

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 10, 2008**

AGENDA

- | | | |
|-------------|-------------|--|
| 8:30 | Held | Joint Meeting with Board of Supervisors and the Library Board Room 232 |
| 9:30 | Done | Presentations |
| 10:00 | Done | Report on General Assembly Activities |
| 10:15 | Done | Presentation of Community Council on Homelessness Annual Message |
| 10:30 | Done | Presentation of the Advisory Social Services Board Annual Report |
| 10:45 | Done | Items Presented by the County Executive |

ADMINISTRATIVE ITEMS

- | | | |
|---|-----------------------------|---|
| 1 | Approved | Adoption of a Resolution Approving the Issuance of Economic Development Authority Revenue Bonds for the Benefit of National Wildlife Federation and National Wildlife Federation Endowment, Inc. |
| 2 | Approved | Authorization to Advertise a Public Hearing to Consider an Amendment to <i>The Code of the County of Fairfax, Virginia</i> , Chapter 84.1, Public Transportation, Regarding Issuance and Renewal Fees for Licenses |
| 3 | Approved w/amendment | Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 101 and Chapter 112 of <i>The Code of the County of Fairfax, Virginia</i> , Regarding Fire Marshal Fees |
| 4 | Approved w/amendment | Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 61, Building Provisions, and Chapter 62, Fire Protection, of <i>The Code of the County of Fairfax, Virginia</i> , Regarding Fire Marshal Fees |
| 5 | Approved | Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 62, Fire Protection, of <i>The Code of the County of Fairfax, Virginia</i> , Regarding Fireworks |
| 6 | Approved | Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 4 of <i>The Code of the County of Fairfax, Virginia</i> , Regarding Transport By County Emergency Medical Service Vehicles |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 10, 2008**

**ADMINISTRATIVE ITEMS
(CONTINUED)**

- | | | |
|----|-----------------------------|---|
| 7 | Approved | Formal Offer to Dedicate to the Fairfax County Board of Supervisors an 84-Square-Foot Area of Common Open Space, Located in the Fairfax Gateway Subdivision (Braddock District) |
| 8 | Approved | Streets into the Secondary System (Dranesville, Providence, Mount Vernon, Hunter Mill, and Sully Districts) |
| 9 | Approved | Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Providence, and Springfield Districts) |
| 10 | Approved | Authorization of a Public Hearing on a Proposal to Vacate Unnamed Right-of-Way in the Shirley Gate Park Subdivision (Braddock District) |
| 11 | Approved w/amendment | Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2009 |
| 12 | Approved | Board Authorization to Advertise a Public Hearing to Establish a Rate for the Transportation Tax on Certain Commercial and Industrial Properties |
| 13 | Approved | Authorization to Advertise Publication of the FY 2009 Budget and Required Tax Rates |
| 14 | Approved | Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2008 Revised Budget Plan |

ACTION ITEMS

- | | | |
|---|--|---|
| 1 | Approved | Authorization for the County Executive to Act as Agent of the Board of Supervisors and Sign the Programmatic Agreement Relative to the Impact of the Base Realignment and Closure (BRAC) Related Expansion of Fort Belvoir, Virginia on Historic Properties (Mount Vernon and Lee District) |
| 2 | Approved staff's recommendation | Solicitation for Police-Directed Towing Services |
| 3 | Approved | Amended Parking Reduction for Parcel "C" of Dulles Technology Center |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 10, 2008**

INFORMATION ITEMS

- | | | |
|-------|--------------|---|
| 1 | Noted | Contract Award – Oak Marr RECenter Improvements (Providence District) |
| 2 | Noted | Information Regarding the Plan to Consolidate the Center for Multicultural Human Services (CMHS) into Northern Virginia Family Service (NVFS); Contract Monitoring and Support for Nonprofit Agencies |
| 11:15 | Done | Matters Presented by Board Members |
| 12:05 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|--|--|
| 3:30 | Approved | Public Hearing on AF 2007-SP-002 (Robert S. Keener and Deborah A. Keener) (Springfield District) |
| 3:30 | Approved | Public Hearing on AR 99-D-002 (Lawrence A. Krop) (Dranesville District) |
| 3:30 | Public hearing deferred to 3/31/08 at 3:00 p.m. | Public Hearing on SEA 89-S-072 (T-Mobile Northeast LLC/Northern Virginia, Electric Cooperative/Smartpole, Inc., & New Cingular Wireless PCS, LLC) (Springfield District) |
| 3:30 | Approved | Public Hearing on PCA 2004-SP-036 (SE W. AN) (Springfield District) |
| 3:30 | Approved | Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Lido Place Walkway Project (Providence District) |
| 4:00 | Approved | Public Hearing on Proposed Zoning Ordinance Amendment Re: Financial Institutions |
| 4:00 | Public hearing deferred to 5/5/08 at 4:00 p.m. | Public Hearing on a Proposed Zoning Ordinance Amendment Re: Advertising on Public Transit Passenger Shelters |
| 4:00 | Approved | Public Hearing on a Proposed Zoning Ordinance Amendment Re: Roadway Functional Classification |
| 4:00 | Approved | Public Hearing to Expand the Landsdowne Community Parking District (Lee District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 10, 2008**

**PUBLIC HEARINGS
(CONTINUED)**

4:00	Approved	Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts
4:30	Denied	Public Hearing on PCA 1999-MV-025-03 (Exxon-Mobil Corporation) (Mount Vernon District)
4:30	Denied	Public Hearing on SE 2006-MV-033 (Exxon-Mobil Corporation) (Mount Vernon District)
4:30	Approved	Public Hearing on RZ 2007-HM-015 (Sekas Homes, LTD.) (Hunter Mill District)
4:30	Public hearing deferred to 3/31/2008 at 3:30 p.m.	Public Hearing on SE 2007-SU-033 (Enterprise Leasing Company A Maryland Corporation D/B/A Enterprise/Centreville Square Project, L.P.) (Sully District)
4:30	Approved	Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5B to Allow Large Area Community Parking Districts
4:30	Approved	Public Hearing to Establish the Mount Vernon Community Parking District (Mount Vernon District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
March 10, 2008

9:30 a.m.

PRESENTATIONS

1. PROCLAMATION – To designate March 2008 as Women’s History Month in Fairfax County. Requested by Chairman Connolly.
2. PROCLAMATION – To designate March 24, 2008, as Tuberculosis Awareness Day in Fairfax County. Requested by Chairman Connolly.
3. PROCLAMATION – To designate March 2008 as Intellectual and Developmental Disabilities Inclusion Month in Fairfax County. Requested by Supervisor Bulova.
4. PROCLAMATION– To designate April 2008 as Child Abuse Prevention Month in Fairfax County. Requested by Chairman Connolly.
5. CERTIFICATE – To recognize Doug Graney for his extraordinary accomplishment and outstanding work as a Fairfax County school teacher. Requested by Supervisor Foust.
6. PROCLAMATION – To designate March 10-17, 2008, as Multiple Sclerosis Awareness Week in Fairfax County. Requested by Chairman Connolly.
7. PROCLAMATION – To designate March 9-15, 2008, as Girl Scout Week in Fairfax County. Requested by Supervisor Gross.

STAFF:

Merni Fitzgerald, Director, Office of Public Affairs

Bill Miller, Office of Public Affairs

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Board Agenda Item
March 10, 2008

10:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on March 10, 2008

PRESENTED BY:

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

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Board Agenda Item
March 10, 2008

10:15 a.m.

Presentation of Community Council on Homelessness Annual Message

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Linda Wimpey, Chair, Community Council on Homelessness

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Board Agenda Item
March 10, 2008

10:30 a.m.

Presentation of the Advisory Social Services Board Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Marcus Simon, Chair, Advisory Social Services Board

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Board Agenda Item
March 10, 2008

10:45 a.m.

Items Presented by the County Executive

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Board Agenda Item
March 10, 2008

ADMINISTRATIVE - 1

Adoption of a Resolution Approving the Issuance of Economic Development Authority Revenue Bonds for the Benefit of National Wildlife Federation and National Wildlife Federation Endowment, Inc.

ISSUE:

Requesting that the Fairfax County Economic Development Authority issue up to \$22,000,000 revenue bonds pursuant to the plan of financing of National Wildlife Federation and National Wildlife Federation Endowment, Inc.

RECOMMENDATION:

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

TIMING:

Board action is requested on March 10, 2008.

BACKGROUND:

The Fairfax County Economic Development Authority has received a request from National Wildlife Federation and National Wildlife Federation Endowment, Inc. (the "Applicant"), an organization which is described in Section 501 (c) (3) of the Internal Revenue Code of 1986 as amended, whose address is 11100 Wildlife Center Drive, Reston, Fairfax County, Virginia 20190 to assist the Applicant in financing or refinancing the following plan of financing for the benefit of the Applicant: (i) refunding all or a portion of the Authority's outstanding Revenue Bonds Series 1999 to assist the Applicant to finance, refinance, and reimburse itself for all or a portion of the cost of (a) the acquisition, construction, and equipping of a new headquarters facility as well as other property functionally related and subordinate thereto and (b) the funding of capitalized interest and costs of issuance relating to the issuance of the Series 1999 Bonds; (ii) the acquisition, construction, renovation and equipping of energy efficient and carbon neutral renovations to the Facility including (a) solar photovoltaic panels and a roof-mounted system, (b) other renovations to the Facility, (c) the purchase of certain equipment and furnishing, and (d) refinancing certain existing indebtedness related thereto; and (iii) other costs associated with the foregoing to the extent financeable.

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FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment 1 - Resolution of the Board of Supervisors
Attachment 2 - Certificate of Public Hearing with supporting documents

STAFF:
Gerald L. Gordon, Director, Fairfax County Economic Development Authority
Thomas O. Lawson, Counsel to Fairfax County Economic Development Authority

Board Agenda Item
March 10, 2008

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Consider an Amendment to *The Code of the County of Fairfax, Virginia*, Chapter 84.1, Public Transportation, Regarding Issuance and Renewal Fees for Licenses

ISSUE:

Board authorization to advertise a public hearing to amend Chapter 84.1 of *The Code of the County of Fairfax, Virginia*. The section to be amended is Section 84.1-3-5, Duration of license; fees.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on the proposed amendment to Chapter 84.1.

TIMING:

Authorization to advertise the proposed amendments on March 10, 2008; Board of Supervisors' public hearing scheduled for March 31, 2008, at 3:00 p.m. If adopted, this ordinance would become effective on July 1, 2008.

BACKGROUND:

In order to recover the rising costs of processing applications and issuing taxicab licenses, it is recommended to the Fairfax County Board of Supervisors that the fees currently charged by the Regulation and Licensing Branch for the application processing and license issuing to the public be increased as follows:

Fees:

Application	from \$20.00 to \$25.00
License issuance/renewal	from \$30.00 to \$40.00

The proposed increase in fees will become effective on July 1, 2008. These proposed amendment changes would reflect changes in the Consumer Price Index (CPI) since these fees were last set in March 1997. In addition, the Regulation and Licensing Branch is currently reviewing Chapter 84.1 of the Fairfax County Code and will return to the Board of Supervisors in the next several months to propose changes that would update the entire Chapter.

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FISCAL IMPACT:

The increase in fees charged for services provided by the Regulation and Licensing Branch is expected to result in a projected revenue increase of \$9,285 in FY 2009. This estimate has been included in the FY 2009 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment I - Proposed Amendment to Chapter 84.1 of *The Code of the County of Fairfax, Virginia*.

Attachment II – Advertisement to Amend Chapter 84.1

STAFF:

David J. Molchany, Deputy County Executive

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

Dave Reidenbach, Chief, Regulatory and Licensing Branch, DCCCP

Cynthia Bailey, Assistant County Attorney

Board Agenda Item
March 10, 2008

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 101 and Chapter 112 of *The Code of the County of Fairfax, Virginia*, Regarding Fire Marshal Fees

ISSUE:

A recent review of the current fee structure charged for mandated plan review and inspection services rendered supports an increase to \$120 per hour, per reviewer or inspector which will more closely align the fees with the cost of performing said mandated services. In addition, the current language in Chapter 101 Section 101-2-9, Fees, and Chapter 112 Section 17-109, Fees, does not reflect approved business processes for the collection of Fire Marshal fees. Fire Marshal fees are no longer assessed and collected on proposed new construction projects. Fees are collected as the service is rendered, which eliminates the need to reconcile upon project completion.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of the proposed fee schedule amendments to the Subdivision Ordinance and Zoning Ordinance as set forth in the Staff Report dated March 10, 2008, by adopting the attached resolution.

TIMING:

Board action is requested on March 10, 2008, to provide sufficient time to advertise the proposed Planning Commission hearing on April 17, 2008, and the proposed public hearing on April 28, 2008, at 4:30 p.m. If approved, the change would become effective on July 1, 2008.

BACKGROUND:

The Fire Prevention Division of the Fairfax County Fire and Rescue Department (Fire Official) enforces the Virginia Statewide Fire Prevention Code, the International Building Code, and the Fairfax County Fire Code, and reviews site plans and subdivision plans submitted to Fairfax County for fire protection requirements. Under the existing Zoning and Subdivision Ordinances, Fire Official fees are required for site plan and subdivision plan submission and these fees vary by the size and type of project. The Fire Official submission fees are based on the average number of hours required to review each type of submission. The plan review fees are required to be paid prior to plan approval or within 120 days of plan submission, whichever comes first. At the time of subdivision plan approval or prior to agreement release of a site plan, an accounting is made of the Fire Official's actual costs versus the filing fee paid. If the filing fee paid exceeds the Fire Official's actual costs, the developer/payor will be refunded the excess. If the Fire Official's actual cost exceeds the fees previously paid, the developer/payor will be responsible for the balance. In accounting for the Fire Official's actual costs, an hourly rate of \$96 is currently charged for time spent processing the site plans or

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subdivision plans. The processing time includes the time spent reviewing plans as well as inspecting completed construction. Fire Official's fees are levied to defray a portion of the cost of site plan and subdivision plan review and studies.

However, the above described Subdivision and Zoning Ordinance provisions do not reflect approved business processes for the collection of Fire Official fees. Fire Official fees are no longer assessed and collected on proposed new construction projects at the time of plan submission. Fees are collected as the service is rendered thus eliminating the need to reconcile the fees paid at plan submission with the actual fees owed at the time of plan approval.

The current Fire Official review and inspection fees, which were last adjusted in FY 2004, are \$96 per hour, per reviewer or inspector. The Fire and Rescue Department recently reviewed the current fee structure and cost recovery effort within the Fire Prevention Division. As a result of the review, staff recommends an increase in existing fees to more closely align the fees with the actual cost of performing mandated services. Staff recommends a fee increase to \$120 per hour, per reviewer or inspector. The Department strives to maintain an 80% cost recovery rate for services provided. The proposed fee adjustment will allow the Department to continue to maintain that 80% cost recovery rate. The increased rate is comparable to those of surrounding jurisdictions.

The Building Provisions Ordinance, Chapter 61, and Fire Protection Ordinance, Chapter 62, are also impacted by the proposed increase to the Fire Marshal Fees. The amendments to Chapter 61 and Chapter 62 reflecting the fee increase have been submitted separately to the Board of Supervisors for review.

FISCAL IMPACT:

Based on current estimates, an increase of \$512,027 per year is anticipated if the proposed amendments to Chapter 61, Chapter 62, Chapter 101 and Chapter 112 are adopted. It should be noted that this additional revenue has been included in the FY 2009 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment I: Resolution
Attachment II: Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
Chief Ronald L. Mastin, Fire and Rescue Department
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services
Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning

Board Agenda Item
March 10, 2008

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 61, Building Provisions, and Chapter 62, Fire Protection, of The Code of the County of Fairfax, Virginia, Regarding Fire Marshal Fees

ISSUE:

Based on a recent review of the current fee structure charged for mandated plan review and inspection services rendered, an increase to \$120 per hour, per reviewer or inspector will more closely align the fees with the cost of performing said mandated services.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of the proposed fee schedule amendments.

TIMING:

Board action is requested on March 10, 2008, to provide sufficient time to advertise the proposed public hearing on March 31, 2008, at 3:00 p.m. If approved, the change would become effective on July 1, 2008.

BACKGROUND:

The Fire Prevention Division of the Fairfax County Fire and Rescue Department enforces the Virginia Statewide Fire Prevention Code, the International Building Code, and Fairfax County local fire protection ordinances. Fees are levied to defray a portion of the cost of plan review and inspection for fire prevention code permits, fire lanes, fire suppression systems, fire alarm systems, retesting, and building occupancies. Current fees, which were last adjusted in FY 2004, are \$96 per hour, per reviewer or inspector. The Fire and Rescue Department recently reviewed the current fee structure and cost recovery effort within the Fire Prevention Division. As a result of the review, the department recommends an increase in existing fees to more closely align the fees with the cost of performing mandated services. The department recommends a fee increase to \$120 per hour, per reviewer or inspector. The Department strives to maintain an 80% cost recovery rate for services provided. The proposed fee adjustment will allow the Department to continue to maintain that 80% cost recovery rate. The increased rate is comparable to those of surrounding jurisdictions.

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The fee schedules in Article 2 of the Subdivision Ordinance and Article 17 of the Zoning Ordinance are also impacted by the proposed increase to the Fire Marshal Fees. The amendments to the Subdivision Ordinance and the Zoning Ordinance reflecting the fee increase also are scheduled for authorization today in a separate administrative item.

In addition, the proposed amendments to Chapter 62 also update the driver qualifications for vehicles transporting explosives and the location requirements for the sale of fireworks. Board Item Administrative 5, to authorize a public hearing on proposed amendments to Chapter 62, also addresses fireworks.

FISCAL IMPACT:

Based on current estimates, an increase of \$512,027 per year is anticipated if the proposed amendments to Chapter 61, Chapter 62, Chapter 101, and Chapter 112 are adopted. It should be noted that this additional revenue has been included in the FY 2009 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Ordinance, Section 61-1-3 of *The Code of the County of Fairfax, Virginia*

Attachment II: Proposed Ordinance, Section 62-2-8 of *The Code of the County of Fairfax, Virginia*

Attachment III: Proposed Advertisement

STAFF:

Robert A. Stalzer, Deputy County Executive

Chief Ronald L. Mastin, Fire and Rescue Department

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

Board Agenda Item
March 10, 2008

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 62, Fire Protection, of *The Code of the County of Fairfax, Virginia*, Regarding Fireworks

ISSUE:

Consumer fireworks performance standards are subject to change based on testing and changing safety criteria. Amendment to the current code will eliminate the need to continually update the code based on revised specific performance standards, identify the Office of the Fire Marshal as the approving authority for permissible consumer fireworks within the County, increase the time available for analysis of specific consumer fireworks from 90 to 120 days, and align all code sections to require sale to minors only when accompanied by a parent or legal guardian.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of the proposed fireworks amendments.

TIMING:

Board action is requested on March 10, 2008, to provide sufficient time to advertise the proposed public hearing on April 28, 2008, at 5:00 p.m. If approved, the changes would become effective on April 29, 2008.

BACKGROUND:

The Fire Prevention Division of the Fairfax County Fire and Rescue Department enforces the Virginia Statewide Fire Prevention Code and The Code of the County of Fairfax. NFPA 1124 requires that all consumer fireworks be tested and certified by an approved, independent third party testing agency for compliance with the regulation of the Consumer Product Safety Commission. The American Fireworks Standards Laboratory (AFSL) is the nationally recognized testing agency. Fairfax County uses the AFSL developed nationally recognized standards with specific testing criteria to determine if a firework meets acceptability standards which would allow for sale and use by the general public.

The proposed amendment to Section 3301.1.2, Permissible fireworks, removes reference to outdated specific test standards. In addition, the language now clarifies that a minor must be accompanied by a parent or a legal guardian.

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The proposed amendment to Section 3308.12, Approval of permissible fireworks, requires that any person engaged in the sale of wholesale fireworks must submit a list of the fireworks to the County Fire Marshal, increases the time available for review and approval from 90 days to 120 days, and gives the Fire Marshal sole approval authority based upon nationally recognized testing standards.

The proposed changes to the code provide increased protection to the general public by strengthening the County Fire Marshal's role in the regulation of fireworks in Fairfax County.

FISCAL IMPACT:
No fiscal impact.

ENCLOSED DOCUMENTS:
Attachment I: Proposed Ordinance, Section 62-2-8 of *The Code of the County of Fairfax, Virginia*
Attachment II: Proposed Advertisement

STAFF:
Robert A. Stalzer, Deputy County Executive
Chief Ronald L. Mastin, Fire and Rescue Department

Board Agenda Item
March 10, 2008

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on Proposed Amendments to Chapter 4 of
The Code of the County of Fairfax, Virginia, Regarding Transport By County Emergency
Medical Service Vehicles

ISSUE:

Modifications to Section 4-26-1, *Service Charge for Transport by County Emergency Medical Services Vehicle*, to remove references to specific fee values and to no-charge mutual aid agreements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of the proposed ordinance amendments to Chapter 4 of *The Code of the County of Fairfax, Virginia*.

TIMING:

Board action is requested on March 10, 2008, to provide sufficient time to advertise the proposed public hearing on March 31, 2008, at 3:00 p.m. If approved, the change would become effective on July 1, 2008.

BACKGROUND:

The Board of Supervisors first approved an Emergency Medical Services (EMS) Transport Fee that became effective in April 2005. The three-tiered fee for transport by ambulance to an area hospital is currently \$300 for basic ambulance transport (BLS), \$400 for Advanced Life Support 1 (ALS-1) transport, and \$550 for Advanced Life Support 2 (ALS-2) transport. In addition, \$7.50 is charged for every mile that a patient is transported. As result of a review of County fees and charges, staff recommends increasing the current EMS Transport Fees to \$400 for BLS transports, \$500 for ALS-1 transports and \$675 for ALS-2 transports. In addition, the charge per mile transported is recommended to increase to \$10 per mile. The recommended changes to EMS Transport Fees are to bring the county's rate structure in line with other neighboring jurisdictions and to maximize Medicare reimbursement from the federal government, as well as from private health insurance providers. Since reimbursement for EMS transports is determined by many factors including the schedules set on an annual basis by the Centers for Medicare and Medicaid Services (CMS), the modifications to Section 4-26-1 eliminate the specific references to the rate structure. If modifications to

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Section 4-26-1 are approved, the County's EMS Transport Fees will be reviewed and advertised yearly as part of the annual budget process beginning in FY 2009.

The Virginia Administrative Code (14VAC5-234-50) requires that health insurance policies include coverage for emergency ambulance service. Insurance plans, therefore, anticipate emergency ambulance transports.

The ambulance transport services collection rate for Fairfax County is approximately 71% based on calendar year 2007 results. The collection rate is the amount collected after all program write-offs are accounted for. Collection rates vary greatly across the state and the country. Diversified Ambulance Billing company officials advise that the Fairfax County collection rate is better than average for their clients.

In addition, no-charge mutual aid agreements concern charges for services between jurisdictions when mutual aid is rendered. Ambulance transport services are to individuals, not to jurisdictions. Therefore, mutual aid references are irrelevant to this service. These changes are consistent with code of many local jurisdictions.

FISCAL IMPACT:

Although there is no direct fiscal impact associated with these code changes themselves, the recommended increases to the EMS Transport Fee structure will generate an estimated \$3,465,948 in additional revenue. This additional revenue has been included in the FY 2009 Advertised Budget Plan and the new fee structure will be advertised with other taxes and fees associated with the FY 2009 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Advertisement

Attachment II: Proposed Ordinance, Section 4-26-1 of *The Code of the County of Fairfax, Virginia*

STAFF:

Robert A. Stalzer, Deputy County Executive

Chief Ronald L. Mastin, Fire and Rescue Department

Assistant Chief Daryl Louder, Fire and Rescue Department

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March 10, 2008

ADMINISTRATIVE – 7

Formal Offer to Dedicate to the Fairfax County Board of Supervisors an 84-Square-Foot Area of Common Open Space, Located in the Fairfax Gateway Subdivision (Braddock District)

ISSUE:

Board of Supervisors acceptance of an offer of dedication of an 84-square-foot area of common open space (a portion of Parcel A) located in the Fairfax Gateway Subdivision, Tax Map #057-4-18-0000-A.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) decline the offer of dedication made pursuant to Paragraph 4 of Section 2-702 of the Fairfax County Zoning Ordinance.

TIMING:

Routine.

BACKGROUND:

The developer, K. Hovnanian Homes (previously known as Washington Homes, Inc. of Virginia), and the Fairfax Gateway Homeowners Association are formally offering to dedicate to the Board an 84-square-foot area of common open space, such that the developer can comply with the requirements of Fairfax County Zoning Ordinance Section 2-702(4) regarding the disposal of common open space, and proceed with a planned resubdivision that would enlarge Lots 24, 26, and 28 of Fairfax Gateway Subdivision, by 31 square feet, 24 square feet and 29 square feet, respectively. The enlargement of these lots is necessary to comply with the County requirements for privacy yards (Section 6-107(2) of the Zoning Ordinance), due to an engineering error that was made on the architectural plans. The planned resubdivision would reduce the existing area of common open space by 84 square feet.

The original site plan for Fairfax Gateway Subdivision was approved for 37 townhouses and 61,631 square feet of common open space, an area greater than the required minimum open space (59,912 square feet) by 1,719 square feet. The reduction of common open space by 84 square feet would reduce the total to approximately 61,547 square feet, which would still be 1,635 square feet above the minimum required.

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Pursuant to Paragraph 4 of Section 2-702 of the Fairfax County Zoning Ordinance, the developer is unable to subdivide the common open space and convey it to the designated lot owners, without first offering to dedicate the same to the County. Accordingly, the developer is requesting that the Board decline the offer of dedication, in order that the developer can satisfy the privacy yard requirements for Lots 24, 26, and 28 of the Fairfax Gateway Subdivision, as well as the minimum open space requirements.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Formal letter of dedication from William A. Fogarty, Walsh, Colucci, Lubeley, Emrich & Walsh, P.C., dated February 1, 2008.

Attachment 2: Site Plan Revision #1847-SPV-001-F-1, entitled Fairfax Gateway, prepared by Christopher Consultants, approved August 30, 2007.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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ADMINISTRATIVE – 8

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

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Antezana Property	Dranesville	Georgetown Pike (Route 193) (Additional Right-of-Way (ROW) only)
Scott's Addition to King's Manor	Dranesville	Baron Road (Route 1813) (Additional ROW only) Kensington Road (Route 1821) (Additional ROW only)
Bonnet Property	Providence	Marbury Road (Route 806) (Additional ROW only) Hunter Mill Road (Route 674) (Additional ROW only)
Laurel Ridge Crossing	Mount Vernon	Plaskett Lane (Route 7644) (Additional ROW only)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Rayburn Property	Hunter Mill	Clark's Crossing Road (Route 676) (Additional ROW only)
Timber Lake Property Section 1	Sully	Marshall Lake Drive Timberlake Court (Route 5707) Timberline Drive (Route 5708) Vale Road (Route 671) (Additional ROW only)

TIMING:
Routine.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 - Street Acceptance Form

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

Board Agenda Item
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ADMINISTRATIVE – 9

Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Providence, and Springfield Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application 2232-S07-18 to May 10, 2008; applications FS-P07-66 and FS-L07-69 to May 15, 2008; application FS-S07-67 to May 16, 2008; application 2232-D07-13 to May 19, 2008; and applications FS-P08-2 and FS-L08-3 to September 8, 2008.

TIMING:

Board action is required on March 10, 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 FS-P08-2 and FS-L08-3, which were accepted for review by the Department of Planning and Zoning (DPZ) on January 15, 2008, and January 22, 2008, respectively. These applications are for public facilities, and thus are not subject to the State Code provision for extending the review periods by no more than sixty additional days.

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The Board also should extend the review periods for applications 2232-D07-13, 2232-S07-18, FS-P07-66, FS-S07-67, and FS-L07-69, which were accepted for review by DPZ between December 12, 2007, and December 21, 2007. 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-D07-13 | NewPath Networks LLC and New Cingular Wireless PCS, LLC
Distributed Antenna System (DAS)
Portions of Georgetown Pike and Old Dominion Drive
Dranesville District |
| 2232-S07-18 | Sprint-Nextel
Antenna colocation on existing transmission tower
11451 Braddock Road
Springfield District |
| FS-P07-66 | Sprint-Nextel
Rooftop antennas
7799 Leesburg Pike
Providence District |
| FS-S07-67 | Verizon Wireless
Antenna colocation on existing monopole
7008 Elkton Drive
Springfield District |
| FS-L07-69 | Verizon Wireless
Antenna colocation on existing light pole / monopole
5801 Franconia Road (Edison High School)
Lee District |
| FS-P08-2 | Fairfax Water
Approximately 8,200 feet of water main relocations
Gallows Road / Lee Highway
Providence District |
| FS-L08-3 | Department of Public Works and Environmental Services
Expansion of Richard Byrd Community Library
7250 Commerce Street
Lee District |

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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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March 10, 2008

ADMINISTRATIVE – 10

Authorization of a Public Hearing on a Proposal to Vacate Unnamed Right-of-Way in the Shirley Gate Park Subdivision (Braddock District)

ISSUE:

Authorization of a public hearing to consider the vacation of unnamed right-of-way in the Shirley Gate Park subdivision.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation of the subject road.

TIMING:

The Board should take action on March 10, 2008, to provide sufficient time to advertise the public hearing for March 31, 2008, at 4:00 p.m.

BACKGROUND:

The applicant, the Fairfax County Park Authority, is requesting that the unnamed right-of-way east of Park Drive be vacated. This right of way is not in the Virginia Department of Transportation's Secondary System.

The Park Authority intends to attach the vacated right-of-way to the adjacent Fairfax Villa Park to advance the park master plan.

Traffic Circulation and Access

The vacation will have no long-term impact on vehicle circulation and access. This right-of-way is not in vehicle use and is no longer intended to connect to any other highway.

Easements

No easement needs were identified.

This proposal to vacate this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Water Authority, Fairfax County

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School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification
Attachment II: Notice of Intent to Vacate
Attachment III: Ordinance of Vacation
Attachment IV: Vacation Plat
Attachment V: Metes and Bounds Description
Attachment VI: Vicinity Map

STAFF:

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

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ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2009

ISSUE:

Board of Supervisors' authorization to advertise a public hearing on the *Proposed Consolidated Plan One-Year Action Plan for FY 2009* as forwarded by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the *Proposed Consolidated Plan One-Year Action Plan for FY 2009* to be held at 4:00 p.m. on Monday, March 31, 2008. The public will have an opportunity to comment on the proposed use of funds in accordance with United States Department of Housing and Urban Development (HUD) regulations and guidelines. Citizens may also comment on housing and community service needs in Fairfax County and proposed new policies on expanding and improving housing opportunities for persons with disabilities through a set-aside. Due to the unknown but potentially significant fiscal and service/operational impact of new policy proposed in the *Proposed Consolidated Plan One-Year Action Plan for FY 2009*, the County Executive further recommends that staff undertake a thorough analysis of the proposed policy for the Board and the Fairfax County Redevelopment and Housing Authority (FCRHA) prior to the March 31st public hearing.

TIMING:

Board authorization on March 10, 2008, to advertise the public hearing for March 31, 2008 at 4:00 p.m., is requested in order to proceed in a timely manner with required public notification and to maintain the schedule for the Consolidated Plan process.

BACKGROUND:

A *Proposed Consolidated Plan One-Year Action Plan for FY 2009* (Attachment 1) was prepared, which presents the proposed uses of funding for programs implemented through the five year Consolidated Plan for FY 2006-2010. These programs include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The *Proposed Consolidated Plan One-Year Action Plan for FY 2009* is for the fourth year of the five-year Consolidated Plan for FY 2006-2010. The *Proposed Consolidated Plan One-Year Action Plan for FY 2009* includes the first year of the two-year (FY 2009-2010) funding cycle for the Consolidated Community Funding Pool (CCFP).

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Although the CCFP FY 2009 funding awards will be made by the Board in April 2008, the awards are subject to annual appropriations, and approval of the annual Action Plan which is required by HUD.

Funding allocations under the *Proposed Consolidated Plan One-Year Action Plan for FY 2009* have been reviewed by the FCRHA and the CCFAC-FCRHA Working Advisory Group (WAG). The WAG is a group established to strengthen coordination between the FCRHA and the CCFAC in the proposed use of funds and is composed of seven members: three appointed by the FCRHA Chairman, three appointed by the CCFAC Chairman, and one who serves on both the FCRHA and the CCFAC. Recommendations from the WAG were forwarded to the CCFAC as were recommendations from the FCRHA. The final recommendations contained in the *Proposed Consolidated Plan One-Year Action Plan for FY 2009* are consistent with what the WAG and the FCRHA recommended with the exception of the Revitalization: Reston Storefront Museum Match project.

The Reston Storefront Museum renovation project is an activity of the Reston Historic Trust (RHT), a nonprofit entity organized for educational purposes to promote the social and economic vitality of local communities through a program of history-based educational activities. The Museum is located in the Lake Anne Village Center. Museum activities include exhibits, children and youth programs, and open-discussion forums. This renovation project was approved under the Investing in Communities Program (ICP) which had been funded with CDBG funds, but the ICP was phased out in April 2007, before this project was ready for implementation. CDBG funding in the amount of \$250,000 was requested for physical renovation of the building, including accessibility improvements. The project is now ready for implementation. The Board approved \$110,000 in County General Funds for this project on October 15, 2007, and the Board Item indicated that the balance of funds needed (\$140,000) would be sought from FY 2009 CDBG funds to complete this project.

On February 6, 2008, the WAG had recommended a \$4,891 cut to the Museum project from the \$140,000 in CDBG funds requested based on HUD funding reductions to the County's overall FY 2009 CDBG allocation. On February 16, 2008, the CCFAC reviewed recommendations from the WAG and recommended that the amount for the Reston Storefront Museum approved by the WAG (\$135,109) be reduced to a maximum of half of that amount (\$67,555) with the stipulation that the RHT receive only as much as is directly matched by other funds. The remaining amount (\$67,554) was allocated to Accessibility Modifications/FCRHA Properties. The CCFAC's actions are reflected in the attached document.

The *Proposed Consolidated Plan One-Year Action Plan for FY 2009* will be released by the CCFAC following this Board action to allow for a 30-day public comment period, and will also be the subject of the public hearing by the Board on March 31, 2008, as authorized by this item. Following the public hearing and the conclusion of the public comment period, the CCFAC will make any revisions and forward its recommendations to

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the Board for action in April 2008 to approve the One-Year Action Plan for FY 2009. The One-Year Action Plan for FY 2009 will include the funding allocations to the CCFP. The CCFP awards are based on the recommendations from the Selection Advisory Committee appointed to review the proposals received through the CCFP Request for Proposal process for FY 2009-2010.

The Fairfax County Citizen Participation Plan and HUD regulations require advertisement of the public hearing (Attachment 2) prior to the date of the Board meeting. The notice will include sufficient information about the purpose of the public hearing to permit informed comment from citizens. Upon approval of the Board, a public hearing on the *Proposed Consolidated Plan One-Year Action Plan for FY 2009* will be scheduled for Monday, March 31, 2008 at 4:00 p.m. An advertisement will appear in newspaper(s) of general circulation and minority non-English speaking publications at least 15 days prior to the date of the public hearing, will be included on the County's cable T.V. Channel 16, and in the Weekly Agenda, as well as in information released by the Fairfax County Office of Public Affairs.

FISCAL IMPACT:

Funds identified in the *Proposed Consolidated Plan One-Year Action Plan for FY 2009* include CDBG (\$5,928,982 entitlement and \$310,071 estimated program income), HOME (\$2,448,559 entitlement and \$52,211 estimated program income), ESG (\$265,518), and HOPWA (estimated \$180,000) funds. The fiscal impact of new proposed policies on these funds and other County and FCRHA funds will be analyzed for the Board in advance of the March 31st public hearing.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Consolidated Plan One-Year Action Plan for FY 2009
Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
John Payne, Acting Deputy Director, Real Estate and Development, HCD
Aseem K. Nigam, Director, REF&GM Division, HCD
Audrey Spencer-Horsley, Associate Director, Grants Management, HCD
Stephen E. Knippler, Senior Program Manager, Grants Management, HCD
Richard V. Dunn, Housing and Community Developer, Grants Management, HCD

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ADMINISTRATIVE - 12

Board Authorization to Advertise a Public Hearing to Establish a Rate for the
Transportation Tax on Certain Commercial and Industrial Properties

ISSUE:

Board authorization of a public hearing on an ordinance to revise Fairfax County Code Section 4-10-5 and to adopt a tax rate of \$0.12 per \$100.00 on commercial and industrial property for transportation purposes.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing to consider this proposed ordinance on Monday, March 31, 2008, at 3:30 p.m.

TIMING:

Board action is requested on March 10, 2008, to provide sufficient time to advertise a public hearing on the proposed ordinance at 3:30 p.m. on Monday, March 31, 2008. If approved by the Board following that public hearing, the changes being recommended by staff would become effective on and after July 1, 2008, and the transportation tax would be included in both 2008 calendar year property tax billings and thereafter.

BACKGROUND:

The 2007 Session of the Virginia General Assembly enacted legislation that proposed a number of new revenue sources for transportation purposes. This legislation was introduced as House Bill 3202, and that legislation was enacted with amendments by the 2007 Session as Chapter 896 of the 2007 Acts of the Virginia General Assembly. Among other things, that legislation established a separate classification for certain commercial and industrial property within the Northern Virginia Transportation Authority and the Hampton Roads Transportation Authority. This classification was established for the purpose of imposing an additional local commercial and industrial property tax to be used exclusively for transportation purposes. Pursuant to this legislation, the cities and counties in the Northern Virginia Transportation Authority now may impose such a property tax at a rate not to exceed \$0.25 per \$100.00 of assessed value.

On September 10, 2007, the Board followed up on that legislation by adding a new section numbered 4-10-5 to the Fairfax County Code, which implemented the new classification for commercial and industrial property within the County. However, when this Section was adopted, the County budget preparations had not been completed, and

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no tax rate could be specified at that time. Now the County Executive's initial budget recommendations have been completed, and the Board's budget deliberations will soon be underway. As part of that process, the Board should begin the next and final step of implementing the new transportation levy by adopting a rate so that this tax can be used to generate transportation funds for the FY 2009 Budget and budgets thereafter. For that purpose, staff has prepared the enclosed draft ordinance that proposes: (1) housekeeping amendments to Fairfax County Code Section 4-10-5; and (2) establishing a transportation tax at a rate of \$0.12 per \$100.00 of assessed value on commercial and industrial property.

Meanwhile, on October 15, 2007, the Board approved a list of projects and services to be funded by revenues to be generated from the provisions of House Bill 3202 during FY 2008 through FY 2010. Of this list of projects and services, the following are anticipated to be funded locally by the additional tax on commercial and industrial real property:

- Expanded Fairfax Connector Service on Priority Service (Routes 401, 171, 950);
- Expanded 12's Routes and 20's Routes Midday Service;
- Transit Development Plan (TDP) Service Expansion Recommendations (capital and service improvements);
- Bus Stop Safety Improvements, based on the Bus Stop Inventory and Safety Study Recommendations;
- Increased subsidy payments to the Washington Metropolitan Area Transit Authority;
- Pedestrian Improvements, based on the Pedestrian Task Force Recommendations;
- New Spot Roadway Projects;
- Enhanced Bicycle Facilities;
- Braddock Road improvements from U.S. Route 123 to Roanoke Drive;
- Lorton Road Realignment and Widening from U.S. Route 123 to Silverbrook Road;
- Walney Road at Dallas Drive intersection improvements;
- Planning/Design of Future Projects; and
- Costs associated with implementing these projects and services, the projects and services in Fairfax County to be funded by the Northern Virginia Transportation Authority and Fairfax County's overall transportation program.

FISCAL IMPACT:

The FY 2009 Advertised Budget Plan includes estimated revenue of \$52.8 million as a result of the imposition of the additional tax rate on commercial and industrial real property of \$0.12 per \$100 of assessed value. Of this new revenue, \$41.6 million will

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address new transportation projects and services, and the related costs needed to support and implement these new projects and services, and \$11.2 million will address on-going costs associated with transportation planning and implementation of projects. The Board will review, hold public hearings and consider changes to the rate prior to adoption on April 28, 2008. Since concern has been raised regarding the funding of existing staff, an alternative proposal regarding the funding of on-going costs associated with transportation planning and implementation of projects has been prepared.

It should be noted that based on final FY 2009 commercial assessed valuation information, the value of a real estate penny on commercial and industrial property increased from \$4.4 million to \$4.7 million resulting in a revised revenue estimate of \$56.9 million or an increase of \$4.1 million over the amount included in the FY 2009 Advertised Budget Plan. The additional revenue as a result of the final book value will be available for transportation project requirements.

ENCLOSED DOCUMENTS:

Attachment 1 – Draft Ordinance to Amend Fairfax County Code Section 4-10-5 and to impose an additional real property tax for transportation purposes at a rate of \$0.12 per \$100.00 on certain commercial and industrial property
Attachment II – Draft Notice of Public Hearing

STAFF:

Edward L. Long, Jr., Deputy County Executive
Susan W. Datta, Director, Department of Management and Budget
Kevin C. Greenlief, Director, Department of Tax Administration
Michael Long, Senior Assistant County Attorney

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ADMINISTRATIVE - 13

Authorization to Advertise Publication of the FY 2009 Budget and Required Tax Rates

ISSUE:

Board authorization to advertise the FY 2009 County budget and the tax rates that are proposed to support the FY 2009 budget. Advertising these rates will not prevent the Board from lowering any advertised tax rate, but higher tax rates could not be imposed without advertising such rates.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a brief synopsis of the FY 2009 Budget. It should be noted that the County Executive's proposed budget includes a real estate tax rate of \$0.89 per \$100 of assessed value and this maintains the rate at the current real estate tax rate for FY 2008. However, the County Executive recommends that the Board advertise an increase in the tax rate of 3 cents (to \$0.92), in order to give itself the opportunity to react to the ever-changing and worsening economic outlook for the nation and the region. It also should be noted that because of residential assessments, the typical homeowner would still pay less in taxes in FY 2009, even with a 3 cent tax rate increase. Advertising an increase in the rate does not prevent the Board from lowering any advertised tax rate, but a higher tax rate can not be imposed without advertising the higher rate.

The Board should be aware that for the proposed FY 2009 budget process, based on the assessed value of existing property there is no effective tax rate increase. Therefore, in FY 2009 based on current assessments, a separate advertisement noting the effective tax rate is not required. As the Board will recall, a separate advertisement for the effective tax rate increase was not required from FY 1991 – FY 1998 since the growth in property value was less than one percent. However, the growth in value exceeded one percent from FY 1999 through FY 2008 and separate advertisements for the effective tax rate increase were required during those years.

In the FY 2009 Advertised Budget Plan, new funding sources are available to support a major expansion of transportation, including additional personnel, operations, and capital projects. This funding is available on an annual basis, beginning in the second part of FY 2008, as a result of the General Assembly's April 4, 2007 passage of the Governor's substitute for House Bill 3202 (HB 3202). This bill is the first infusion of new transportation dollars in Northern Virginia in more than 20 years. HB 3202 gives local jurisdictions within Northern Virginia the authority to increase the commercial real estate tax, which was previously held to the same value as the residential real estate tax, by as much as \$0.25 per \$100 assessed value in support of transportation.

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A separate item recommending Board authorization to advertise public hearings to advertise a change in the County ordinance to advertise imposition of an additional \$0.12 per \$100.00 assessed valuation on the taxable commercial and industrial real property in the County to provide additional revenue in support of transportation improvements is included in today's Board package. This tax will be levied on all commercial and industrial properties in the County and is in addition to the current real estate tax rate of \$0.89 per \$100 of assessed value. The FY 2009 Advertised Budget Plan includes estimated revenue of \$52.8 million as a result of this new taxing authority. Of this new revenue, \$41.6 million will address new transportation projects and services, and the related costs needed to support and implement these new projects and services, and \$11.2 million will address on-going costs associated with transportation planning and implementation of projects. Since concern has been raised regarding the funding of existing staff, an alternative proposal regarding the funding of on-going costs associated with transportation planning and implementation of projects has been prepared. In addition, it should be noted that based on final FY 2009 commercial assessed valuation information, the value of a real estate penny on commercial and industrial property increased from \$4.4 million to \$4.7 million resulting in a revised revenue estimate of \$56.9 million or an increase of \$4.1 million over the amount included in the FY 2009 Advertised Budget Plan. The additional revenue as a result of the final book value will be available for transportation project requirements.

In addition, I recommend that the Board authorize advertisement of a public hearing on the Advertised Capital Improvement Program for Fiscal Years 2009 - 2013 (With Future Fiscal Years to 2018).

Also included in the brief synopsis of the FY 2009 budget advertisement is information as it relates to the Personal Property Tax Relief Act (PPTRA) and the percentage of state "Car Tax" subsidy on qualifying personal property tax levy. On November 21, 2005, as part of Action Item 3, the Board of Supervisors adopted a resolution to implement the state "Car Tax" changes found in the Executive Amendments to the 2004 – 2006 Biennial Budget, specifically state Budget Item 503(E) of the Central Appropriations Act, in accordance with the requirements set forth in Section 58.1-3524(C)(2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503(E)(Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly.

Beginning in tax year 2006, the state "Car Tax" subsidy on qualifying vehicles was "capped" to a statewide total of \$950 million. Based on the final report from the state Auditor of Public Accounts, dated February 2006, Fairfax County's share of this \$950 million was fixed at 22.2436%, or \$211,313,944.16. The annual subsidy is frozen at this amount and is factored into the FY 2009 Advertised Budget Plan.

Consistent with the November 21, 2005, Board resolution, the state "Car Tax" funding is estimated to provide a 100% subsidy of the levy for tax year 2008 for qualifying vehicles

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valued at \$1,000 or less. Furthermore, the state "Car Tax" funding is estimated to provide a 68.5% subsidy of the tax year 2008 levy for all other qualifying vehicles on the value up to \$20,000.

It should be noted that included in the draft tax resolution to be advertised are the following recommendations regarding rates for FY 2009:

The following rate is included for the first time:

- ✓ Commercial and Industrial Real Estate Tax for Transportation at \$0.12/\$100 assessed value

The following rates are not recommended to change:

- ✓ Reston Community Center at \$0.047/\$100 assessed value;
- ✓ Burgundy Village Community Center at \$0.02/\$100 assessed value;
- ✓ I-95 Landfill ash disposal fee at \$11.50 per ton;
- ✓ Special service district for pest infestations at \$0.0010/\$100 assessed value.
- ✓ Leaf Collection Districts at \$0.015/\$100 assessed value;
- ✓ Route 28 Taxing District Levy at \$0.20/\$100 assessed value; and
- ✓ Rail to Dulles Phase I Transportation Improvement District Levy at \$0.22/\$100 assessed value.

The following rates are recommended to increase:

- ✓ Refuse Collection Services assessment from \$330 per household unit to \$345 per household unit.
- ✓ EMS Transport Fee: (1) from a service fee of \$300 to \$400 for Basic Life Support transport (BLS), (2) from \$400 to \$500 for Advanced Life Support, level 1 transport (ALS1), (3) from \$550 to \$675 for Advanced Life Support, level 2 transport (ALS2), and (4) from \$7.50 to \$10.00 per mile for ground transport mileage.

The following rates are recommended to decrease:

- ✓ McLean Community Center from \$0.028/\$100 assessed value to \$0.026/\$100 assessed value;
- ✓ Energy Resource Recovery Facility fee from \$33 per ton to \$32 per ton.

Public hearings on the FY 2009 budget, the advertised capital improvement plan (CIP) and proposed tax rates for tax year 2008 will be held on March 31, April 1 and April 2, 2008.

Please note that a separate item recommending Board authorization to advertise public hearings for two sewer rate revision notices, based on the revised five-year rate schedule adopted by the Board, was included in the February 25, 2008 Board package. The two sewer rate revision notices authorize the increase in the Sewer Service Charges from \$3.74 to \$4.10 per 1,000 gallons of water consumption and the Sewer Availability Fees from \$6,506 to \$6,896 per new home being constructed, to become effective July 1, 2008. It should be noted that the FY 2009 sewer service charges are consistent with the

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analysis included in the Forecasted Financial Statement for July 1, 2007 through June 30, 2012. The increase in Sewer Service Charges is adjusted based on federally mandated requirements which will result in the renovation and rehabilitation of existing treatment facilities. A separate public hearing on sewer rate revisions will be held on Monday, March 31, 2008.

Finally, the Board of Supervisors should be aware that the *FY 2008 Third Quarter Review* was also forwarded to the Board for advertisement in today's package. Public hearings on the Third Quarter Review will be held on March 31, April 1 and April 2, 2008 in conjunction with the FY 2009 Budget, CIP and proposed tax rates for FY 2009.

TIMING:

Action must be taken on March 10, 2008, in order to provide adequate time to include the tax rate advertisements in the newspapers no later than the week ending March 21, 2008, to meet advertising legal requirements and ensure as broad a circulation as possible.

BACKGROUND:

Virginia Code Section 15.2-2506 specifies the time frame within which the advertisements must be published. That section requires the publication of a brief synopsis of the budget at least seven days prior to the date set for public hearing.

Therefore, this item requests Board authorization to advertise the following items, during the weeks ending March 23 and 30, 2007.

- A brief synopsis of the FY 2009 Budget , including information as it relates to the impact of the Personal Property Tax Relief Act (PPTRA) on the percentage of state "Car Tax" subsidy on qualifying personal property tax levy
- Proposed Tax Rates for tax year 2008
- Notice of public hearings on the Advertised Capital Improvement Program for Fiscal Years 2009 - 2013 (With Future Fiscal Years to 2018)

In order to meet these legal requirements and hold to the scheduled public hearing dates, the advertisements must be approved no later than March 10, 2008. This will permit the County to adhere to the following budget schedule:

- Public Hearings on the FY 2009 Budget, the Advertised Capital Improvement Program for Fiscal Years 2009 - 2013 (With Future Fiscal Years to 2018) and proposed FY 2009 Tax Rates– March 31, April 1 and April 2, 2008.

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- Public Hearings on the *FY 2008 Third Quarter Review* – March 31, April 1 and April 2, 2008.
- FY 2009 Budget Mark-up and Board Adoption of the *FY 2008 Third Quarter Review* - April 21, 2008.
- Board Adoption of Fiscal Plan, Tax Levies, and Appropriation Resolution – April 28, 2008.
- School transfer set (required by May 1 or 30 days after the State approves aid to schools).

In addition, it should be noted that during FY 2009 the allowable asset limits and income limits associated with the Real Estate Tax Relief Program for the Elderly and Disabled are maintained at the FY 2008 level. In FY 2009, the income limits of the Tax Relief program provide 100 percent exemption for elderly and disabled taxpayers with incomes up to \$52,000; 50 percent exemption for eligible applicants with income between \$52,001 and \$62,000; and 25 percent exemption if income is between \$62,001 and \$72,000. The allowable asset limit in FY 2009 is \$340,000 for all ranges of tax relief and that limit does not include the value of the residence of the applicant and one acre of land on which the residence is located. In addition, elderly and disabled tax relief benefits are eligible to be prorated based on the portion of the year an applicant is 65 or becomes disabled.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I - Brief Synopsis of the FY 2009 Budget (Separate from package)

Attachment II - Draft Resolution Adopting Fairfax County Tax Rates for FY 2009 (Separate from package)

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

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

Kevin Greenlief, Director, Department of Tax Administration

Michael Long, Senior Assistant County Attorney

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Board Agenda Item
March 10, 2008

ADMINISTRATIVE - 14

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2008 Revised Budget Plan

ISSUE:

Board approval of an advertisement for a public hearing to increase the FY 2008 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2008 Third Quarter Reviews*. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board action to amend the current appropriation level.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing to be held on March 31, April 1, and 2, 2008 at 7:00 p.m.

TIMING:

Board action is requested on March 10, 2008 to provide sufficient time to advertise the proposed public hearing on March 31, April 1, and 2, 2008 at 7:00 p.m.

BACKGROUND:

As the *FY 2008 Third Quarter Review* includes potential increases in appropriation greater than \$500,000, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement. Copies of these documents are being made available for citizen review at governmental centers, libraries, the Government Center, and on the County's Internet website.

The School Board funding adjustments included in the advertisement are based on staff's Third Quarter recommendations to the School Board, which is scheduled to take action on them on March 27, 2008. Should the School Board's final actions result in any changes to the funding adjustments shown in this advertisement, a separate advertisement and public hearing will have to be held.

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FISCAL IMPACT:

The enclosed documents describe the fiscal impact of FY 2008 Third Quarter adjustments.

ENCLOSED DOCUMENTS:

Attachment A - Proposed advertisement for public hearing
Attachment B - Memorandum to the Board of Supervisors dated March 10, 2008 from Anthony H. Griffin, County Executive, with attachments, transmitting the County's *FY 2008 Third Quarter Review* with appropriate resolutions and the Fairfax County Public Schools staff's recommendations on the *FY 2008 Third Quarter Review*. A memorandum transmitting final recommendations on the School Board's *FY 2008 Third Quarter Review* will be distributed separately to the Board.

STAFF:

Anthony H. Griffin, County Executive
Edward L. Long, Jr., Chief Financial Officer
Susan W. Datta, Director, Department of Management and Budget

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ACTION – 1

Authorization for the County Executive to Act as Agent of the Board of Supervisors and Sign the Programmatic Agreement Relative to the Impact of the Base Realignment and Closure (BRAC) Related Expansion of Fort Belvoir, Virginia on Historic Properties (Mount Vernon and Lee District)

ISSUE:

Board authorization is needed for the County Executive to act as an agent of the Board of Supervisors to execute and sign on behalf of the Board Historic Preservation (Section 106 process) the Programmatic Agreement (PA). Fairfax County has been requested to sign this document as a concurring party.

RECOMMENDATION:

The County Executive recommends that the Board authorize this action and allow the County Executive to sign this Programmatic Agreement on behalf of the Board. The agreement will be reviewed in full by the Office of the County Attorney prior to the County Executive signing the document.

TIMING:

Board action is requested on March 10, 2008.

BACKGROUND:

Section 106 of the National Historic Preservation Act of 1966 (NHPA), requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by ACHP. The responsible Federal agency first determines whether it has an undertaking that is a type of activity that could affect historic properties. Historic properties are properties that are included in the Nation Register of Historic Places or that meet the criteria for the National Register. If so, it must identify the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) to consult with during the process. It should also plan to involve the public, and identify other potential consulting parties. If it determines that it has no undertaking, or that its undertaking is a type of activity that has no potential to affect historic properties, the agency has no further Section 106 obligations.

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Fort Belvoir, in consultation with the State Historic Preservation Officer (SHPO), County, and other parties, has determined that the BRAC action at the Fort could have an adverse effect on historic properties, including the Friends at Woodlawn meetinghouse, the National Register-eligible Woodlawn Plantation, and Fort Belvoir Historic Districts, among others. Fort Belvoir has invited Fairfax County to participate in public hearings and consultation meetings to discuss issues relating to the proposed BRAC action effect on historic properties. Fairfax County has actively participated in this process and has worked closely with the consulting and concurring parties during the Historic Preservation (Section 106) process.

Fort Belvoir conducted a review process in accordance with the National Environmental Policy Act (NEPA) for the development of an Environmental Impact Statement (EIS) which included the solicitation of public input on potential BRAC action effects to historic properties. Public meetings relating to the development of the EIS were held on May 2 and August 16, 2007.

Fort Belvoir, Virginia State Historic Preservation Office, Catawba Indian Nation, and the Advisory Council on Historic Preservation have been designated as concurring parties to this agreement. Fairfax County, National Trust for Historic Preservation, Alexandria Monthly Meeting of the Religious Society of Friends at Woodlawn, and Virginia Council on Indians have been requested to sign this document as concurring parties.

FISCAL IMPACT:

No County funds are required. Fort Belvoir conducted a review process in accordance with NEPA requirements and has completed Section 106 compliance under the National Historic Preservation Act as amended (NHPA).

ENCLOSED DOCUMENTS:

Attachment I: Draft Programmatic Agreement for Historic Preservation for the Base Realignment and Closure (BRAC) related expansion of Fort Belvoir.

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Mark G. Canale, Fairfax County BRAC Coordinator, FCDOT
Linda Cornish Blank, Fairfax County Department of Planning and Zoning

Board Agenda Item
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ACTION -2

Solicitation for Police-Directed Towing Services

ISSUE:

Approval by the Board of Supervisors of the issuance of a Request for Proposal to contract for police-directed towing services (law enforcement towing) for Fairfax County.

RECOMMENDATION:

Issuance of a Request for Proposal (RFP) by the County Purchasing Agent in substantially the same form as Attachment I and culminating with the award of contracts for each designated towing zone.

TIMING:

The current contract expires on March 31, 2008, and a request for a 120-day extension is being processed. Time is of the essence in issuing a solicitation to ensure that the replacement contract is awarded prior to July 31, 2008.

BACKGROUND:

The County Executive has determined that, pursuant to Fairfax County Code §82-5-31(e), a competitive procurement process should be used to obtain wrecker and storage services by geographical district. On June 18, 2007, the Board of Supervisors appointed a Towing Advisory Board for the purpose of providing advice on the terms and conditions of a proposed contract for law enforcement towing. In accordance with Va. Code § 46.2-1217, the Towing Advisory Board, consisting of members of local law-enforcement agencies, towing and recovery operations, and the general public, reviewed a draft Request for Proposal prepared by County staff. The draft Request for Proposal prepared by County staff utilizes the same evaluation process and geographical zones approved by the Board of Supervisors and used by the County in the prior solicitation issued for the existing contracts for police-directed tows. The Towing Advisory Board met five times between November 15, 2007 and January 16, 2008. Staff commends the Towing Advisory Board for their thoughtful contributions to the process.

The Towing Advisory Board proposed modifications to the draft Request for Proposal and recommends issuance of a solicitation substantially in the form of Attachment II. Staff is in general consensus with the Towing Advisory Board recommendations and

substantially supports the proposed modifications. There are, however, two issues of concern:

1. Reduction of Class B (small) wrecker zones from eight to seven: The current contract defines the Class B (small) wrecker zones in the same manner as the Fairfax County police patrol districts (eight district stations). The Towing Advisory Board recommends elimination of the West Springfield district and adding the volume to adjacent districts (Sully, Mason, and Franconia). The recommendation would decrease the number of zones to seven. The additional volume of wrecker calls resulting from the zone reduction would require the County to increase the specified number of small wreckers required by each offeror for the adjacent affected zones, which could potentially limit competition. The intent of the Towing Advisory Board's recommendation is to increase contractor compliance with the response time of 30 minutes, the response time required under the towing contract. The Police Department considered the recommendation. However, the Police Department has determined that there is no certainty that the proposed change will improve contractor response time. The Police Department has further determined that the performance based response requirement of 30 minutes should be maintained in the towing contract and that the zone definitions should not be changed. Consequently, the Police Department does not support elimination of the West Springfield zone and concurs with the zone definitions identified in the RFP recommended by staff (see Attachment I, Technical Specifications, section 8.11, page 20). Staff does not recommend reducing the zones and does recommend retaining the current zone structure as reflected on Attachment I, pages 62-69.
2. Point allocation for corporate experience: The Towing Advisory Board recommends expanding the number of evaluation categories to provide additional points for business concerns with corporate experience of 21-30 years and 31 or more years. Staff does not support this recommendation and believes that no appreciable benefit will be derived by this additional point allocation for experience in excess of 20 years. Staff recommends that the evaluation criteria remain the same as used in the prior solicitation (see Attachment I, Special Provisions section 7.3, page 7), a method which has proved to be a valid measure of County requirements. The existing evaluation criteria provide maximum points for corporate experience for 20 years or greater.

Staff has attached a Request for Proposal that incorporates all of the Towing Advisory Board recommendations with the exception of those issues identified above. It is recommended that the Purchasing Agent issue a Request for Proposal in substantially the same form as Attachment I (with staff recommendations noted in the text box, pages 7 and 20) and award contracts for each designated towing zone.

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FISCAL IMPACT:

None. Services provided under the contract are paid by the consumer.

ENCLOSED DOCUMENTS:

Attachment I – RFP recommended by Staff

Attachment II –RFP recommended by the Towing Advisory Board

Attachment III – Towing Advisory Board Membership

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

David M. Rohrer, Colonel, Fairfax County Police Department

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ACTION - 3

Amended Parking Reduction for Parcel "C" of Dulles Technology Center

ISSUE:

Board approval of an amended 24.1 percent reduction in required parking for parcel "C" of Dulles Technology Center, which includes three use categories located at 13505, 13515, and 13525 Dulles Technology Drive, Tax Map Nos. 016-3-01-0033A, 016-3-19-C2-0001, C2-0002A, C2-0003, C3-0001A, C3-0002A, C3-0002B, and C3-0003, Hunter Mill District.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) approve an amended parking reduction of 24.1 percent for parcel "C" of Dulles Technology Center, which includes three types of uses located in three buildings 13505, 13515, and 13525 Dulles Technology Drive pursuant to paragraph 4(B), Section 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for each use on the site and a parking reduction study, on condition that:

1. A minimum of 337 parking spaces must be maintained on site at all times.
2. The uses permitted per this parking reduction are shown on the proposed Parking Tabulation Revision #5574-PKS-006-1, dated January 11, 2008.
3. A maximum of 415 seats are permitted for the Grace Church and a maximum of 400 seats are permitted for the Heritage Fellowship Church.
4. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Nos. 016-6-01-0033A, 16-3-19-C2-0001, C2-0002A, C2-0003, C3-0001A, C3-0002A, C3-0002B, and C3-0003, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.

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5. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of *The Code of the County of Fairfax, Virginia*, and the Zoning Ordinance in effect at the time of said parking utilization study submission.
6. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.
7. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act (ADA).
8. The conditions of approval of this parking reduction shall run with the land and be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on March 10, 2008.

BACKGROUND:

The Board approved a 14.25 percent parking reduction on this site to accommodate a church use's parking code requirement on April 3, 2006. A second church use is now requesting an amended parking reduction of 24.1 percent on the same site to accommodate both churches' parking requirements.

The mix of uses existing within Building 1, 2 and 3 at Dulles Technology Center includes office, warehouse, and two church uses. One church use currently exists on the site and the second church use is proposed pursuant to this request to increase the amount of parking reduction. A review of the parking analysis indicates the new church use can share the available parking spaces with the other uses on this site based on the hourly parking accumulations for each of the uses on site. Therefore, the staff supports the applicant's request for a 24.1 percent parking reduction subject to the conditions listed above.

The recommended parking reduction reflects a coordinated review by the Department of Public Works and Environmental Services and the Office of the County Attorney.

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Parking Reduction Study and Letter of Request dated November 15, 2007, from Norman A. Tate, Senior Pastor

Attachment II – Proposed site plan use and parking tabulation 5574-PKS-006-1 prepared by Apex Solutions, LLC (separate from package)

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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INFORMATION - 1

Contract Award – Oak Marr RECenter Improvements (Providence District)

Six sealed bids were received and opened on Wednesday, January 16, 2008, for improvements to the Oak Marr RECenter in Project, 475804, Building Renovation and Expansion, in Fund 370, Park Authority Bond Construction. The project scope of work includes capital maintenance improvements to the heating, ventilation and air conditioning (HVAC) system serving the RECenter.

This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Baistar Mechanical, Inc. Their total bid of \$718,200 is \$151,800, or 17.5% below the Park Authority's pre-bid estimate of \$870,000. The second lowest bid of \$737,000 is \$18,800, or 2.6% above the low bid, and the highest bid of \$842,000 is \$123,800, or 17.2% above the low bid.

Based on their financial capability and construction experience, Baistar Mechanical, Inc. is considered to be a responsible contractor and holds a Virginia Class A Contractor's license.

The Department of Tax Administration has verified that Baistar Mechanical, Inc. has the appropriate Fairfax County Business, Professional, and Occupational License (BPOL).

On February 27, 2008, the Fairfax County Park Authority Board approved the contract award.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Baistar Mechanical, Inc. in the amount of \$718,200.

FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$842,112 is necessary to award this contract and to fund the associated contingency, administrative costs and other project-related costs. Funds are currently appropriated in the amount of \$767,828 in Project 475804, Building Renovation and Expansion; and in the amount of \$74,284 in Project 476204, Building New Construction, both in Fund 370, Park Authority Bond Construction, to award this contract and to fund the associated contingency, administrative costs and other project-related costs.

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ENCLOSED DOCUMENTS:

Attachment 1: Bid Results
Attachment 2: Scope of Work
Attachment 3: Cost Estimate

STAFF:

Robert A. Stalzer, Deputy County Executive
Timothy K. White, Acting Director, Fairfax County Park Authority

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INFORMATION – 2

Information Regarding the Plan to Consolidate the Center for Multicultural Human Services (CMHS) into Northern Virginia Family Service (NVFS); Contract Monitoring and Support for Nonprofit Agencies

At the February 25, 2008 meeting, the Board requested additional information concerning the proposed plan to consolidate CMHS with NVFS to preserve services provided in the Fairfax-Falls Church community as follows:

- Details on the need, plan, and oversight regarding the consolidation of CMHS into NVFS to assure successful integration, stabilization, and preservation of critical culturally responsive, behavioral health care services in the community;
- Information on nonprofits providing human services programs that currently operate in county leased or owned facilities; and
- A plan for enhanced county monitoring of nonprofit organizations providing human services through contracts and agreements.

The following information is provided in response to the Board's request regarding the consolidation:

Current Status and Proposed Recommendations Concerning CMHS

This consolidation is designed to preserve, stabilize, and eventually grow community-based behavioral health care services and other services that focus on and address needs of our diverse population. CMHS is a major provider of behavioral health care services to the diverse population of the Fairfax community. Collectively, the professional staff of CMHS speaks over 22 languages and more than half have advanced degrees. Their positive impact on the community is felt directly as they serve 8,600 clients annually, including those callers served through the CMHS Information and referral line. On a more intensive level, 2,256 clients representing over a hundred different countries were served in 2007. Most importantly, 62% of these clients were referred to CMHS from other agencies which clearly demonstrate the capacity to deliver community based culturally and linguistically competent behavioral health care services is highly sought by other agencies throughout our community.

Shortly after the Fairfax County Board of Supervisors approved a \$500,000 allocation in April 2007, Fairfax County convened a small group of partners – including the Inova Health System, Northern Virginia Health Foundation, Meyer Foundation, Annie E. Casey Foundation, Freddie Mac Foundation, Ventures Philanthropy Partners, and Robert Wood Johnson Foundation – to closely examine the current status, review

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CMHS business processes and practices, and explore options to assure the long term stability of CMHS as a community service provider. After several months of working toward achieving stabilization, it was documented with studies and performance that CMHS administrative support systems, financial management, grant development management, revenue collection and billing, marketing, and clinical supervision need substantial improvement. The investments needed for systems improvement are estimated to exceed \$500,000 annually. Attachment A provides specific examples of the improvements needed for financial management, programmatic, clinical and case management development, marketing and other development, and fundraising. The funding needed to deploy additional staff to properly manage and lead this organization is not available therefore, the partners concluded that it is not feasible to preserve and stabilize CMHS as a stand-alone nonprofit. In addition, CMHS has no financial reserves or other assets and have documented accounts payable of approximately \$200,000.

Timing and Action Steps:

The CMHS Board authorized the consolidation of CMHS into NVFS and has begun to take action steps necessary to move all existing services into the NVFS nonprofit corporation.

The NVFS Board is scheduled to act at its Board meeting on March 26, 2008. Meanwhile, NVFS staff is working collaboratively with CMHS staff on the programmatic, fiscal, contractual, and human resources details to prepare for the acceptance of CMHS staff and programs into the existing NVFS organization. CMHS and NVFS Boards are working together to make this consolidation as smooth as possible.

A coordinated, transitional funding plan has been developed by the County, CMHS, and other partnering organizations to assure continuation of services through the August/September, 2008 timeframe. This approach provides time for NVFS to work with partners to develop a longer term financial and business plan for the consolidated organization to stabilize funding for the services currently provided by CMHS. Any significant delay in the consolidation would not allow opportunities for NVFS to work with partnering organizations to adjust programs, make financial infrastructure improvements, and secure ongoing fundraising mechanisms necessary to stabilize funding beyond September, 2008. Therefore, April 1, 2008 is the target date of this proposed consolidation.

Revenue Collection and Third Party Billing System:

This is a critical area for the long term health and stability of CMHS. A study performed by Inova Health System identifies opportunities to significantly improve third party revenues. However, Inova also identified a number of process management and practice improvements that must be implemented to realize this opportunity.

NVFS will incorporate this responsibility into its revenue collection and billing systems.

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Continued technical assistance and support will be provided by Inova Health System staff to ensure performance improvements in the revenue collection and third party billing system.

Core Services:

Currently, CMHS has several funding sources to support the delivery of behavioral health care as its core service. These include:

- Third-party billing to various insurance companies and Medicaid
- Grant awarded contracts: United Nations, Fairfax County Consolidated Community Funding Pool Case Management Services, Freddie Mac Foundation, U.S. Office of Refugee Resettlement, Fairfax-Falls Church Community Services Board
- Client fees

All of the insurance company contracts as well as the grantee sources of funds will be reviewed and modified to reflect the consolidation with NVFS and ensure continuity of service delivery. Additional cost-benefit/funding analysis will also be conducted as necessary to assure that services critical to the community can be adequately funded on an annual basis.

Other Services and Supports:

These functions include information and referral, gang prevention, emergency and basic needs assistance, multicultural housing program, and school-based services. Each is supported by awarded grants or contracts including funds from the Fairfax County Consolidated Community Funding Pool. Where required, NVFS will work with funding organizations to refine each contract as necessary to assure continuity of service delivery.

Future Opportunities:

The consolidation of CMHS capacities into NVFS creates the opportunity for new programming that builds upon the strengths of each organization. There is an opportunity to further develop the transitional housing program with wrap-around services for the multi-cultural population that aligns well with both the Freddie Mac Foundation priorities and the Ten Year Plan to End Homelessness. In addition, there are opportunities for CMHS to be providers of community based case management/mental health services for at-risk youth and their families served under the Comprehensive Services Act. Presently, Fairfax County, along with other local jurisdictions, and the state are working collaboratively to enhance community based service delivery to reduce both out-of-home and out-of-community placements for this at-risk population.

It should be noted, that in the current grant making environment, governments,

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foundations and other grant makers have moved to funding direct service programs rather than administrative overhead. This makes it essential that nonprofits have the capacity to be successful in the area of unrestricted fund development and fundraising. And in situations of third party billing, they must also have the capacity to develop a cost structure that is inclusive of overhead. NVFS has capabilities in both areas.

Monitoring and Oversight:

The County will work with NVFS and other partnering organizations to monitor and support through technical assistance, the areas of improvement including financial management, programmatic, clinical and case management service development, marketing, and fundraising.

Staff will report on the status of the consolidation and recovery plan to the Board of Supervisors on a three month basis until such time that full implementation is achieved.

Fiscal Impact:

Additional county resources will be necessary to achieve these objectives. Therefore, the County Executive and the Deputy County Executive will collaborate as necessary with NVFS and CMHS to redirect existing appropriations within the entire human services system's budget for fiscal year 2008 up to a maximum of \$500,000. These funds would be used to retire existing accounts payable of approximately \$200,000 of CMHS; additionally, these funds along with partnering organizations' resources would support essential/core services through August/September, 2008 as indicated above. This will allow an opportunity for systems improvements to collect third-party revenues, update behavioral health care insurance contracts, seek additional case management and behavioral health contracts, and work in partnership with foundations to seek new funding opportunities to serve the Fairfax-Falls Church community. These improvements are designed to preserve, stabilize and eventually grow community based behavioral health care services that focus on and address the needs of our diverse population in a culturally responsive manner thereby improving outcomes.

Unless otherwise directed, staff will proceed with support activities and financial support of up to \$500,000 will be allocated to NVFS as part of the approved consolidation activities of both entities.

County Non-Contractual Support for Human Services Nonprofits

The Board also requested information on the ways the County provides other support to nonprofits in addition to direct contracted services. The basic form of this other support is payments for rental cost or the provision of in-kind space in County facilities. The annual amount paid for these rental costs is \$1,316,240 and the estimated value of the in-kind space is \$1,005,875. The total of all supports is \$2,322,115. Attachment B identifies nonprofits operating in county leased or owned facilities by organization name

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and location, lease costs and estimated in-kind county support. In-kind support values are based on current square footage market rates within the general locale of the space provided.

General Contract Provisions and Monitoring Requirements for Human Services Nonprofits

Attachment C identifies enhancements to current contract monitoring activities for nonprofits conducting business with Fairfax County human services departments. Increased frequency of organizational monitoring activities for contracts valued in excess of \$100,000 will be provided through a redirection of staff resources within the Department of Administration for Human Services. Audit reviews for organizations referred as a result of one or more identified organizational capacity deficiencies will be conducted within existing staff resources in the Office of Internal Audit or contract auditors approved and directed by the Office of Internal Audit.

ENCLOSED DOCUMENTS:

Attachment A – Areas of Improvement Identified by CMHS and Partners

Attachment B - Summary of Nonprofits Operating in County Leased or Owned Facilities

Attachment C – Summary of Contract Monitoring Activities and Actions for Nonprofit Organizations Providing Human Services

Attachment D – Board Item, February 25, 2008

STAFF:

Verdia L. Haywood, Deputy County Executive

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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. Robert Lepelletier, Jr., v. Robert L. Mears, Director of the Department of Finance, Record No. 072007 (Va. Sup. Ct.)
 - 2. Reena Sangwan v. Fairfax County Department of Family Services, Record No. 0400-07-4 (Va. Ct. App.)
 - 3. Henry Penn v. Fairfax County; Case No. 1:06cv1449 (E.D. Va.)
 - 4. Ryan Herold v. Richard Perl, Case No. CL-2007-0010415 (Fx. Co. Cir. Ct.)
 - 5. Michael C. Judge and Doris Y. Judge v. Fairfax County Board of Supervisors, Case No. CL-2007-0003562 (Fx. Co. Cir. Ct.) (Sully District)
 - 6. The Grievance Appeal of Douglas K. Cleveland, Case No. 0715 (Fx. Co. Civil Service Com.)
 - 7. Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); Eileen M. McLane, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)

8. Eileen M. McLane, Fairfax County Zoning Administrator v. Nabil Zerhouni, Atef Abdellatif, and Abdelbagi Bushara, Case No. CL-2007-0006018 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
9. Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)
10. Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Beltran Sanchez Carbajal, Sulma Patricia Flores de Sanchez, and Evelin Y. Mendoza, Case No. CL-2007-0013442 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
11. Eileen M. McLane, Fairfax County Zoning Administrator v. William L. Stewart, Case No. CL-2007-0011742 (Fx. Co. Cir. Ct.) (Mason District)
12. Eileen M. McLane, Fairfax County Zoning Administrator v. Lydia C. Redding, et al., Case No. CL-2007-0013239 (Fx. Co. Cir. Ct.) (Providence District)
13. Eileen M. McLane, Fairfax County Zoning Administrator v. Joun Suk Lim, et al., Case No. CL-2007-0015312 (Fx. Co. Cir. Ct.) (Providence District)
14. Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Laurence P. Wheeler and Susie A. Wheeler, Case No. CL-2007-0012667 (Fx. Co. Cir. Ct.) (Dranesville District)
15. Eileen M. McLane, Fairfax County Zoning Administrator v. Merritt Road, L.C., and Ronald Joseph Sweeney, Case No. CL-2008-0002313 (Fx. Co. Cir. Ct.) (Mason District)
16. Eileen M. McLane, Fairfax County Zoning Administrator v. Redentor Eiguez, Viviana Paz Arza, and Marlene Zurita, Case No. CL-2008-0002529 (Fx. Co. Cir. Ct.) (Sully District)
17. Eileen M. McLane, Fairfax County Zoning Administrator v. Jon M. Boka, Case No. CL-2008-0002314 (Fx. Co. Cir. Ct.) (Braddock District)
18. Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Sanchez, Candida R. Sanchez, and Caroline M. Hervo-Akendengue Smith, Case No. CL-2008-0002003 (Fx. Co. Cir. Ct.) (Lee District)

19. Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor J. Munaires, Carmen E. Munaires, and Victor J. Munaires, d/b/a Projects A Incorporated, Case No. CL-2008-0002528 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
20. Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leonor Lopez, Case No. CL-2008-0002002 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
21. 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)
22. Board of Supervisors v. McLean Veterinary Associates, LLC, and Erie Insurance Company, Case No. CL-2008-0002530 (Fx. Co. Cir. Ct.) (Dranesville District)

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3:30 p.m.

Public Hearing on AF 2007-SP-002 (Robert S. Keener and Deborah A. Keener), Local A&F District Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 22.73 Acres Zoned R-C, Springfield District

The application property is located at 5917 Doyle Rd. Tax Map 66-2 ((1)) 29, 30; 66-2 ((2)) 26.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 20, 2008, the Planning Commission unanimously voted (Commissioners Alcorn and Harsel absent from the meeting) to recommend that the Board of Supervisors approve AF 2007-SP-002 to establish the Keener Local Agricultural and Forestal District, subject to the Zoning Ordinance provisions listed in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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3:30 p.m.

Public Hearing on AR 99-D-002 (Lawrence A. Krop) Local A&F District Renewal Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 22.13 Acres Zoned R-E, Dranesville District

The application property is located at 910, 920 Utterback Store Road, 843, 849 Black Hills Road, and 11100 Georgetown Pike, Tax Map 7-3 ((1)) 30Z, 35Z, 38Z, 42Z and 43Z.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 27, 2008, the Planning Commission unanimously voted (Commissioners Harsel, Litzenberger, and Murphy absent from the meeting) to recommend that the Board of Supervisors approve AR 99-D-002 to renew the Krop Local Agricultural and Forestal District, subject to the Zoning Ordinance provisions dated February 13, 2008.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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March 10, 2008

3:30 p.m.

Public Hearing on SEA 89-S-072 (T-Mobile Northeast LLC/Northern Virginia, Electric Cooperative/Smartpole, Inc., & New Cingular Wireless PCS, LLC) to Amend SE 89-S-072 Previously Approved for an Electrical Substation to Permit a Telecommunications Facility and Associated Modifications to Site Design and Development Conditions, Located on Approximately 4.81 Acres Zoned R-C and WS, Springfield District

The application property is located at 12700 Popes Head Rd. Tax Map 66-4 ((3)) 1.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission deferred its public hearing on SEA 89-S-072 to March 5, 2008. The Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
March 10, 2008

3:30 p.m.

Public Hearing on PCA 2004-SP-036 (SE W. AN) to Amend the Proffers for RZ 2004-SP-036 Previously Approved for Residential Development at a Density of 2.0 Dwelling Units Per Acre to Permit Site Modifications, Located on Approximately 1.01 Acres Zoned R-2, Springfield District

The application property is located on the east side of Lee Chapel Road directly opposite of Iron Master Drive, Tax Map 88-1 ((1)) 28.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 7, 2008, the Planning Commission unanimously voted (Commissioners Harsel and Litzenberger absent from the meeting) to recommend that the Board of Supervisors approve PCA 2004-SP-036, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report, amended to require that the purchaser of the home provide information about the conservation areas and rain gardens to the future next purchaser .

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Shelby McKnight, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
March 10, 2008

3:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Lido Place Walkway Project (Providence District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project W00700 (W719), Lido Place Walkway, Fund 307, Pedestrian Walkway Improvements.

RECOMMENDATION:

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

TIMING:

On January 28, 2008, the Board of Supervisors authorized advertisement of a public hearing to be held on March 10, 2008, commencing at 3:30 p.m.

BACKGROUND:

This project consists of the construction of approximately 650 linear feet of four-foot wide concrete walkway, including some re-grading of the existing yards, driveways, drainage ditches and the installation of one 15-inch concrete culvert along Lido Place between Southwick Street (Route 978) and Horner Court (Route 2571).

The construction of this project requires the acquisition of one sidewalk easement and six grading agreements and temporary construction easements on six parcels in the Providence District. Although the Land Acquisition Division has been negotiating to acquire these land rights since April 25, 2007, as of this date, staff has been unable to reach resolution on three parcels due to property owner concerns about the project. Repeated deferrals to move forward on the project have meant increases in project costs; thus, condemnation is necessary.

Pursuant to state statute, namely VA. CODE ANN. Section 15.2-1903 (Supp. 2007), a public hearing is required before property interests can be acquired by eminent domain.

FISCAL IMPACT:

Funding for this project is available in Project W00700 (W719), Lido Place Walkway, Fund

Board Agenda Item
March 10, 2008

307, Pedestrian Walkway Improvements. No additional funding is being requested from the Board of Supervisors for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

Attachment B – Resolution with Fact Sheet on each affected parcel with plat showing interests to be acquired (Attachments 1 through 3A).

STAFF:

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

Board Agenda Item
March 10, 2008



4:00 p.m.

Public Hearing on Proposed Zoning Ordinance Amendment Re: Financial Institutions

ISSUE:

The proposed Zoning Ordinance amendment replaces all references to drive-in banks with references to drive-in financial institutions; replaces all references to unmanned bank teller machines with references to automated teller machines for consistency with Federal regulations; and deletes the use limitation that prohibits automated teller machines in the C-1 District.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 24, 2008, the Planning Commission unanimously voted (Commissioners Hall, Harsel, and Hopkins absent from the meeting) to recommend that the Board of Supervisors approve the proposed Zoning Ordinance amendment regarding financial institutions, as set forth in the staff report dated November 19, 2007.

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendation.

TIMING:

Board of Supervisors authorization to advertise – November 19, 2007; Planning Commission public hearing – January 24, 2008; Board of Supervisors' public hearing – March 10, 2008 at 4:00 p.m.

BACKGROUND:

The proposed Zoning Ordinance amendment is on the 2007 Priority 1 Zoning Ordinance Work Program and is prompted by Federal regulations which make a distinction among banks, savings and loans, loan companies and credit unions. As such, the amendment replaces all Ordinance references to drive-in banks and drive-in unmanned bank teller machines with drive-in financial institutions and drive-in automated teller machines, respectively. In addition, the amendment deletes the use limitation that prohibits automated teller machines in the C-1 District, thereby permitting such uses in the C-1 District. A more detailed discussion of the proposed amendment is set forth in the Staff Report contained as Attachment 1.

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REGULATORY IMPACT:

The proposed amendment clarifies the regulations for financial institutions by making them consistent with Federal regulations. Except for allowing automated teller machines in the C-1 District, the proposed amendment does not change where or how financial institutions are permitted by the Zoning Ordinance.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission Recommendation

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ

Board Agenda Item
March 10, 2008



4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Advertising on Public Transit Passenger Shelters

ISSUE:

Proposed Zoning Ordinance amendment to permit advertising on County owned public transit passenger shelters, including bus shelters, located outside of the Virginia Department of Transportation (VDOT) right-of-way (ROW).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on Wednesday, February 13, 2008, and the Commission deferred decision until February 27, 2008.

On Wednesday, February 27, 2008, the Planning Commission voted unanimously (Commissioners Harsel, Litzenberger, and Murphy absent from the meeting) to defer its decision to March 5, 2008. The Commission's recommendation will be forwarded to the Board subsequent to that date.

RECOMMENDATION:

The County Executive recommendation will be forwarded to the Board prior to the Board's public hearing.

TIMING:

Board of Supervisors authorization to advertise on January 7, 2008; Planning Commission public hearing on February 13, 2008; Deferred Planning Commission decision to February 27, 2008 and Planning Commission decision deferred again to March 5, 2008; Board of Supervisors' public hearing on March 10, 2008 at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2007 Priority 1 Zoning Ordinance Amendment Work Program and would permit advertising on County owned bus shelters located outside of VDOT ROW.

In 2003, the Virginia General Assembly amended the *Code of Virginia* to permit the display of advertisements on public transit passenger shelters (including bus shelters) owned by the County that are located in the VDOT ROW or that are within 15 feet of a highway. This

Board Agenda Item
March 10, 2008

State code amendment eliminated previous restrictions on advertisements in VDOT ROW and within 15 feet of a highway. While the Zoning Ordinance does not regulate activities within a road ROW, it does apply to private and County owned property, and bus shelter advertising on such property is considered to be an off-site sign, similar to a billboard and is not permitted. On February 5, 2007, the Board adopted a policy entitled "Guidelines for Advertising on Fairfax County Bus Shelters." The policy contains the specific information regarding the advertising standards and size, materials and placement of the advertising on bus shelters.

Although the *Code of Virginia* now allows advertising on bus shelters located within VDOT ROW and within 15 feet of such ROW, and the Board has adopted the bus shelter advertising policy, the Zoning Ordinance still prohibits such advertising on bus shelters located outside the VDOT ROW. The proposed Ordinance amendment furthers the implementation of the Board's advertising policy by allowing for such advertising on County owned bus shelters outside the ROW. A more detailed discussion of the proposed amendment is set forth in the Staff Report contained in Attachment 1.

On February 13, 2008 the Planning Commission held a public hearing and deferred decision until February 27, 2008 in order to more fully consider issues that were raised at the hearing concerning the implementation of the Board adopted policy for advertising on County bus shelters, and to allow citizens additional time to review the amendment. In response, Katharine Ichter, Director Department of Transportation, wrote a memorandum to the Planning Commission addressing the issues raised at the Planning Commission public hearing. A copy of this memorandum is contained in Attachment 2. On February 27, 2008, the Planning Commission had additional discussion on the Board adopted policy and deferred decision again until March 5, 2008.

REGULATORY IMPACT:

The proposed amendment will allow advertising on public transit passenger shelters located outside of VDOT ROW in accordance with Board adopted policy.

FISCAL IMPACT:

While this Zoning Ordinance amendment does not have a fiscal impact, if approved, the County would realize advertising revenue from shelters that are located outside of the ROW.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – February 20, 2008 Memorandum from Katharine D. Ichter

Board Agenda Item
March 10, 2008

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Katharine D. Ichter, Director, Department of Transportation

Eileen M. McLane, Zoning Administrator, DPZ

Lorrie Kirst, Deputy Zoning Administrator for Amendments, DPZ

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Board Agenda Item
March 10, 2008



4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Roadway Functional Classification

ISSUE:

The proposed Zoning Ordinance amendment updates the listing of roadways by functional classification in Appendix 8 in accordance with the updated classification listing approved as part of Comprehensive Plan Amendment No. 2003 P-08 by the Board of Supervisors on July 10, 2006.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 20, 2008, the Planning Commission voted unanimously (Commissioners Harsel and Alcorn absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of the proposed Zoning Ordinance amendment regarding roadway functional classifications, as set forth in the staff report dated January 7, 2008, revised as follows:
- In paragraph 4 (line 43) of page 3, replace “from Backlick Road to Route 123” with “from Backlick Road to Union Mill Road”; and
- Delete paragraph 7 (line 9) on page 5 and renumber the remaining paragraphs accordingly.
- Establish an effective date of 12:01 a.m. on the day following adoption; and

The Planning Commission also voted unanimously (Commissioners Harsel and Alcorn absent from the meeting) to recommend that the Board authorize an amendment to the Comprehensive Plan to correct the Roadway Functional Classification table in the Transportation Section of the Policy Plan to ensure consistency with the table associated with this Zoning Ordinance amendment.

RECOMMENDATION:

The County Executive concurs with the Planning Commission’s recommendation.

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TIMING:

Board of Supervisors' authorization to advertise on January 7, 2008; Planning Commission public hearing on February 20, 2008; and Board of Supervisors' public hearing on March 10, 2008, at 4:00 p.m.

BACKGROUND:

The proposed Zoning Ordinance amendment is on the 2007 Priority 1 Zoning Ordinance Amendment Work Program and updates the listing of roadways by functional classification set forth in Appendix 8 of the Ordinance, in accordance with the updates included as part of Comprehensive Plan Amendment No. 2003 P-08, approved by the Board of Supervisors (Board) on July 10, 2006. This Comprehensive Plan amendment revised the *Policy Plan* text and Transportation Plan Map of the Comprehensive Plan, and included revisions to the functional roadway classifications to reflect current travel demand forecasts for the next 20 to 25 years.

The listing of roadways by functional classification found in Appendix 8 of the Zoning Ordinance is used in determining whether a street constitutes a major thoroughfare, which factors into requests for height increases for noise barriers, the location and height for fences and walls, yard designations on reverse frontage lots, and in the administration of the sign regulations for commercial developments.

Subsequent to the authorization of this proposed amendment, staff of the Department of Transportation identified two errors on the classification listing included as part of the Comprehensive Plan amendment and set forth in the advertised Zoning Ordinance amendment. The first error was the inadvertent change to the Braddock Road section from Backlick Road to Union Mill. The Comprehensive Plan erroneously replaced Union Mill with Route 28. The second error related to the duplicate listing of a segment of Baron Cameron Avenue from Reston Parkway to the Herndon Town line. These errors were presented to the Planning Commission at its February 20, 2008, public hearing, and the Planning Commission voted to recommend approval of the proposed amendment, as advertised, with changes to correct the above noted errors, which is within the scope of the advertised amendment. The Planning Commission further recommended that the Board authorize a Comprehensive Plan amendment to correct the Roadway Functional Classification listing in the Transportation section of the Policy Plan to be consistent with the listing set forth in this Zoning Ordinance amendment. Staff concurs with the Planning Commission's recommendation. A more detailed discussion of the proposed amendment is set forth in the attached staff report.

REGULATORY IMPACT:

Facilitates the identification of major thoroughfares, which factors into the determination of the height and location for certain fences and walls, as well as those provisions relating to reverse frontage lots and commercial signage.

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FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Staff Report
Attachment 2 – Planning Commission Recommendation

STAFF:
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Andrew B. Hushour, Senior Assistant to the Zoning Administrator, DPZ

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Board Agenda Item
March 10, 2008

4:00 p.m.

Public Hearing to Expand the Landsdowne Community Parking District (Lee District)

ISSUE:

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

TIMING:

The public hearing was authorized on February 11, 2008, for March 10, 2008, at 4:00 p.m.

BACKGROUND:

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

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

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

The parking prohibition identified above for the Landsdowne 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 \$1200 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
March 10, 2008

4:00 p.m.

Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts

ISSUE:

An ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) temporarily move the polling place for Glade precinct; (2) move the polling place for Lincolnia precinct; (3) temporarily move the polling place for Marlan precinct; (4) revise the description of Lorton Center precinct to update its polling place address; (5) revise the description of Oakton precinct to change the name of its polling place; and (6) set the hours and dates of operation for the absentee voting satellites for the November 4, 2008, Presidential Election.

RECOMMENDATION:

The County Executive recommends adoption of the proposed ordinance.

TIMING:

The Board authorized this public hearing on February 25, 2008. Board action on March 10, 2008, is necessary to provide sufficient time to complete the federal preclearance process in advance of the June primary 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 Sections 24.2-307, 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their polling place will be mailed a new Virginia Voter Information Card following federal preclearance of the proposed changes.

(1) In Hunter Mill District, staff recommends temporarily moving the polling place for Glade precinct from the Reston Community Center located at 2310 Colts Neck Road, Reston, to the Christ the Servant Lutheran Church located at 2320 Hunters Woods Plaza, Reston. The Reston Community Center will be closing for renovation beginning in June. The renovation is expected to be completed by October 2008. Christ the Servant Lutheran Church, which is adjacent to the Reston Community Center, has

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kindly offered the use of their facility for the June 12 primary election and, if needed, for the November 4 general election. The polling place will return to the Reston Community Center when the renovations are completed.

(2) In Mason District, staff recommends permanently moving the polling place for Lincolnia precinct from the Pinecrest Golf Course located at 6600 Little River Turnpike, Alexandria, to the Green Spring Gardens Park located at 4603 Green Spring Road, Alexandria. The Horticulture Center at Green Spring Gardens Park will provide a larger polling place room with better access and traffic flow for the voters in Lincolnia precinct.

(3) In Mount Vernon District, staff recommends temporarily moving the polling place for the Marlan precinct from the Martha Washington Library located at 6614 Fort Hunt Road, Alexandria, to the Paul Spring Retirement Community located at 7116 Fort Hunt Road, Alexandria. In October, the Martha Washington Library will be closing for extensive renovation. The Paul Spring Retirement Community, which is located near the geographic center of the precinct, has kindly offered the use of their facility as a temporary polling place while the Library is under renovation. The library renovation and expansion project is expected to be completed in two years. Staff further recommends that the relocation begin in June, rather than October, so that voters will have the opportunity to become familiar with the new location before the presidential election.

(4) In Mount Vernon District, staff recommends revising the description of Lorton Center precinct to update its polling place address. The United States Postal Service address for the Grace Bible Church polling place has been changed from 7795 Grace Church Lane, Lorton, to 9115 Lorton Station Boulevard, Lorton.

(5) In Providence District, staff recommends revising the description of Oakton precinct to update the name of the polling place. The Fairfax Unitarian Church, located at 2709 Hunter Mill Road, Oakton, has changed its name to the Unitarian Universalist Congregation of Fairfax.

(6) The Electoral Board recommends that the hours and dates of operation for the seven absentee voting satellites for the November 4, 2008, general election be from 1:00 p.m. to 8:00 p.m. on weekdays and from 9:00 a.m. to 5:00 p.m. on Saturdays beginning October 15 and extending through November 1, 2008. Historically, the absentee voting satellites have operated from 3:30 p.m. to 7:30 p.m. on weekdays in non-presidential election years and from 3:00 p.m. to 8:00 p.m. on weekdays in presidential election years. In anticipation of a large demand for absentee voting and as a service to the seniors and disabled citizens who like to avoid the late afternoon traffic, the Electoral Board recommends that the weekday satellite hours be extended from 1:00 p.m. to 8:00 p.m. for the upcoming presidential election.

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FISCAL IMPACT:

Funding for polling place change notifications is available in the agency's FY 2008 Adopted Budget. Funding for additional seasonal personnel to staff the absentee voting satellites has been included in the agency's FY 2009 Budget Submission.

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code Pertaining to Election Precincts and Polling Places

Attachment 2 - Summary of Proposed Changes

Attachment 3 – Maps and Descriptions of Proposed Polling Place Changes

Attachment 4 - Proposed Ordinance

STAFF:

Jackie C. Harris, General Registrar

Michael Long, Senior Assistant County Attorney

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Board Agenda Item
March 10, 2008

4:30 p.m.

Public Hearing on PCA 1999-MV-025-03 (Exxon-Mobil Corporation) to Amend the Proffers for RZ 1999-MV-025 Previously Approved for Commercial Development to Permit a Service Station, Car Wash and Quick Service Food Store and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.08, Located on Approximately 1.47 Acres Zoned C-6, Mount Vernon District

and

Public Hearing on SE 2006-MV-033 (Exxon-Mobil Corporation) to Permit a Service Station, Car Wash and Quick Service Food Store, Located on Approximately 1.47 Acres Zoned C-6, Mount Vernon District

The application property is located in the southwest quadrant of the intersection of Lorton Road and Lorton Market Street at 9400 Lorton Market Street, Tax Map 107-4 ((23)) B.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, January 23, 2008, the Planning Commission voted 5-2-4 (Commissioners Hall and Lusk opposed; Commissioners Alcorn, de la Fe, Hopkins, and Murphy abstaining; Commissioner Harsel absent from the meeting) to recommend that the Board of Supervisors deny PCA 1999-MV-025-03 and SE 2006-MV-033 for the reasons set forth in the attached verbatim excerpts.

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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March 10, 2008

4:30 p.m.

Public Hearing on RZ 2007-HM-015 (Sekas Homes, LTD.) to Rezone from R-1 and R-3 to R-3 to Permit Residential Development at a Density of 2.58 Dwelling Units Per Acre, Located on Approximately 5.84 Acres, Hunter Mill District

The application property is located on the west side of Beulah Road approximately 850 feet south of its intersection with Clarks Crossing Road, Tax Map 28-3 ((1)) 28, 29 and 31.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on RZ 2007-HM-015 will be held on March 5, 2008. The Commission's recommendation will be forwarded to the Board subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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

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Board Agenda Item
March 10, 2008

4:30 p.m.

Public Hearing on SE 2007-SU-033 (Enterprise Leasing Company A Maryland Corporation D/B/A Enterprise/Centreville Square Project, L.P.) to Permit a Vehicle Sale, Rental and Ancillary Service Establishment, Located on Approximately 1.02 Acres Zoned C-7, HC, SC and WS, Sully District

The Planning Commission deferred its public hearing on SE 2007-SU-033 to March 27, 2008; therefore, the Board of Supervisors public hearing is deferred to March 31, 2008, at 3:30 p.m.

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Board Agenda Item
March 10, 2008

4:30 p.m.

Public Hearing to Consider Amending Parking Regulations in Fairfax County Code
Section 82-5B to Allow Large Area Community Parking Districts

ISSUE:

Public hearing to consider the proposed amendments to Section 82-5B of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to allow large area Community Parking Districts (CPDs) without a petition process.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments (Attachment I) to the Fairfax County Code to allow large area Community Parking Districts (CPDs) without a petition process.

TIMING:

The public hearing was authorized on February 11, 2008, for March 10, 2008, at 4:30 p.m.

BACKGROUND:

On August 6, 2007, the Board directed County staff to explore creating a process to designate large areas in Mount Vernon District and Hunter Mill District as CPDs. After considering administrative and enforcement issues that will be involved with larger area as CPDs, staff has developed recommended changes to the County Code that would provide for the designation of an entire magisterial district, with certain limited exclusions, as a CPD without the petition process that is currently required in the Code for regular CPD requests. In addition, a separate Board Agenda Item has been concurrently prepared specifically for the requested large area CPD in the Mount Vernon District. However, subsequent coordination with Hunter Mill District staff indicated that a district-wide or large area CPD is being deferred pending further study.

The proposed amendment to Chapter 82 sets forth a new process that will be used for the creation of a "large area" CPD and would be applicable to all or most of a magisterial district (over 50 percent of the land area excluding town boundaries). As with current CPDs, the parking restrictions would apply only to public streets in residential areas within the magisterial district boundaries and would provide for limited exclusions from the CPD for areas that meet certain minimum size criteria, which are explained more fully below.

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The larger size of the CPD would permit cost-effective enforcement and reduce program costs by allowing for no signage or limited CPD signage within the district. Similar to the process used in Prince William County, police enforcing the parking restrictions will first give out warnings to ensure that owners of the restricted vehicles are aware of the parking regulations in the area. If the vehicle is not moved after the warning or thereafter returns to the restricted area, it will be ticketed.

To initiate an evaluation by staff of the Fairfax County Department of Transportation (FCDOT) of a large area CPD, the amendment provides that a written request and verification from the magisterial district supervisor confirming community support for a large area CPD must be submitted to FCDOT. FCDOT would then review the proposed application and coordinate with the applicable supervisor's office as to the exact boundaries if it does not encompass the entire magisterial district. The public hearing process would then be initiated to establish the CPD. At this time, no fee for processing a large area CPD request has been set, since there are no petitioning addresses and no or limited signage requirements with this new process.

Based upon concerns raised while creating this process, FCDOT staff is proposing a provision that would allow certain areas of a minimum size to be excluded from the magisterial-wide CPD. For example, if there are one or more large neighborhoods within the magisterial district that do not wish to have CPD parking restrictions, the CPD boundaries may be set to exclude them at the time of the public hearing that establishes the CPD, provided that minimum size requirements are met. However, staff recognizes that it is not practical to allow random, noncontiguous streets or many small areas to be excluded. Consequently, staff recommends that the minimum size required for an area to be excluded meet one of the following size criteria: at least 3,500 addresses, at least 30 miles of secondary roadways, or at least five-square miles in area. This is to prevent small "donut holes" of excluded areas, which may be difficult for the police to enforce. In addition, staff notes that any excluded areas are likely to attract boats, trailers, and other restricted vehicles from outside the neighborhood. Therefore, staff highly recommends that the proposed option to exclude areas from the magisterial district-wide CPD be exercised cautiously. This is due to the fact that if these excluded neighborhoods decide that they want to be included in the future, then they would need to go through the regular CPD petition process to be brought back into the large area CPD.

Given the number of residential addresses in a large area CPDs, it is not cost-effective or feasible to mail out notices to all individual property owners of the scheduled public hearing, which is, in any event, in excess of what is required for notice by state law. Therefore, although newspaper publication of the public hearing is all that is currently required, staff also intends to place a notice on public hearing signs that will be posted at major roads leading to the proposed districts.

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The existing CPD process with petition requirements would continue to be used for smaller areas, as provided in the Fairfax County Code.

The changes to the County Code Chapter 82, Article 5B to implement this process are shown in Attachment I.

FISCAL IMPACT:

The recommended changes should have beneficial fiscal impact by reducing future CPD signage costs. At this time, only Mount Vernon District has been identified as desiring this kind of CPD coverage.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Section 82-5B

STAFF:

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

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Board Agenda Item
March 10, 2008

4:30 p.m.

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

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to establish the Mount Vernon 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 Mount Vernon CPD if the proposed change to Fairfax County Code Section 82-5B for a large area CPD is approved by the Board of Supervisors on March 10, 2008.

TIMING:

The public hearing was authorized on February 11, 2008, for March 10, 2008, at 4:30 p.m.

BACKGROUND:

On August 6, 2007, the Board directed County staff to explore creating a process to designate large areas in the Mount Vernon District and the Hunter Mill District as CPDs. After considering administrative and enforcement issues that will be involved with larger areas as CPDs, staff has developed recommended changes to the County Code that would provide for the designation of an entire magisterial district, with certain limited exclusions, as a CPD without the petition process that is currently required in the Code for regular CPD requests. This Board Agenda Item for a large area CPD in the Mount Vernon District is the first such CPD.

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

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size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip.

If a proposed Code change to various sections of Section 82-5B is adopted on March 10, 2008, the Board may establish a large area CPD without a petition. The proposed Mount Vernon CPD meets the proposed requirements.

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

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 Mount Vernon CPD Establishment

STAFF:

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