, Planner II, PD, DPZ

Board Agenda Item
December 8, 2008

4:00 p.m.

Public Hearing to Establish the Singletons Grove Community Parking District (Sully District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on November 17, 2008, for December 8, 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 CPD.

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 CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily

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December 8, 2008

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD 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 CPD.

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

The parking prohibition identified above for the Singletons Grove 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 \$1200 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 Singletons Grove CPD

STAFF:

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

Board Agenda Item
December 8, 2008

4:00 p.m.

Public Hearing to Establish the Reston Community Parking District (Hunter Mill District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on November 17, 2008, for December 8, 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 CPD.

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 CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

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December 8, 2008

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a large area CPD if the proposed District contains all of a magisterial district, excluding certain areas that meet minimum size requirements. In this case, the proposed District will encompass the entire Hunter Mill District but will exclude all areas of the Hunter Mill District except the areas within the Reston CPD as set forth in Attachments I and II. Staff has verified that the requirements for a large area CPD have been satisfied.

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

If approved, the proposed Reston large area CPD would be the second non-petition based CPD established in the County; the first was the Mount Vernon District established on March 10, 2008. Existing CPD signs within the Golf Course Square and Vantage Hill communities which are within the new district will not be removed.

FISCAL IMPACT:

The recommended changes should have minimal fiscal impact. Signs will not be installed.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
December 8, 2008

4:00 p.m.

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

ISSUE:

Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Robinson Residential Permit Parking District (RPPD), District 17.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Robinson RPPD, District 17.

TIMING:

On November 17, 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 December 8, 2008, at 4:00 p.m.

BACKGROUND:

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

A petition requesting expansion of the RPPD was received on September 22, 2008. The proposed District expansion includes the following street block faces: Sideburn Road (Route 653) from Portsmouth Road (Route 4406) to Stallworth Court (Route 6995).

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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 face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on September 22, 2008, thereby satisfying Code fee requirements.

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

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$400. 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
December 8, 2008

4:30 p.m.

Public Hearing to Expand the White Oaks Community Parking District (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to expand the White Oaks CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on November 17, 2008, for December 8, 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 CPD.

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 CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily

Board Agenda Item
December 8, 2008

parked on a public street within any such CPD 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 CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD 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 CPD.

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
December 8, 2008

4:30 p.m.

Public Hearing on the Proposed Comprehensive Agreement with JPI Development Services, L.P. for the Development and Operation of "The Residences at the Government Center" Pursuant to the Public-Private Education and Infrastructure Act of 2002 (Springfield District)

ISSUE:

Board approval of the Comprehensive Agreement with JPI Development Services, L.P., pursuant to the Public-Private Education and Infrastructure Act of 2002, for the development and operation of "The Residences at the Government Center" (Springfield District)

RECOMMENDATION:

The County Executive recommends that the Board approve the Comprehensive Agreement with JPI Development Services, L.P. for the development and operation of "The Residences at the Government Center."

TIMING:

Board action is requested on Monday, December 8, 2008. On November 17, 2008, the Board authorized advertisement of the public hearing for Monday, December 8, 2008. Pursuant to Section 15.2-1800 of the Code of Virginia, a public hearing is required prior to the disposition of County-owned land, such as the proposed ground lease. If approved, the Comprehensive Agreement will become effective at 12:01 a.m. on December 9, 2008.

BACKGROUND:

Fairfax County received solicited proposals on or before the closing date of February 28, 2007, in response to a Request for Proposal (RFP 07-898910-30) released under the Public-Private Educational Facilities and Infrastructure Act of 2002, as amended (PPEA). The RFP sought qualified developers to ground lease, develop, construct and operate an innovative, high-quality, mixed-income, rental housing community on a portion of the county's 86.4 acre Government Center Campus for workforce housing. The proposed site is further described as a portion of Tax Map Parcel 0561-15-0014 and is situated on Monument Drive adjacent to the Fairfax County Government Center. In accordance with the PPEA and county regulations, the county RFP was competitively solicited from November 30, 2006 through February 28, 2007. The county received six proposals in response to the solicitation, and a proposed comprehensive agreement, ground lease, and a contract to ground lease have been negotiated for the

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December 8, 2008

development, construction and operation of “The Residences at the Government Center” with JPI Development Services, L.P.

The conceptual layout of the Project consists of approximately 270 apartment units in a 4-story configuration, with a parking garage located in the middle of the residential buildings. The proposed unit mix includes 39 studio apartments, 123 one-bedroom apartments, 93 two-bedroom apartments and 15 three-bedroom apartments. The Project, as currently planned, includes approximately 433 parking spaces.

The project is proposed to have a community amenity package to include a conference room, landscape courtyards, leasing/management office and a community room available for use by Fairfax County government. The apartments will be developed utilizing Green Building Technology.

The Comprehensive Agreement, which includes as attachments the ground lease and the contract to the ground lease, has been posted on the county web site by the Department of Purchasing and Supply Management and is available at <http://www.fairfaxcounty.gov/dpsm/solic.htm>.

FISCAL IMPACT:

“The Residences at the Government Center” will be constructed on county-owned land and it is anticipated that the project will not result in a cost to the county.

ENCLOSED DOCUMENTS:

Attachment 1: Property Description and Approximate Configuration of Land Bay C2
Attachment 2: Property Description

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
Rex Peters, Associate Director, Real Estate and Acquisitions, HCD

Board Agenda Item
December 8, 2008

5:00 p.m.

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

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