

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
June 30, 2008**

**AGENDA**

8:45	<b>Held</b>	A. Heath Onthank Awards Reception Conference Center Reception Area
9:30	<b>Done</b>	Presentations
10:00	<b>Done</b>	Presentation of A. Heath Onthank Awards
10:15	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:15	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Tilbury Road Project (Lee District)
2	<b>Approved</b>	Streets into the Secondary System (Dranesville, Providence, Sully and Springfield Districts)
3	<b>Approved</b>	Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Mason, Providence, and Springfield Districts)
4	<b>Approved</b>	Authorization to Advertise Proposed Amendments to the Map of Chesapeake Bay Preservation Areas, Chapter 118 (Chesapeake Bay Preservation Ordinance) of The Code of the County of Fairfax, Virginia, Re: Resource Protection Area Boundaries (Providence and Mount Vernon Districts)
5	<b>Approved</b>	Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of Outstanding State Code Sections
6	<b>Approved</b>	Authorization to Advertise a Public Hearing to Consider Amendments to <i>The Code of the County of Fairfax, Virginia</i> , Chapter 82, Relating to Fines for Violation of County Handicapped Parking Restrictions and the Untimely Payment of Certain Parking Fines
7	<b>Approved</b>	Authorization to Submit Proposed Grant Applications Under the Fiscal Year 2008 U.S. Department of Housing and Urban Development Super Notice of Funding Availability

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

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|----|---------------------------------|---|
| 8  | <b>Approved</b>                 | Additional Time to Establish the Use for Special Exception SE 2005-SP-015, Washington, D.C. SMSA Limited Partnership D/B/A Verizon Wireless (Springfield District)          |
| 9  | <b>Approved</b>                 | Additional Time to Commence Construction for Special Exception SE 2005-HM-004, Great Falls Heritage Partners, LLC (Hunter Mill District)                                    |
| 10 | <b>Approved</b>                 | Authorization to Advertise a Public Hearing to Expand the Stone Creek Crossing Community Parking District (Springfield District)  |
| 11 | <b>Approved</b>                 | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Langley Residential Permit Parking District, District 20 (Dranesville District) |
| 12 | <b>Approved</b>                 | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)   |
| 13 | <b>Approved</b>                 | Approval of Traffic Calming Measures, and Multi-Way Stops as Part of the Residential Traffic Administration Program (Mason, Springfield, Sully, and Mount Vernon Districts) |
| 14 | <b>Approved<br/>w/amendment</b> | Additional Time to Commence Construction for Special Exception Amendment SEA 94-M-047, Saul Subsidiary I Limited Partnership (Mason District)                               |

**ACTION ITEMS**

- |   |                                 |   |
|---|---------------------------------|---|
| 1 | <b>Approved</b>                 | Amended Parking Reduction Spring Hill Business Center (Providence District)   |
| 2 | <b>Approved</b>                 | Changes to the Fairfax County Purchasing Resolution   |
| 3 | <b>Approved<br/>w/amendment</b> | Authorization to Implement a New Initiative to Address Home Foreclosures in Fairfax County and to Reallocate Funding to Support this Initiative |
| 4 | <b>Approved</b>                 | Approval of the Proposed By-Laws for the Fairfax County Architectural Review Board (ARB)  |
| 5 | <b>Approved</b>                 | Approval of a Project Agreement and Funding for Mulligan Road (Mount Vernon District)   |

**FAIRFAX COUNTY  
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**ACTION ITEMS  
(Continued)**

- |   |                                  |  |
|---|----------------------------------|--|
| 6 | <b>Approved<br/>w/amendments</b> | Comments on Design Plans for the Capital Beltway (I-495) High Occupancy Toll Lanes Project |
| 7 | <b>Approved</b>                  | Fair Oaks Mall First Amendment to Existing License Agreement (Springfield District)        |

**INFORMATION  
ITEMS**

- |       |              |   |
|-------|--------------|---|
| 1     | <b>Noted</b> | Contract Award - Generator System Rehabilitation (Mount Vernon District)  |
| 2     | <b>Noted</b> | Contract Award - Engineering Design Services for Cinder Bed Road Improvements (Mount Vernon District)   |
| 3     | <b>Noted</b> | Contract Award – Architectural/Engineering (A/E) Design and Construction Administration Services for the West Ox Animal Shelter Renovation and Expansion Project (Springfield District)             |
| 4     | <b>Noted</b> | Contract Award - Mount Vernon Mental Health Center Expansion/Renovation (Mount Vernon District)   |
| 5     | <b>Noted</b> | Contract Award -Thomas Jefferson Library Renovation and Expansion Project (Mason District)  |
| 6     | <b>Noted</b> | A Platinum Performance Award, Presented to the Fairfax County Wastewater Management Program – Noman M. Cole Jr. Pollution Control Plant by the National Association of Clean Water Agencies (NACWA) |
| 7     | <b>Noted</b> | Contract Award – Open-End Contracts for Civil Engineering and Related Services  |
| 8     | <b>Noted</b> | Contract Award – Open-End Contracts for Architectural and Engineering Services  |
| 9     | <b>Noted</b> | Contract Award – Operations and Management Services – Public Transportation (Fairfax Connector Bus Service)   |
| 10:45 | <b>Done</b>  | Matters Presented by Board Members  |
| 11:35 | <b>Done</b>  | Closed Session  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
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**PUBLIC HEARINGS**

3:00	<b>Approved</b>	Public Hearing Regarding the Financing for the Purchase of a New Fire Pumper Truck for the Centreville Volunteer Fire Department, Inc. (Sully District)
3:00	<b>Approved</b>	Public Hearing on PCA 2005-PR-039 (Dunn Loring Metro, LLC) (Providence District)
3:00	<b>Approved</b>	Public Hearing on PCA 88-P-030-02 (Dunn Loring Metro, LLC) (Providence District)
3:30	<b>Public hearing deferred to 7/21/08 at 3:00 p.m.</b>	Public Hearing on SE 2008-MA-005 (Education For Life) (Mason District)
3:30	<b>Withdrawn</b>	Public Hearing on SEA 84-V-035 (Huntwood, L.L.C.) (Mount Vernon District)
3:30	<b>Public hearing deferred to 7/21/08 at 3:00 p.m.</b>	Public Hearing on SE 2008-DR-003 (Chevy Chase Bank, F.S.B.) (Dranesville District)
3:30	<b>Public hearing deferred to 7/21/08 at 3:00 p.m.</b>	Public Hearing on RZ 2007-SU-014 (Bo Hwan Suk, Sun Ok Suk & Fairfax County Park Authority) (Sully District)
3:30	<b>Public hearing deferred to 7/21/08 at 3:00 p.m.</b>	Public Hearing on PCA 74-2-150 (Fairfax County Park Authority) (Sully District)
3:30	<b>Approved</b>	Public Hearing on PCA C-052-07 (CESC Skyline LLC) (Mason District)
3:30	<b>Approved</b>	Public Hearing on PCA 2004-PR-003 (Arlington Boulevard Consolidation LLC) (Providence District)
3:30	<b>Approved</b>	Joint Public Hearing on the Proposed Six-Year Virginia Department of Transportation Secondary System Construction Program for Fiscal Years 2009 Through 2014
4:00	<b>Approved</b>	Public Hearing on Proposed Amendments to <i>The Code of the County of Fairfax, Virginia</i> , to Add a New Chapter, Chapter 121 (Graffiti Ordinance) RE: Repair or Removal of the Defacement of Buildings, Facilities and Personal Property
4:00	<b>Approved</b>	Public Hearing on Spot Blight Abatement Ordinance for 15519 Lee Highway (Sully District)
4:00	<b>Def. for decision to 7/21/08 at 3:00 p.m.</b>	Public Hearing on Spot Blight Abatement Ordinance for 15011 Lee Jackson Memorial Highway (Sully District)

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**PUBLIC HEARINGS  
(Continued)**

4:00	<b>Approved</b>	Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5A (Residential Permit Parking Districts)
4:00	<b>Approved</b>	Public Hearing on a Proposal to Vacate and Abandon Part of the Right-of-Way of Suncrest Lane (Providence District)
4:30	<b>Approved</b>	Public Hearing on a Proposed Memorandum of Understanding with the Town of Clifton, Virginia Related to the Clifton Professional Offices Project (Springfield District)
4:30	<b>Approved</b>	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Eskridge Road Improvements Project (Providence District)
4:30	<b>Approved</b>	Public Hearing on Incorporating References to the Hunter Mill Road Traffic Calming Study in the Comprehensive Plan: Plan Amendment S07-CW-T1 (Dranesville, Hunter Mill, Providence and Sully Districts)
4:30	<b>Approved</b>	Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law
4:30	<b>Public hearing deferred to 7/21/08 at 3:30 p.m.</b>	Public Hearing on DPA B-846-03 (Reston Square Hotel LLC) (Hunter Mill District)
5:00	<b>Approved</b>	Public Hearing on an Amendment to The Code of the County of Fairfax, Virginia, Article 7 of Chapter 3 Regarding a Change in the Employee Contribution Rate for the Police Officers Retirement System
5:00	<b>Approved</b>	Public Hearing on Amendments to The Code of the County of Fairfax, Virginia, Articles 2 and 3 of Chapter 3 Regarding Changes in the Social Security Offset to Service-Connected Disability Benefits for the Uniformed and Employees' Retirement Systems
5:00	<b>Denied</b>	Public Hearing on RZ 2007-MV-011 (Carrhomes, LLC) (Mount Vernon District)
5:00	<b>Done</b>	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



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

**Monday**  
**June 30, 2008**

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9:30 a.m.

RECOGNITION of the County Expo winners of the Celebrate Fairfax! Festival

PRESENTATIONS

1. CERTIFICATE – To recognize Matthew Tiemann for his award-winning design in the Springfield communitywide flag design competition sponsored by the Greater Springfield Chamber of Commerce. Requested by Supervisors Bulova, Herrity and McKay.
2. CERTIFICATE – To recognize the Friends of the Burke Centre Library, members of the time capsule committee and the winners of the student essay contest for their efforts on behalf of the library. Requested by Supervisor Bulova.
3. CERTIFICATE – To recognize the planning committee and sponsors of the 2007 seventh annual Reston Multicultural Festival. Requested by Supervisor Hudgins.
4. CERTIFICATE – To recognize the sponsors of the 2008 Earth Day/Arbor Day celebration. Requested by Supervisor Bulova.
5. CERTIFICATE – To recognize Reston Interfaith, Burlington Coat Factory, Planet Aid and WPGC radio for their efforts for the sixth annual Hunter Mill District Winter Coat Closet. Requested by Supervisor Hudgins.
6. PROCLAMATION – To recognize the 70th anniversary of the Planning Commission and designate July 6-13, 2008, as Planning Commission Week in Fairfax County. Requested by Chairman Connolly and Supervisor Smyth.

STAFF:

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

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June 30, 2008

10:00 a.m.

Presentation of the A. Heath Onthank Awards

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Honorable Rosemarie Annunziata, Chairman of the Civil Service Commission  
Earnestine Heastie, Onthank Award Committee Chairman  
Gerald Connolly, Chairman, Board of Supervisors  
Dr. Daniel Storck, Chairman, Fairfax County School Board  
Anthony Griffin, County Executive  
Dr. Richard Moniuszko, Deputy Superintendent, Fairfax County Schools

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10:15 a.m.

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

ENCLOSED DOCUMENTS:  
Appointments to be Heard June 30, 2008

STAFF:  
Nancy Vehrs, Clerk to the Board of Supervisors

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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item  
June 30, 2008

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Tilbury Road Project (Lee District)

ISSUE:

Board authorization to advertise notice of a public hearing on the acquisition of certain land rights necessary for the construction of Project V00004 (RM101) - Tilbury Road, in Fund 303, County Construction.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for July 21, 2008, commencing at 4:00 p.m.

TIMING:

Board action is requested on June 30, 2008, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project, consisting of minor road improvements, installation of bollards/cable barriers at each end of the unpaved portion of Tilbury Road to restrict access, and tree trimming will facilitate emergency access for the properties along Tilbury Road and adjacent communities. Approximately 1,700 linear feet of "Dedication for Public Street Purposes" is required along an existing 20-foot outlet road; i.e., Tilbury Road, from Scotch Drive to Cobbs Road.

This project requires the acquisition of a deed of dedication along an existing 20-foot outlet road. The property is owned by an "unknown owner"; therefore, condemnation is required to obtain title to the affected property.

In order to commence construction on schedule for this project, it is necessary for the Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute; namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (2003).

Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

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FISCAL IMPACT:

Funding is available in Project V00004 (RM 101) - Tilbury Road in Fund 303, County Construction. No additional funding is being requested from the Board for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map  
Attachment B - Listing of Affected Properties

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

Board Agenda Item  
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ADMINISTRATIVE – 2

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

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Deibert Property at Douglass Drive	Dranesville	Father John Court Douglass Drive (Route 937) (Additional Right of Way Only)
Foster Subdivision	Dranesville	Windrock Drive (Route 3609) Windy Ridge Way
Alexan at Fairfax Ridge	Providence	Waples Mill Road (Route 665) Additional ROW Only Waples Mill Road (Route 665) Additional ROW Only Interstate Route 66 Additional ROW Only
Chestnut Hill	Providence	Chestnut Hill Ave (Rte 2758)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Oakdale Estates	Sully	Southfield Drive (Route 5362) Southfield Court West Ox Road (Route 608) Additional ROW Only
Ken M & Barbara B Touchton	Springfield	Compton Road (Route 658) Additional ROW Only
Pender Veterinary Clinic	Springfield	West Ox Road Route 608 (Ramp to Route 50) 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

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### ADMINISTRATIVE – 3

#### Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Mason, 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-P07-17 to August 31, 2008; application FS-M08-22 to September 4, 2008; applications FS-M08-23, FS-S08-24, FS-S08-25, and FS-D08-26 to September 5, 2008; and application FS-L07-61 to December 8, 2008.

##### TIMING:

Board action is required on June 30, 2008, to extend the review periods of the applications noted above before their expirations.

##### BACKGROUND:

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

The Board should extend the review period for application FS-L07-61, which was accepted for review by the Department of Planning and Zoning (DPZ) on November 8, 2007. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board also should extend the review periods for applications 2232-P07-17, FS-M08-22, FS-M08-23, FS-S08-24, FS-S08-25, and FS-D08-26, which were accepted for review by DPZ between April 3, 2008, and April 8, 2008. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the

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Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

- |             |   |
|-------------|---|
| 2232-P07-17 | Community Wireless Structures<br>145-foot monopole<br>3457 Gallows Road<br>Providence District  |
| FS-L07-61   | Fairfax County Park Authority<br>Master Plan Revision<br>6601 Telegraph Road (Lee District Park)<br>Lee District  |
| FS-M08-22   | Verizon Wireless<br>Rooftop antennas<br>6200 Wilson Boulevard<br>Mason District   |
| FS-M08-23   | FiberTower<br>Antenna colocation on existing monopole (athletic field light pole)<br>6560 Braddock Road (Thomas Jefferson High School)<br>Mason District    |
| FS-S08-24   | FiberTower<br>Antenna colocation on existing monopole (athletic field light pole)<br>4201 Stringfellow Road (Chantilly High School)<br>Springfield District |
| FS-S08-25   | FiberTower<br>Antenna colocation on existing monopole<br>4643 West Ox Road<br>Springfield District  |
| FS-D08-26   | FiberTower<br>Antenna colocation on existing monopole<br>Interstate 495 at Old Dominion Drive<br>Dranesville District                                       |

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

FISCAL IMPACT:  
None

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ENCLOSED DOCUMENTS:

None

STAFF:

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

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ADMINISTRATIVE - 4

Authorization to Advertise Proposed Amendments to the Map of Chesapeake Bay Preservation Areas, Chapter 118 (Chesapeake Bay Preservation Ordinance) of The Code of the County of Fairfax, Virginia, Re: Resource Protection Area Boundaries (Providence and Mount Vernon Districts)

ISSUE:

Board authorization to advertise proposed amendments to the map of Chesapeake Bay Preservation Areas, Chapter 118 (Chesapeake Bay Preservation Ordinance) of *The Code of the County of Fairfax, Virginia* (Fairfax County Code). The proposed amendments revise the Resource Protection Area boundaries on the adopted map of Chesapeake Bay Preservation Areas for map pages no. 47-2 and 110-1.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments to the map of Chesapeake Bay Preservation Areas as set forth in the Staff Report dated June 30, 2008.

TIMING:

Board action is requested on June 30, 2008, to provide sufficient time to advertise public hearings on July 24, 2008, before the Planning Commission and on August 4, 2008, at 4:00 p.m., before the Board.

BACKGROUND:

Section 118-1-9(a) of the Chesapeake Bay Preservation Ordinance requires that there be a map of Chesapeake Bay Preservation Areas adopted by the Board. Chesapeake Bay Preservation Areas include both Resource Protection Areas (RPAs) and Resource Management Areas. RPAs are required to be designated around all water bodies with perennial flow. Because Section 118-1-7(c) of the Chesapeake Bay Preservation Ordinance as adopted, requires that a stream be both perennial and depicted on the map as perennial to be subject to regulation as a water body with perennial flow, newly identified perennial streams must be added to the map to have RPAs designated around them.

On July 23, 2007, the Board directed staff to assess the stream associated with project DF92130 in the Difficult Run Watershed Management Plan, adopted by the Board in

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February, 2007, to determine if the stream should be classified as perennial. The stream in question was not evaluated during the perennial stream assessment project of 2002-2003 because of lack of access to the property through which the upper portion of the stream runs. Access is no longer an issue after receiving permission from the homeowners to assess the stream. However, because of the severe drought that occurred during the summer and fall of 2007, the assessment could not be performed until December 19, 2007. Based on the results of the field assessment, the stream in question has been classified as perennial. Results of the study are included as Attachment A. The proposed amendment to tax map page no. 47-2 is the result of this study.

The proposed amendment to tax map page no. 110-1 corrects the location of a stream segment near the intersection of Adrienne Drive and Old Mill Road. This portion of the stream is piped for approximately 450 feet where it crosses Adrienne Drive and the location of the pipe's outfall. The proposed amendment removes the RPA from over the top of the piped segment of the stream.

#### PROPOSED AMENDMENTS:

##### Tax Map Page No. 47-2:

A reach of stream was assessed below a wet pond at 2816 Hunter Mill Road (tax map page no. 47-2((12)) parcel 1). The pond and downstream channel are located in a residential area of single family houses and mowed yards. The origination of flow is from the wet pond and continues to the south/west to a confluence with another first order stream. The groundwater table was found to be very high. The investigators observed several indicators of perenniality, including several springs along the length of the stream (an old spring house structure is sited immediately adjacent to the outfall of the pond). The homeowner, Bruce Scott, indicated that the stream and springs flow all year and continued flowing even during the pronounced drought of 2007. Sustained streamflow during drought conditions is conclusive evidence of a perennial stream.

Additional indicators, such as caddisfly larvae (Hydropsychidae) were found to be plentiful on submerged substrate throughout the reach and crayfish chimneys were found along the streambed. Both are good biotic indicators of perennial flow conditions. The stream channel displayed moderate to strong geomorphic characteristics indicative of the presence of perennial streamflow. During the site visit, the Fairfax County perennial stream assessment protocol was applied and a datasheet was completed. The reach surveyed was assessed a score of 25.5. Generally, a score of 25 or higher indicates perennial flow. Perennial streams that have been impacted by urban environments may score lower than 25. The investigation concluded that the stream below the wet pond is perennial. The map of Chesapeake Bay Preservation Areas is

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being amended to add the stream and pond with their associated RPAs.

Tax Map Page No. 110-1:

A perennial stream on tax map page no. 110-1 identified during the 2002-2003 stream assessment project, runs generally parallel to and east of Adrienne Drive for approximately 1200 feet before entering into an underground pipe. The existing map of Chesapeake Bay Preservation Areas shows a pipe that terminates at Adrienne Drive with the stream flowing down the east side of the road until its intersection with Old Mill Road. At the intersection of Adrienne Drive and Old Mill Road, the existing map shows the stream entering a second pipe that crosses under Adrienne Drive. The stream is then depicted as flowing along the north side of Old Mill Road until it outfalls into a major tributary of Dogue Creek. Based on a recent field review, this flow path is incorrect. The first underground pipe is actually much longer, approximately 450 feet, and crosses Adrienne Drive approximately 200 feet north of Old Mill Road. After crossing Adrienne Drive, the pipe outfalls into a major tributary of Dogue Creek. The map of Chesapeake Bay Preservation Areas is being amended to reflect the correct flow path and revised RPA boundary. Because the RPA is not mapped around perennial streams that are piped for longer than 200 feet, the proposed amendment results in a reduction of the RPA area. The stream layer in County's Geographic Information System (GIS) also is being updated to reflect this new information.

REGULATORY IMPACT:

The proposed amendments will facilitate administration of the Chesapeake Bay Preservation Ordinance by providing a more accurate depiction of the extent of RPAs in Fairfax County. Properties along a stream that has been reclassified as perennial will be subject to additional regulatory requirements associated with RPAs that may limit development opportunities. The affected properties on tax map page no. 47-2 are zoned residential and are not subject to any approved rezonings, special exceptions, special permits, or variances. At this time there are no pending zoning applications, construction plans, or Building Permit applications that would be affected by the amended RPA designation. There are no potential impacts to the properties affected by the changes to tax map page no. 110-1 because RPA area is being removed. At the time of adoption of prior amendments to the map of Chesapeake Bay Preservation Areas, the Board adopted policies for the treatment of approved and pending plans of development with respect to said amendments to be administered by the Director of DPWES. Because there are no active plans or permits that would be affected by the new RPA designation, staff is not recommending that the Board provide similar consideration for the treatment of approved and pending plans of development affected by the proposed revisions to tax map page no. 47-2 at this time. However, staff will have a policy available for the Board's consideration at the time of the public hearing if

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this situation changes. In addition to the standard legal advertisements, a separate notice of the public hearings will be mailed to all property owners affected by the proposed amendments.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report dated June 30, 2008

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of Outstanding State Code Sections

ISSUE:

Board authorization to advertise amendments to Chapter 82, Motor Vehicles and Traffic. These amendments adopt outstanding motor vehicle and traffic-related state code sections into Chapter 82 of the *Code of the County of Fairfax, Virginia* and delete a code related to parking in spaces reserved for persons with disabilities.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the proposed amendments to Chapter 82.

TIMING:

Authorization to advertise the proposed amendments on June 30, 2008; Board of Supervisors' public hearing scheduled for July 21, 2008 at 4:30 p.m. The provisions of these amendments will become effective on July 21, 2008.

BACKGROUND:

A review of motor vehicle and traffic-related laws in Title 46.2 of the *Code of Virginia* identified several sections that had not previously been adopted by reference into the *Code of the County of Fairfax* Chapter 82. Staff recommends that these additional sections now be incorporated by reference. Doing so will enable law enforcement officers to cite County Code when writing traffic summonses, thereby ensuring that any fines assessed will be directed to the County rather than the Commonwealth.

A summary of these changes, which become effective July 21, 2008, is provided in Attachment 2.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic  
Attachment 2 - Summary of Outstanding State Code Sections Being Adopted into  
Chapter 82

STAFF:

Robert A. Stalzer, Deputy County Executive  
Colonel David M. Rohrer, Chief of Police  
Robert M. Ross, Assistant County Attorney

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Amendments to *The Code of the County of Fairfax, Virginia*, Chapter 82, Relating to Fines for Violation of County Handicapped Parking Restrictions and the Untimely Payment of Certain Parking Fines

ISSUE:

Board of Supervisors' authorization to advertise a public hearing to amend sections 82-1-32 and 82-5-29.1 of *The Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the proposed amendment to Chapter 82.

TIMING:

Authorization to advertise the proposed amendments on June 30, 2008; Board of Supervisors' public hearing is scheduled for July 21, 2008, at 4:30 p.m. If adopted, this ordinance would become effective on July 21, 2008.

BACKGROUND:

Currently, using a parking space reserved for persons with disabilities by a non-disabled person is punishable by a fine of \$250 in Fairfax County. The *Code of Virginia*, Section 46.2-1242 allows for a fine of up to \$500. The proposed amendments would increase the fine in Fairfax County to the State maximum of \$500. In addition, the current late fee for payment of certain parking violations is \$20. The proposed amendments would increase the late fee to \$25 if not paid within fifteen days of the offense. Also, the proposed amendments to Chapter 82 include updated references to the *Code of Virginia*.

FISCAL IMPACT:

The increase in fines charged for these parking violations is projected to result in a revenue increase of approximately \$0.1 million in FY 2009. This estimate has been included in the FY 2009 Adopted Budget Plan.

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ENCLOSED DOCUMENTS:

Attachment I - Proposed Amendment to Chapter 82 of *The Code of the County of Fairfax, Virginia*.

Attachment II – Advertisement to Amend Chapter 82

STAFF:

Edward L. Long, Deputy County Executive

David J. Ferris, Manager, Policy and Planning, Fairfax County Police Department

Michael H. Long, Senior Assistant County Attorney

ADMINISTRATIVE - 7

Authorization to Submit Proposed Grant Applications Under the Fiscal Year 2008 U.S. Department of Housing and Urban Development Super Notice of Funding Availability

ISSUE:

Board authorization for the Fairfax County Redevelopment and Housing Authority (FCRHA) to apply for grants under the U.S. Department of Housing and Urban Development (HUD) Super Notice of Funding Availability (SuperNOFA). This is the eleventh year HUD has issued a SuperNOFA. This notice announces over \$1.02 billion dollars in HUD program funds covering 36 different grant categories for public housing agencies, nonprofits, local and state governments, and faith-based agencies. The SuperNOFA describes the eligibility categories for the various grants. Not all of these agencies are eligible to compete in each category. The Department of Housing and Community Development (HCD) identified three grant applications for which it is requesting approval to apply from the FCRHA. These grants are listed in a chart in the Background section of this item.

RECOMMENDATION:

The County Executive recommends that the Board authorize the FCRHA to apply for the Housing Choice Voucher Family Self-Sufficiency Coordinator, the Resident Opportunities Self-Sufficiency (ROSS) Service Coordinator, and the Public Housing Family Self-Sufficiency Coordinator.

BACKGROUND:

On May 12, 2008, HUD issued a SuperNOFA containing funding for 36 different programs. HCD analyzed the programs and selected categories where funding would provide needed assistance in resident services and self-sufficiency. These programs are summarized in the following chart:

<b>Grant Name</b>	<b>Purpose</b>	<b>Maximum Grant Award</b>	<b>Deadline</b>
Housing Choice Voucher Family Self-Sufficiency Coordinator Program (Renewal Grant)	To provide funds to retain the services of a coordinator to increase the number of Housing Choice Voucher families participating in the Family Self-Sufficiency program.	\$66,000 (for each position)	July 16, 2008
Public and Indian Housing Family Self-Sufficiency	To provide funds to retain services of a coordinator to improve efforts at helping	\$68,000	July 18, 2008

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<b>Grant Name</b>	<b>Purpose</b>	<b>Maximum Grant Award</b>	<b>Deadline</b>
Program Coordinators (Renewal Grant)	Public Housing families achieve greater level of self-sufficiency.		
Resident Opportunity and Self-Sufficiency Service Coordinator	To provide funds for service coordinators to link Public Housing residents to needed services.	\$480,000	August 14, 2008

**CREATION OF NEW POSITIONS:**

The Public Housing and Housing Choice Voucher Family Self-Sufficiency grants are renewal programs and the current staffing plan will be maintained for the Public Housing Family Self-Sufficiency program. Because the Housing Choice Voucher Family Self-Sufficiency program has a waiting list for participation, HCD will apply for two coordinator positions. One grant-funded position will need to be created to accommodate an additional Housing Choice Voucher Family Self-Sufficiency coordinator. In addition, two grant-funded positions will need to be created for Service Coordinators if the Resident Opportunity and Self-Sufficiency Service Coordinator program is awarded.

**FISCAL IMPACT:**

The FCRHA will be the recipient of the SuperNOFA grants. If awarded, the Housing Choice Voucher Family Self-Sufficiency Coordinator Program funding will be placed in Fund 966, Section 8 Annual Contribution and the Public Housing Family Self-Sufficiency program funding and Resident Opportunity and Self-Sufficiency Service Coordinator program funding will be placed in Fund 965, Housing Grants.

There is a 25 percent or more cash or in-kind match requirement for the Resident Opportunity and Self-Sufficiency Service Coordinator program. This match requirement will be met through in-kind contributions, HCD staff support and facility usage, as well as non-profit staff and volunteer hours. No cash match from the FCRHA or County will be required.

**ENCLOSED DOCUMENTS:**

Attachment 1: Executive Summary of Housing Choice Voucher Family Self-Sufficiency Coordinator Program

Attachment 2: Executive Summary of ROSS Service Coordinator Program

Attachment 3: Executive Summary of Public Housing Family Self-Sufficiency Coordinator Program

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STAFF:

Verdia Haywood, Deputy County Executive

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

John Payne, Deputy Director, Real Estate, HCD

Carol Erhard, Director, Housing Management Division, HCD

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ADMINISTRATIVE - 8

Additional Time to Establish the Use for Special Exception SE 2005-SP-015, Washington, D.C. SMSA Limited Partnership D/B/A Verizon Wireless, (Springfield District)

ISSUE:

Board consideration of additional time to commence construction for SE 2005-SP-015 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six months of additional time for SE 2005-SP-015 to October 17, 2008.

TIMING:

Routine.

BACKGROUND:

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

On October 17, 2005, the Board of Supervisors approved Special Exception SE 2005-SP-015, subject to development conditions. The special exception application was filed in the name of Washington, D.C. SMSA Limited Partnership D/B/A Verizon Wireless, SE 2005-SP-015 to permit the replacement of an existing monopole and related site modifications at a previously approved telecommunication facility, pursuant to Sections 3-CO4 and 9-105 of the Fairfax County Zoning Ordinance, for the property located at Tax Map 91-1 ((1)) 17 (see the Locator Map in Attachment 1). SE 2005-SP-015 was approved with a condition that the use be established as evidenced by a new Non-RUP within 30 months of the approval date, unless the Board grants additional time. The development conditions for SE 2005-SP-015 are contained in Attachment 2. This Special Exception would have expired on April 17, 2008.

On March 26, 2008, the Department of Planning and Zoning received a letter dated March 24, 2008, from Frank W. Stearns, agent for the applicant, requesting six months of additional time

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to establish the use. The request was received prior to the date on which the approval would have expired; therefore the special exception will not expire pending the board's action on the request for additional time. A copy of the letter is included as Attachment 3. Mr. Stearns states that the special exception approval permits Verizon Wireless to locate on an existing Dominion Virginia Power tower on the subject property. Part of the application required the relocation of a carrier from a nearby Dominion Virginia Power tower to the same tower. Mr. Stearns states that Verizon Wireless has only recently been able to obtain the specifications required for the relocation of that additional provider's equipment. Since the specifications have now been acquired, Mr. Stearns asserts that the telecommunications equipment will be installed in the near future and a new Non-RUP will be obtained.

Staff has reviewed SE 2005-SP-015 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2005-SP-015 with the special exception standards applicable to the use and which should cause the filing of a new special exception application and review through the public hearing process. Finally, the conditions associated with the Board's approval of SE 2005-SP-015 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that it be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of October 17, 2008.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Locator Map

Attachment 2 – Letter dated October 26, 2005, to Frank W. Stearns from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3 – Letter dated March 24, 2008, from Frank W. Stearns

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

Fred Selden, Director, Planning Division, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 9

Additional Time to Commence Construction for Special Exception SE 2005-HM-004, Great Falls Heritage Partners, LLC (Hunter Mill District)

ISSUE:

Board consideration of additional time to commence construction for SE 2005-HM-004 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months of additional time for SE 2005-HM-004 to June 5, 2010.

TIMING:

Routine.

BACKGROUND:

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

On January 10, 2000, the Board of Supervisors approved SE 98-H-060 in the name of Chesapeake Healthcare Corp. for a medical care facility on the subject property. On September 9, 2002, the Board of Supervisors approved twenty-four months additional time for Chesapeake Healthcare to commence construction of the medical care facility. The expiration date of July 10, 2004, passed with no construction permits obtained, no additional time requested by the applicant, and the SE expired.

On January 31, 2005, Special Exception application SE 2005-HM-004 was filed by Great Falls Heritage Partners, LLC, to permit construction of a medical care facility that was essentially identical to that which had expired on the same property. On December 5, 2005, the Board of Supervisors approved Special Exception SE 2005-HM-004, subject to development conditions. The special exception application was filed in the name of Great Falls Heritage Partners, LLC to permit construction of a medical care facility, pursuant to Section 3-104 of the Fairfax County Zoning Ordinance, for the property located at Tax Map 11-2 ((1)) 34B (see the Locator Map in Attachment 1).

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SE 2005-HM-004 was approved with a condition that the use be established or construction be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time. The development conditions for SE 2005-HM-004 are contained in Attachment 2. This Special Exception would have expired on June 5, 2008.

On April 7, 2008, the Department of Planning and Zoning received a letter dated April 2, 2008, from Elizabeth D. Baker, agent for the applicant, requesting twenty-four months of additional time to commence construction. A copy of the letter is included as Attachment 3. The request was received prior to the date on which the approval would have expired; therefore the special exception will not expire pending the board's action on the request for additional time. Ms. Baker indicates that Site Plan #373-SP-001-2 is currently in bonding with DPWES. According to DPWES, the site plan was approved and sent to Bonds and Agreements on August 22, 2000. A cash bond of \$772,600 was paid on May 12, 2008. Ms. Baker states that based on the current schedule, the Applicant plans to post the bonds in May and June and that construction should commence during the summer of 2008. According to Ms. Baker, the applicant has requested twenty-four months of additional time because of the uncertainty in the current financial markets.

Staff has reviewed SE 2005-HM-004 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2005-HM-004 with the special exception standards applicable to the use and which should cause the filing of a new special exception application and review through the public hearing process. Finally, the conditions associated with the Board's approval of SE 2005-HM-004 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and that twenty-four months of additional time are reasonable. Staff recommends that twenty-four months of additional time be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of June 5, 2010.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Locator Map

Attachment 2 – Letter dated December 14, 2005, to Tara E. Wiedeman, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3 – Letter dated April 2, 2008, from Elizabeth D. Baker, agent for the applicant

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

Fred Selden, Director, Planning Division, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Expand the Stone Creek Crossing Community Parking District (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for July 21, 2008, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Stone Creek Crossing CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on June 30, 2008, to provide sufficient time for advertisement of the public hearing on July 21, 2008, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

STAFF:

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

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ADMINISTRATIVE - 11

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Langley Residential Permit Parking District, District 20 (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *the Code of the County of Fairfax, Virginia*, to expand the Langley Residential Permit Parking District (RPPD), District 20.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, July 21, 2008, at 4:30 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Langley RPPD, District 20.

TIMING:

The Board should take action on June 30, 2008, to advertise a public hearing for July 21, 2008, at 4:30 p.m.

BACKGROUND:

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

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A petition requesting expansion of the RPPD was received on April 12, 2005. The proposed District expansion includes the following street: Tina Lane (Route 6084) from Ridge Drive (Route 6090) to the end.

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on May 8, 2004 thereby satisfying Code fee requirements.

In April and May of 2005, staff conducted peak parking-demand surveys for Tina Lane and it did not qualify. This survey was conducted again on April 30, 2008 and verified that more than 75 percent of the total number of on-street parking spaces of the petitioning block were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning block, thereby satisfying Code parking requirements.

Therefore, it is recommended that the Board authorize the proposed advertisement (Attachment III) of a public hearing to consider expanding the Langley RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$400. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

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

STAFF:

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

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ADMINISTRATIVE - 12

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

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *the Code of the County of Fairfax, Virginia*, to expand the Robinson Residential Permit Parking District (RPPD), District 17.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, July 21, 2008, at 4:30 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Robinson RPPD, District 17.

TIMING:

The Board should take action on June 30, 2008, to advertise a public hearing for July 21, 2008, at 4:30 p.m.

BACKGROUND:

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

A petition requesting expansion of the RPPD was received on May 22, 2008. The proposed District expansion includes the following street block faces: Portsmouth Road (Route 4406) from Sideburn Road (Route 653) to Earlham Street (Route 4610).

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The signatures on the petitions represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on May 22, 2008, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board authorize the proposed advertisement (Attachment III) of a public hearing to consider expanding the Robinson RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$400. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

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

STAFF:

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

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ADMINISTRATIVE - 13

Approval of Traffic Calming Measures, and Multi-Way Stops as Part of the Residential Traffic Administration Program (Mason, Springfield, Sully, and Mount Vernon Districts)

ISSUE:

Board endorsement of traffic calming measures, and multi-way stops, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures for Munson Hill Road (Attachment I), Melville Lane (Attachment II), and Cabells Mill Drive (Attachment III) consisting of the following:

- Two speed humps on Munson Hill Road (Mason District).
- Three speed tables on Melville Lane (Springfield District).
- Two speed humps on Cabells Mill Drive (Sully District).

The County Executive further recommends approval of a multi-way stop at the following intersection:

- Neal Drive and Ashwood Drive (Mount Vernon District)

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

TIMING:

Board action is requested on June 30, 2008.

BACKGROUND:

Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Munson Hill Road, a traffic calming plan was approved by staff and the Virginia Department of Transportation (VDOT), and was subsequently submitted for approval to residents of the petition area. On May 27, 2008, the Department of Transportation received written verification from the local supervisor confirming community support for the traffic calming plan. For Melville Lane, a traffic calming plan was approved by staff and the Virginia Department of Transportation (VDOT), and was subsequently submitted for approval to residents of the petition area. On June 6, 2008, the Department of Transportation received written verification from the local supervisor confirming community

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support for the traffic calming plan. For Cabells Mill Drive, a traffic calming plan was approved by staff and the Virginia Department of Transportation (VDOT), and was subsequently submitted for approval to residents of the petition area. On May 16, 2008, the Department of Transportation received written verification from the local supervisor confirming community support for the traffic calming plan.

The RTAP allows for installation of multi-way stops in local residential neighborhoods at intersections consisting of a through cross street connected to adjacent intersections. In addition, the following criteria must be met, as contained in the Virginia Department of Transportation (VDOT) "Policy on Multi-way Stops in Residential Communities":

- The street has 100% residential frontage on both sides and is classified as a local or collector street.
- The street has a posted legal speed limit of 25 mph.
- No potential safety problems would be created.
- The intersection geometrics and spacing to adjacent intersections have been determined to be acceptable.
- There would be minimal impact on traffic flow for neighboring streets.

Staff and VDOT have authorized the multi-way stops requested. On May 30, 2008, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

The Board should be aware, however, of the potential negative impacts of multi-way stops. These include delay in travel time, reduced motorist compliance with regulatory signs, difficulty of police enforcement, parking restrictions within 30 feet of stop signs, and increased air and noise pollution.

FISCAL IMPACT:

The estimated cost of \$48,000 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan – Munson Hill Road

Attachment II: Traffic Calming Plan – Melville Lane

Attachment III: Traffic Calming Plan – Cabells Mill Drive

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 14

Additional Time to Commence Construction for Special Exception Amendment SEA 94-M-047, Saul Subsidiary I Limited Partnership (Mason District)

ISSUE:

Board consideration of additional time to commence construction for SEA 94-M-047, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months additional time for SEA 94-M-047 to March 26, 2010.

TIMING:

Routine.

BACKGROUND:

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

On September 26, 2005, the Board of Supervisors approved Special Exception Amendment SEA 94-M-047, subject to development conditions. The special exception amendment application was filed in the name of Saul Subsidiary I Limited Partnership to permit building additions (including an additional fast food restaurant and an additional fast food restaurant with a drive through window), site modifications, a reduction in land area, a waiver of certain sign regulations, and CRD parking reductions to a site previously approved for a fast food restaurant or drive-in bank in a highway corridor overlay district, pursuant to Sects. 7-607, 9-620, and 9-622 of the Fairfax County Zoning Ordinance, on the property located at 6201 Arlington Boulevard (Seven Corners Shopping Center) Tax Map 51-3 ((1)) 29, 29A and 51-3 ((16)) (B) 1 (see the Locator Map in Attachment 1). The development conditions for SEA 94-M-047 are included as part of the Clerk to the Board's letter in Attachment 2. The development conditions specified that the use be established or construction be commenced and diligently prosecuted within thirty months of the approval date, unless the Board granted additional time. This special exception amendment would have expired on March 26, 2008.

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On January 31, 2008, the Department of Planning and Zoning (DPZ) received a letter dated January 30, 2008, from Brian J. Winterhalter, agent for the applicant, requesting twenty-four months additional time to commence construction for this project (Attachment 3). The request was received prior to the date on which the approval would have expired; therefore, the special exception amendment will not expire pending the Board's action on the request for additional time. Mr. Winterhalter states that the review and approval of SEA 94-M-047 were coordinated with the planning and design efforts for the development of the pedestrian overpass and the new bus transit station at the Seven Corners Shopping Center. The pedestrian overpass is currently under construction and the bus transit station is in the design stage. He states that the applicant has diligently pursued establishment of the approved special exception uses and that two of the three approved uses are constructed and occupied. The drive-through restaurant is not yet established and the applicant is in discussions with potential tenants. Mr. Winterhalter states that twenty-four months additional time is being requested to give the applicant adequate time to commence construction of the unbuilt drive-through restaurant.

Staff has reviewed Special Exception SEA 94-M-047 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow building additions (including an additional fast food restaurant and an additional fast food restaurant with a drive through window), site modifications, a reduction in land area, a waiver of certain sign regulations, and CRD parking reductions in a highway corridor overlay district. Further, staff knows of no change in land use circumstances that affect the compliance of SEA 94-M-047 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed. Finally, the conditions associated with the Board's approval of SEA 94-M-047 are still appropriate. Staff recommends that twenty-four months additional time be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of March 26, 2010.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated September 30, 2005, to Mark C. Looney, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated January 30, 2008, from Brian J. Winterhalter, agent for the applicant, to Eileen McLane, Zoning Administrator

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Fred Selden, Director, Planning Division, DPZ

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

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ACTION - 1

Amended Parking Reduction Spring Hill Business Center (Providence District)

ISSUE:

Board approval of an amended 29.9 percent reduction in required parking for Spring Hill Business Center, Tax Map 29-3-01-0060C, Providence District.

RECOMMENDATION:

The County Executive recommends that the Board approve an amended parking reduction of 29.9 percent for the Spring Hill Business Center, 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 303 parking spaces must be maintained on site at all times.
2. No parking spaces shall be sold or reserved for use(s) or individual(s) not specifically allowed by this parking reduction as shown in the parking study/plan (plan number 6047-PKS-004-1) for this shared use or otherwise not in accordance with County Code provisions.
3. All live performances by First Stage, Inc. must start at 7 pm or later in the evening.
4. The following conditions set by the Board on February 13, 1995, shall remain in effect:
  - The current owner(s) (Tyson Springhill Limited Partnership) of the Parcel identified as Tax Map #029-3-01-0060-C on Fairfax County Property Maps shall submit a parking space utilization study for review and approval by the Board of Supervisors at any time in the future that the Zoning Administrator may determine that parking at the complex may be inadequate to serve the use(s). Following review of that study, the Board may require the addition of any or all of the parking spaces reduced by this application or the reduction of activities that occur on site so that adequate parking will be provided to serve the use(s).

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- All parking utilization studies conditioned by Board approval or required as a result of changed conditions will be based on County Code requirements in effect at the time of said parking utilization study submission.
  - No parking space shall be sold or reserved for use(s) or individual(s) not specifically allowed by this parking reduction as shown in the parking study/plan (Plan Number 6047-PS-01-2) for this shared use or otherwise not in accordance with County Code provisions.
  - 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 Fairfax County and shall be subject to the Board of Supervisors' approval.
  - All parking provided shall be in accordance with the applicable requirements of Article 11 of the Fairfax County Zoning Ordinance and the Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act (ADA).
  - The total number of employees for the proposed micro-brewery and restaurant cannot exceed 25, and the maximum number of seats cannot exceed 400. The hours of operation shall not exceed 4:30 pm to 2 am, Monday through Friday and 12 noon to 2 am, Saturday and Sunday.
  - The restriction imposed on the hours of operation set forth by development condition #7 of the Special Exception (SE 94-P-027) must remain in effect as long as this reduction is used to satisfy the parking requirement for the subject micro-brewery and restaurant use(s) at Spring Hill Business Center.
  - This parking reduction applies only to the uses identified herein. Any change of use of the subject parcel or failure to comply with any or all of the terms and conditions stated herein will render this parking reduction null and void and require the owner of the subject parcel to comply with the requirements of the Fairfax County Zoning Ordinance as if this parking reduction had never been approved.
5. The conditions of this 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.

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TIMING:

Board action is requested on June 30, 2008.

BACKGROUND:

On February 13, 1995, the Board approved a 13.4 percent parking reduction on this site for Spring Hill Food Service L.C. to operate a micro-brewery and restaurant. A total of 52 parking spaces were reduced from the Code requirement under the prior approval. The parking lot has been restriped as required by the Board at that time and accessible parking spaces installed.

A second applicant is now requesting another reduction of the parking code to establish a school of special education called First Stage Education. First Stage Education is a professional studio dedicated to the education of actors and theatre artists. The professional studio and education program will be conducting live theatre performances on evenings and weekends as a part of the educational experience. There will be audiences of up to 125 people at the performances. The parking demand generated by the students and their audiences generated the need for an on-site shared parking analysis to demonstrate that the existing parking could accommodate the addition of the new use.

On September 10, 2007, the Zoning Administrator determined that First Stage, Inc. could be considered a school of special education. However, any increase in the number of people allowed in the audience or change in operating hours would require a re-evaluation of the parking on this site. Therefore, the condition set by the Board with the approval of this parking reduction will restrict the applicant to 125 people attending live performances.

A review of the combined requested parking reduction which includes Spring Hill Foods Services, L.C., First Stage, Inc., and parking spaces lost to the proposed widening of Spring Hill Road, Route 684 results in a 29.9 percent total reduction in required parking for the site. The analysis in the parking study indicates that the mix of uses and their hourly parking accumulations can be served by the proposed reduced parking supply. Therefore, the staff supports the applicant's request for a 29.9 percent parking reduction subject to the conditions listed above.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment I – Parking Reduction Study and Letter of Request dated April 24, 2008,  
from Jack Wilbern, RA of Butz – Wilbern, Ltd.

Attachment II – Proposed site plan use and parking tabulation 6047-PKS-004-1  
prepared by Jack Wilbern, RA (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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## ACTION - 2

### Changes to the Fairfax County Purchasing Resolution

#### ISSUE:

Board approval of changes to the Fairfax County Purchasing Resolution.

#### RECOMMENDATION:

The County Executive recommends that the Board approve the changes to the Fairfax County Purchasing Resolution outlined below, to become effective on July 1, 2008. These proposed changes incorporate modifications resulting from legislation enacted during the 2008 session of the Virginia General Assembly and other administrative changes recommended by staff.

#### TIMING:

Routine.

#### BACKGROUND:

The Board of Supervisors adopted the current version of the Fairfax County Purchasing Resolution on July 9, 2007. During the 2008 session of the General Assembly, 34 bills were introduced relating to procurement and/or contracts. Of this number, four bills enacted into law either modified a mandatory section of the Virginia Public Procurement Act (VPPA) or included changes recommended by staff. The remaining bills affected state agencies only, were duplicates of other bills, or did not have any impact on Fairfax County. Staff recommends six administrative amendments of the Purchasing Resolution:

#### Code Changes

1. House Bill 944, Code of Virginia §2.2-4301, increases the monetary limits for architectural and professional engineering services related to construction projects. The bill raises the amount for a single contract from \$1 million to \$5 million and increases the maximum amount for each project from \$200,000 to \$1 million. This bill changes a mandatory section of the Virginia Public Procurement Act.
2. House Bill 1066, Code of Virginia §2.2-4303, clarifies that any public body may use competitive negotiation for the construction, alteration, repair, renovation, or demolition of structures (and not just buildings) when the contract is not expected to cost more than \$1 million. This bill changes a mandatory section of the Virginia Public Procurement Act.

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3. House Bill 1298, Code of Virginia §2.2-4311.1, requires all public bodies shall provide in every contract that the contractor does not, and shall not during the performance of the contract for goods and services, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986. This bill adds a new non-mandatory section to the Virginia Public Procurement Act. Staff recommends that it be incorporated into the Resolution.
4. House Bill 1386, Code of Virginia §2.2-4310, amends the definition of service-disabled veteran and the small business category of the non-discrimination clause. This bill does not change a mandatory provision under the Code of Virginia. However, staff recommends that it be incorporated into the Resolution.

Administrative Changes

1. Create exception for the Department of Transportation for capital construction contracting based on authority provided in Code of Virginia §33.1-75.3.
2. Add exemption from competitive procurement for retirement board investments, actuarial services, disability determination services (ref. Code of Virginia §51.1-124.30). This is an existing exemption that was not previously identified in the Fairfax County Purchasing Resolution.
3. Add exemption from competitive procurement for ballots and elections materials (ref. Code of Virginia §24.2-602). This is an existing exemption that was not previously identified in the Fairfax County Purchasing Resolution.
4. Change name of Supplier Diversity Program to Small and Minority Enterprise Program.
5. Revise and update Inventory Management, Article 6, to improve ease of use and readability. Except as listed in item 6 below, there are no material changes to this section.
6. Establish authority for the Department of Purchasing and Supply Management to provide control and oversight of space at County warehouse.

An "Index of Changes" summarizing all proposed modifications is provided in Attachment I. The text changes proposed of the Resolution are presented in "track changes" format and legislative references are provided in the right margin in Attachment II.

These changes have been coordinated with the Department of Public Works and Environmental Services, the Department of Housing and Community Development, the Fairfax County Park Authority, the Department of Transportation, Fairfax County Public Schools, and the Office of the County Attorney.

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I - Index of Changes

Attachment II - Revised Fairfax County Purchasing Resolution

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

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ACTION - 3

Authorization to Implement a New Initiative to Address Home Foreclosures in Fairfax County and to Reallocate Funding to Support this Initiative

ISSUE:

Board of Supervisors to authorize a program to address the foreclosure problem in Fairfax County. These approaches include: Assistance to Homeowners in Distress, the Silver Lining Initiative, and Neighborhood Preservation Efforts. In order to fully implement the program, several modifications to existing programs as well as funding allocations are needed.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Fairfax County Redevelopment and Housing Authority (FCRHA) to fully implement the three approaches to the new initiative to address home foreclosures in Fairfax County.

TIMING:

Board authorization is requested on June 30, 2008. Authorization to fully implement the three approaches to the program was approved by the FCRHA on June 19, 2008.

BACKGROUND:

On March 31, 2008, the Board of Supervisors directed the Fairfax County Department of Housing and Community Development (HCD) to address the growing foreclosure problem in the County by developing ways to stabilize neighborhoods and, at the same time, providing affordable workforce housing opportunities. HCD analyzed the foreclosure market, potential resources available, and existing programs that could be utilized or redirected to facilitate meeting the goals of neighborhood stabilization, workforce housing, and foreclosure mitigation. The goal of this initiative is to assist distressed homeowners through counseling, offer an opportunity for affordable homeownership to first-time homebuyers and at the same time, help to stabilize impacted neighborhoods.

On May 12, 2008, HCD presented a report and proposed program to the Board's Housing Committee (see Attachment 2). HCD proposed the following three-pronged approach:

- 1. Assistance to Homeowners in Distress:** HCD will utilize its foreclosure specialists to assist the Virginia Housing Development Authority (VHDA) to counsel households at risk of foreclosure in Fairfax County. In addition, HCD hopes to train volunteer counselors to become certified foreclosure counselors. The focus of the counseling will be to connect homeowners with their lenders or other resources, with the ultimate

goal of a loan work out. HCD will also perform community outreach to include attorneys who could provide pro bono services.

- 2. Silver Lining Initiative:** Taking advantage of the increasing supply of foreclosed homes, HCD will assist first-time homebuyers to purchase a foreclosed home through a Home Equity Loan Program (HELP) second trust. HELP loans provide shared-equity loans to new purchasers allowing them to afford a home with the FCRHA sharing in future equity returns on the property. It is anticipated that up to 100 homes will be purchased by first-time homebuyers through this initiative. The maximum cost of the house will be \$385,000 and the program will be limited to townhomes and single-family homes. Lower cost first mortgages through the VHDA SPARC program will be utilized and the existing Home Improvement Loan Program (HILP) will be utilized for repairs and improvements.
- 3. Neighborhood Preservation Efforts:** There are four components to assist with the preservation of neighborhoods faced with foreclosed houses. They are:
  - A. Direct Strategic Purchase:** Purchasing up to ten foreclosed homes identified as abandoned, deteriorated or a destabilizing force on the neighborhood. The home would be rehabilitated and resold to first-time homebuyers or non-profit organizations.
  - B. U.S. Department of Housing and Urban Development's (HUD) Dollar Homes Initiative:** Purchasing single-family homes that are acquired by the Federal Housing Administration (FHA) as a result of foreclosure actions. Single-family properties are made available through the program whenever FHA is unable to sell the homes for six months. By selling vacant homes for \$1 after six months on the market, HUD makes it possible for communities to fix up the homes and put them to good use at a considerable savings. The newly occupied homes can then act as catalysts for neighborhood revitalization, attracting new residents and businesses to an area. It should be noted, however, that this inventory is limited in Fairfax County.
  - C. Neighborhood Appearance and Safety:** Utilizing the existing HILP program for low-cost loans to homeowners. These homeowners may be identified through the assistance of other County agencies/initiatives.
  - D. Community Housing Development Organizations (CHDO) Set-Aside:** Designate Fiscal Year 2009 CHDO HOME set-aside funds of \$402,624 to non-profit organizations that are certified CHDOs to buy foreclosed homes, rehabilitate the homes if necessary and either sell those homes to qualified first-time homebuyers or use those homes for rental purposes for qualified tenant. The Request for Proposals for such funds is expected to be released in August/September 2008.

In order to implement the program, the following program modifications and funding allocations/reallocations will be required:

**1. Modify the Home Improvement Loan Program for Homebuyers Purchasing Foreclosed Homes in the following ways:**

- A. An exception of up to a 110 percent loan-to-value ratio will be granted for previously-foreclosed houses needing repair. This exception is currently available to address critical health, structural, or community needs.
- B. Eligible uses of funds for homebuyers purchasing foreclosed homes will be expanded to include appliances, landscaping, minor structural repairs, exterior and interior painting, and flooring.

**2. Modify the Homebuyer Equity Loan Program in the following ways:**

- A. Making purchasing a foreclosed home a requirement for the HOME-funded portion of the HELP program. Purchasing a foreclosed home will also be a requirement when County funds are used.
- B. Households earning 80 percent or below AMI will be eligible to receive up to \$70,000 gap financing and six percent closing costs. Using County funds, workforce housing limits may be increased to 100 percent AMI. However, the financing will be reduced to no more than \$50,000 gap financing and six percent closing costs.

All HELP loans will be subject to review and approval by the Loan Underwriting Committee.

**3. Reallocate \$210,310 of HOME Funds to Project 014275, Silver Lining Initiative:**

There are remaining balances in several HOME-funded projects that will be reallocated to the HELP program. These are: Project 014040, Herndon Harbor II, \$13,998; Project 014255, Lorton Valley, \$3,373; Project EMER09, Tenant-based Rental Assistance - Hurricane Katrina, \$180,255; and Project HUNT06, Tenant-based Rental Assistance - Huntington Flood, \$12,684.

**4. Reallocate \$1.8 Million in Fiscal Year 2009 from Project 014196, Affordable/Workforce Housing and Up to \$4.5 Million, Subject to Appropriations, in Fiscal Year 2010 from Fund 319, the Penny for Affordable Housing Fund, to Project 014275, Silver Lining Initiative:** A total of up to \$6.3 million in County funds is needed to fully-fund the HELP portion of the foreclosure program. Approximately 22 households will be served through the Penny for Affordable Housing Fund in Fiscal Year 2009.

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In Fiscal Year 2010, the remaining \$4.5 million will be needed from the Penny for Affordable Housing to serve the remaining households purchasing foreclosed homes in order to meet the goal of serving 100 families.

- 5. Authorize Expenditure of Up to \$2.95 Million of the Fairfax County Redevelopment and Housing Authority's Bank of America Taxable Line of Credit for the Purchase and Rehabilitation of Ten Foreclosed Homes:** Up to ten homes will be purchased, rehabilitated, and resold to first-time homebuyers. The FCRHA's taxable line of credit will be used for funds to purchase and rehabilitate these properties. Upon sale of the property to a first-time homebuyer, the funds will be repaid immediately to the line of credit. HCD intends to recapture the cost the property, closing, rehabilitation, line of credit interest and any other costs through the sale of the property. Some properties may be those made available through the HUD Dollar Homes Initiative.
- 6. Designate Fiscal Year 2009 CHDO HOME Set-aside for Non-profit Purchase of Foreclosed Homes.**

CREATION OF NEW POSITIONS:

None

FISCAL IMPACT:

Balances from the following completed HOME-funded projects in Fiscal Years 2008 will be reallocated to Project 014275, Silver Lining Initiative: Project 014040, Herndon Harbor II, \$13,998; Project 014255, Lorton Valley, \$3,373; Project EMER09, Tenant-based Rental Assistance -Hurricane Katrina, \$180,255; and Project HUNT06, Tenant-based Rental Assistance - Huntington Flood, \$12,684. At Fiscal Year 2008 carryover, the remaining balance in Project 014256, Homebuyers Assistance Program (HELP), will be reallocated to Project 014275, Silver Lining Initiative within Fund 145. In addition, funds previously allocated in Fiscal Year 2009 to Project 014256, will also be reallocated to Project 014275, Silver Lining Initiative, within Fund 145.

In Fiscal Year 2009, \$1.8 million will be reallocated from Project 014196, Affordable/Workforce Housing, to Project 014275, Silver Lining Initiative, within Fund 319, The Penny for Affordable Housing. In addition, and subject to Fiscal year 2010 appropriations by the Board of Supervisors, an additional \$4.5 million will be allocated to Project 014275, Silver Lining Initiative, Fund 319.

The FCRHA will draw down up to \$2.95 million from its taxable line of credit with Bank of America in Fund 948, FCRHA Private Finance, Project 014275, Silver Lining Initiative, to be used for the purchase and rehabilitation of up to 10 foreclosed homes. These funds will be repaid immediately once the property is resold to a first-time homebuyer.

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ENCLOSED DOCUMENTS:

Attachment 1: Addressing the Foreclosure Crisis in Fairfax County

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, Real Estate, HCD

Steve Solomon, Director, Financial Management, HCD

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

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ACTION - 4

Approval of the Proposed By-Laws for the Fairfax County Architectural Review Board (ARB)

ISSUE:

Approval of the proposed by-laws for the Fairfax County ARB.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed by-laws for the Fairfax County ARB as set forth in the enclosed document.

TIMING:

Board action is requested on June 30, 2008.

BACKGROUND:

The Fairfax County ARB was authorized by the Board on November 22, 1967. The Board established the ARB to: 1) administer the provisions of Part 2 Article 7, Historic Overlay Districts, of the Zoning Ordinance; and 2) advise and assist the Board in its efforts to preserve and protect historic, architectural, and archaeological resources in Fairfax County.

In 2006, the County completed an audit of the ARB. The audit found that the ARB did not have by-laws. The auditors recommended that the ARB adopt by-laws. In response to the audit recommendation, the ARB has prepared by-laws for formal presentation to the Board for approval.

The principal sections of the by-laws are:

- definition of the ARB's purpose and authority;
- conduction of meetings and voting;
- rules of governance for ARB actions;
- consideration of factors and principles governing ARB decisions;
- consideration of the duties of officers and officer term limits; and
- creation of committees and establishment of the duties of each committee.

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed by-laws for the ARB

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Paul Emerick, Assistant County Attorney

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

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

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

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ACTION - 5

Approval of a Project Agreement and Funding for Mulligan Road (Mount Vernon District)

ISSUE:

Board approval to execute a project agreement (Attachment I) to expend County commercial and industrial (C&I) tax revenues for transportation to allow the initial construction of four lanes rather than just two on Mulligan Road through Fort Belvoir between U.S. Route 1 and Telegraph Road. The Agreement is with the Virginia Department of Transportation (VDOT), and the U.S. Department of Transportation, Federal Highway Administration, Eastern Federal Lands Highway Division (EFLHD), for construction of the new connector road. County C&I funds are necessary because federal funds have only been made available to complete two of the needed four lanes.

RECOMMENDATION:

The County Executive recommends that the Board approve the project agreement in substantial form, including the provision of using up to \$12.1 million in County C&I funds only for the construction of two additional lanes of Mulligan Road between U.S. Route 1 and Telegraph Road.

TIMING:

Board approval is requested on June 30, 2008.

BACKGROUND:

This project is for the construction of a new connector road between Richmond Highway (U.S. Route 1) and Telegraph Road (VA Route 611) through Fort Belvoir and the Humphrey's Engineer Center. Following the events of September 11, 2001, the U.S. Department of Defense (DoD) eliminated through public access on Beulah Street (Route 613) and Woodlawn Road (Route 618) within Fort Belvoir. While the County's Transportation Plan called for 4 lanes on Woodlawn Road and Beulah Street at the time of their closure, and currently reflects the need for 4 lanes on Mulligan Road, DoD has refused to fund more than 2 of the needed 4 lanes between Richmond Highway and Telegraph Road as its contribution to the replacement of the two closed roadways.

On September 10, 2007, the Board approved a change to the Fairfax County code so as to implement new (C&I) taxes to generate needed revenues for transportation projects in Fairfax County, as authorized by the General Assembly in HB 3202. As part of the FY 2009 Adopted Budget Plan, the Board of Supervisors approved an 11 cent commercial and industrial real estate tax rate which becomes effective on July 1, 2008, and is estimated to

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raise approximately \$52 million per year in needed transportation project revenues. In addition, the Board adopted a list of transportation projects to be funded by the proposed local option C&I tax for transportation, including \$32.3 million of the C&I funds allocated for BRAC-related projects. These include Mulligan, Telegraph, and Rolling Roads, and spot improvements and transit service enhancements needed to support the influx of up to 19,300 new federal positions relocating to the southern portion of the County as a result of the 2005 BRAC Action for Fort Belvoir.

The Project Agreement with VDOT and EFLHD for the Mulligan Road project is similar to agreements the Board has used previously for County-funded VDOT projects. The attached project agreement authorizes immediate transfer of \$3.0 million in project funds and provides for the obligation of up to \$9.1 million in additional funds, to be conveyed upon receipt of the Notice to Proceed for Construction of the Mulligan Road project. By making Fairfax County C&I funds available at this time, the full 4-lane cross-section can be completed as a single project, rather than construction of two lanes initially and a later widening project for two additional lanes. Completing the roadway as a single project is more efficient in terms of reduced design and construction costs and disruption to traffic at the tie-in points and minimizes the potential for cost increases that result from phased implementation.

FISCAL IMPACT:

Funding is available within Fund 124, County and Regional Transportation Projects, through anticipated transportation commercial and industrial revenues for this project. The total amount of commercial and industrial revenue funds allocated to the project is up to \$12.1 million, including \$3.0 million to be advanced so the project bid advertisement may go forward, and upon award of a contract, up to an additional \$9.1 million may be conveyed (anticipated in October 2008) for this project. Funding will be reallocated from Project Reserve to the Mulligan Road project as part of the FY 2008 Carryover Review.

The County funds, combined with \$8 million of federal earmark funds and \$34.8 million of federal Defense Access Road (DAR) funds will be used to complete construction of four lanes of the new Mulligan Road and related intersection improvements to U.S. Route 1 and Telegraph Road. Total cost of the Mulligan Road project is \$54.9 million.

ENCLOSED DOCUMENTS:

Attachment I – Agreement for County-Funded Roadway Improvements to Mulligan Road

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Department of Transportation (FCDOT)  
Ellen F. M. Posner, Assistant County Attorney

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Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Tom Biesiadny, Chief, Coordination and Funding Section, FCDOT  
Jay Guy, Coordination and Funding Section, FCDOT  
Jim Chandler, Transportation Planning Section, FCDOT

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ACTION - 6

Comments on Design Plans for the Capital Beltway (I-495) High Occupancy Toll Lanes Project

ISSUE:

Board issuance of comments on the design plans for constructing High Occupancy Toll (HOT) Lanes on the Capital Beltway (I-495) between I-95/395 to just north of the Old Dominion Drive overpass.

RECOMMENDATION:

The County Executive recommends that the Board offers conditional concurrence with the design plans for constructing HOT lanes on I-495 from the interchange of I-95/395 to just north of the Old Dominion Drive overpass, generally as presented at the May 20 and 21, 2008, public hearings, subject to the following modifications, comments, and requests for additional coordination to ensure that the project remains fully in conformance with the Fairfax County Comprehensive Plan:

- Coordinate plans to manage stormwater runoff, including sediment and erosion control, outfall treatments, and necessary easements, with the Fairfax County Department of Public Works and Environmental Services Stormwater Planning Division (for all locations) and the Fairfax County Park Authority Planning and Development Division (for park properties). Fairfax County wants to ensure, in particular, that areas of known existing stormwater management concern and stream degradation adjacent to the project are given careful treatment and adequate stabilization during and at the completion of construction so as not to exacerbate existing stream degradation. It is desirable that planned stormwater management facilities and areas identified on preliminary road plans be maximized and optimized where possible to help alleviate existing and future stormwater impacts due to the highway. The County requests the opportunity to review the portions of the construction plans dealing with stormwater and erosion and sedimentation control, and will provide comments on these elements on a priority basis within VDOT's established review timeframes and provide collaborative opportunities for implementation of watershed capital improvement projects.
- In locations where feasible, construct new sound walls before existing sound walls are removed or, at a minimum, in those areas where pre-replacement is not feasible due to topographic changes, commit to replace the noise walls within a minimal time frame after removal so that residents are not left without sound protection for long periods of time.
- Further review should be given to the construction of sound walls adjacent to Wakefield Park and Ravensworth Industrial Park to protect both the extremely active

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and well used Wakefield Park and residential neighborhoods adjacent to both Wakefield Park and the industrial park.

- Further consideration should be made for the re-establishment of the mountain bicycle trail system through Wakefield Park.
- Further review should be given to the adequacy of noise abatement for high-rise properties located within the noise-impacted areas.
- Consider construction of sound walls north of the project limits to Georgetown Pike which will be required as part of the future extension of the project toward the north.
- Develop and fund plans for the reforestation of trees and landscaping removed as part of the project.
- Minimize right-of-way taking, easement footprints, tree loss, and erosion from stormwater runoff in Jefferson District Park, Flag Run Park, Fitzhugh Park, Wakefield Park, Americana Park, Annandale Park, and Accotink Stream Valley Park.
- Consider funding and constructing a new ramp for emergency access only from the northbound I-495 HOT Lanes to Gallows Road and the regional INOVA Fairfax Hospital Trauma Center.
- Evaluate early construction of an additional lane on the ramp from northbound I-495 to Gallows for emergency vehicles as well as bus priority and bypass lanes on Gallows Road.
- Modify the traffic signals along Gallows Road in the vicinity of INOVA Fairfax Hospital, including the ramps at I-495 with emergency vehicle pre-emption during and following construction.
- Evaluate potential additional improvements at the I-495/I-66 interchange that will address safety and operations.
- Provide traffic mitigation during the construction phase and provide traffic management measures where neighborhoods are impacted by diverted traffic.
- In conducting additional arterial traffic studies for mitigation, consider potential long-term access needs to adjacent cross streets.
- Consider a connection of Eskridge Road to Williams Drive to help reduce congestion in the Gallows Road corridor.
- Review Gallows Road in the vicinity of the Woodburn Elementary School for a possible traffic signal and pedestrian enhancements.
- Evaluate in detail the maintenance of traffic plans for Route 50 and Route 123 to minimize the length of time needed for lane closures.
- Identify truck haul routes to be used for construction activity and ensure that construction vehicles associated with the project do not use local streets.
- Consider additional options for public transportation during construction.
- In identifying construction staging areas, work closely with the affected communities.
- Schedule regular briefings with the Board offices, county staff, community groups and the general public on what to expect in the following months during the construction phase of the project.

**REVISED**

TIMING:

The Board should take action on this matter as soon as possible to allow the Virginia Department of Transportation (VDOT) to proceed with final design details, and initial construction operations under the design-build contract delivery concept.

BACKGROUND:

The Capital Beltway between the Springfield Interchange and the American Legion Bridge is on the County's Transportation Plan as a future 12 lane facility with HOT lanes. The Beltway is currently 8 lanes plus auxiliary lanes at interchanges.

The I-495/Capital Beltway HOT Lanes project will add two new high occupancy vehicle (HOV)/Bus/HOT lanes in each direction between the Springfield Interchange and just north of the Dulles Toll Road (Old Dominion Drive overpass). HOV-3, motorcycles, buses and emergency vehicles will use the HOV/Bus/HOT lanes free of charge. Non-HOV motorists will be able to access the HOV/Bus/HOT lanes by paying a toll. Tolls will be based on demand, also called congestion pricing. Tolls will change throughout the day according to real-time traffic conditions to manage the number of cars in the HOV/Bus/HOT lanes and keep lanes free of congestion. The project is designed to provide congestion relief to all drivers, keep traffic moving on the Capital Beltway and reduce cut-through traffic on neighborhood streets. The Virginia HOV/Bus/HOT lanes project is being developed as a public-private partnership between VDOT and Fluor-Transurban. Under their 80-year comprehensive partnership agreement, which began in December of 2007, VDOT will own and Fluor-Transurban will construct, operate, and maintain the HOT Lanes.

The project calls for replacement of more than \$250 million of aging infrastructure including more than 50 bridges and overpasses; replacement of existing soundwalls and construction of new sound walls to reduce noise for surrounding neighborhoods; upgrades to twelve key interchanges; and new access points at Merrifield and Tysons Corner.

Public Hearing Comments:

Two public hearings were held on Tuesday, May 20 and Wednesday, May 21, 2008 (Attachment 1). Approximately 350 people attended the hearings and 259 written and 46 oral comments were submitted. Of the 305 oral and written comments received, 14 indicated support of the project as proposed and 51 indicated opposition to the project.

Major concerns/comments received are summarized as follows:

- Strong support for project plans to provide pedestrian and bicycle accommodations on the bridges crossing I-495.
- The need for additional sound walls adjacent to Wakefield Park and the Ravensworth Industrial Area to protect adjacent residential areas and Wakefield Park.
- The height of the sound walls need to be re-evaluated, particularly adjacent to the North Springfield community, Americana Drive, and adjacent to high-rise properties

**REVISED**

located in the impacted areas.

- The project should provide a contiguous sound wall adjacent to the Lafayette Village community.
- The project needs to reforest and landscape the areas denuded or impacted by the project.
- Residential traffic management plans need to be developed to minimize impacts to residential streets.
- Communication with local communities has been poor; better communication is needed during the construction phase of the project.
- Consideration should be given to constructing facilities for mass transit, rail and bus, rather than more pavement for vehicles.

Project Cost and Schedule:

This project is a Public Private Partnership Act project. Total construction costs are \$1.4 billion and include \$409 million provided by state funds, and a \$587 million federal grant. The project schedule is as follows:

Design Public Hearings: May 20 and 21, 2008

Right-of-Way Acquisition: Begin July 2008

Construction: July 2008 – Winter 2012

Completion/Opening of HOT Lanes: December 2012

Sidewalks and Trails:

VDOT has committed to the provision of pedestrian and bicycle facilities on the crossings of the Beltway as shown in Attachment 2.

Right-of-Way Impacts:

There are 140 residential and business properties that will be partially impacted by the HOT lanes project. There are also 8 total property relocations, all located along Luttrell Road, in the Mason District. Seven parks will be impacted by right-of-way takings and easements: Jefferson District Park, Flag Run Park, Fitzhugh Park, Wakefield Park, Americana Park, Annandale Park, and Accotink Stream Valley Park. Approximately 2.1 acres will be taken for right-of-way and approximately 4.5 acres will be needed for permanent drainage easements, permanent utility easements, and temporary construction easements. Additional property may be needed for permanent retaining wall easements.

FISCAL IMPACT:

No County funds are provided for this project.

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**REVISED**

ENCLOSED DOCUMENTS:

Attachment 1: Design Public Hearing Brochure

Attachment 2: Bike-Pedestrian Facilities Crossing I-495 as part of the HOT Lanes Project

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Karyn L. Moreland, Chief, Capital Projects Section, FCDOT

William P. Harrell, Senior Transportation Planner, Traffic Operations Division, FCDOT

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Board Agenda Item  
June 30, 2008

ACTION - 7

Fair Oaks Mall First Amendment to Existing License Agreement (Springfield District)

ISSUE:

Board approval of a First Amendment to the existing License Agreement with Fair Oaks Mall to permit Fairfax Connector buses to board and discharge passengers at a designated bus stop within the Mall premises.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached First Amendment to the existing License Agreement with Fair Oaks Mall and authorize the Director of Transportation to execute the final agreement on behalf of Fairfax County.

TIMING:

Board action is requested on June 30, 2008, to continue to allow Fairfax Connector bus access and egress after July 17, 2008, to serve mall employees and customers.

BACKGROUND:

The County and Fair Oaks Mall entered into a License Agreement for the period commencing July 17, 2003, and ending on July 17, 2008. Both parties desire to continue this relationship.

In order to permit Fairfax Connector buses to continue to serve Fair Oaks Mall, the mall requires an agreement to specify what bus routes are to be operated and how these buses will traverse the mall's property. The County has now negotiated with the management of the mall to develop a First Amendment to the existing License Agreement. This amended agreement would continue to permit Fairfax Connector buses both access and egress to and from this major retail center and contribute to increased ridership, provide bus service to a significant number of mall employees, and satisfy citizen requests to provide bus service for greater shopping opportunities.

In 2003, negotiations between the two parties resulted in a 5-year agreement which identifies a bus stop location and routing for the Fairfax Connector Bus Route # 605, Fair Oaks – Reston Line. As part of the amendment, staff has proposed revised routing for its existing services to the mall, and future planned services.

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The amendment provides provision for liability insurance as addressed by the County's Risk Management Division and shall be provided to the mall.

FISCAL IMPACT:

There is no fiscal impact as a result of this agreement.

ENCLOSED DOCUMENTS:

Attachment I: Proposed First Amendment to Existing License Agreement with Fair Oaks Mall

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Thomas N. Black, Section Chief, Transportation, FCDOT

Board Agenda Item  
June 30, 2008

## INFORMATION - 1

### Contract Award - Generator System Rehabilitation (Mount Vernon District)

Three sealed bids were received and opened on Tuesday, May 20, 2008, for the construction of the Generator System Rehabilitation, Project I00351, Pump Station Renovations, Fund 402, Sewer Construction Improvements. This contract award will provide for rehabilitation of three generator systems located at the Accotink, Dogue Creek, and Little Hunting Creek wastewater pumping stations. The remaining portions of each pumping station will be fully operational during the rehabilitation of the existing generators. This project is included in the FY 2009 - FY 2013 Adopted Capital Improvement Program (with Future Fiscal Years to 2018).

The lowest responsive and responsible bidder is Alpha Construction Company, Inc. The bid of \$4,257,000 is \$558,448 or 15.0% higher than the Independent Engineer's Estimate of \$3,698,552. This is due to specialty nature of this work and the rapidly increasing costs of emergency generators and copper. The second lowest bid of \$4,459,000 is \$202,000 or 4.7% above the low bid. The highest bid of \$6,200,000 is \$1,943,000 or 45.6% above the lowest bid.

Alpha Construction Company, Inc. has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Alpha Construction Company, Inc. has the appropriate Fairfax County Business, Professional and Occupations License. Alpha Construction Company, Inc. is a small business firm.

This bid may be withdrawn after July 4, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Alpha Construction Company, Inc. in the amount of \$4,257,000.

#### FISCAL IMPACT:

Funding in the amount of \$5,026,431 is necessary to award this contract and to fund the associated contingency and other project costs including design, utility relocation, contract administration, inspection, testing, permits, and fees. Funding in the amount of \$1,695,454 is available in Project I00351, Pumping Station Rehabilitations, Fund 402,

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Sewer Construction Improvements. Additional funding in the amount of \$3,330,977 will be reallocated from other projects in Fund 402 at a regularly scheduled quarterly review.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map of Dogue Creek Pumping Station

Attachment 3 – Vicinity Map of Little Hunting Creek Pumping Station

Attachment 4 – Vicinity Map of Accotink Creek Pumping Station

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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## INFORMATION - 2

### Contract Award - Engineering Design Services for Cinder Bed Road Improvements (Mount Vernon District)

Consultant services are needed to provide engineering design services for the relocation and improvement of Cinder Bed Road, Project 4YP214, in Fund 304, Transportation Improvements. The project will consist of relocating the intersection of Cinder Bed Road and Newington Road. Cinder Bed Road will be realigned to intersect with Newington Road with a new "T" intersection. An approximately 550 feet new alignment will be required including a new structure over Long Branch Creek. The entrance to the County's vehicle maintenance facility will also be relocated. A portion of existing Cinder Bed Road will be removed and stream restoration and stormwater mitigation utilizing this area is to be studied.

The engineering firm of Campbell and Paris Engineers (CPE) was selected in accordance with the guidelines contained in the Fairfax County Purchasing Resolution.

The contract award is for the amount of \$396,908, including contingency, to provide design services for the preliminary engineering of the project. An addendum for final design will be negotiated following completion of the preliminary design and determination of the type of structure over Long Branch Creek.

The Department of Tax Administration has verified that CPE has the appropriate Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to CPE in the amount of \$396,908.

#### FISCAL IMPACT:

Funding is available in Project 4YP214, Cinder Bed Road Improvements, in Fund 304, Transportation Improvements to award this contract.

#### ENCLOSED DOCUMENTS:

None (A Copy of Contract is available in the Office of the Clerk to the Board)

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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### INFORMATION - 3

Contract Award – Architectural/Engineering (A/E) Design and Construction Administration Services for the West Ox Animal Shelter Renovation and Expansion Project (Springfield District)

Consultant services are required to provide A/E design and construction administration services for the renovation and expansion of the West Ox Animal Shelter, Project 009228, in Fund 312, Public Safety Construction. This project is included in the FY 2009 – FY 2013 Adopted Capital Improvement Program, and was approved in the fall of 2006 in the public safety bond referendum.

The project will consist of approximately 16,000 square feet of renovation, 13,000 square feet of expansion, and related site improvements. The project will be designed and constructed in accordance with the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) guidelines.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of Cole & Denny Incorporated was selected based on the firm's technical expertise and relevant experience in animal shelter and renovation projects. The Department of Tax Administration has verified that Cole & Denny Incorporated is located in the City of Alexandria, and does not require a Fairfax County Business, Professional and Occupational License.

The firm of Cole & Denny Incorporated will provide the engineering services required to prepare the construction documents, including facilities evaluation, preliminary design, final design, and bid assistance. Cole & Denny Incorporated will also assist the County by providing construction administration services during construction.

The engineering design services and the construction administration services contract amount is \$1,573,400.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Cole & Denny Incorporated in the amount of \$1,573,400.

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FISCAL IMPACT:

Funding in the amount of \$1,573,400 is necessary to award this contract and to fund the associated contingency and other project costs. Funding in the amount of \$17,000,000 is available in Project 009228, Fund 312, Public Safety Construction, to award this contract and to fund the associated contingency and other project costs.

ENCLOSED DOCUMENTS:

Attachment 1 – List of awardee and other firms interviewed  
(Copy of contract is available in the Office of the Clerk to the Board)

STAFF:

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

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#### INFORMATION - 4

#### Contract Award - Mount Vernon Mental Health Center Expansion/Renovation (Mount Vernon District)

A total of nine contractors were prequalified to bid on the project for the construction of Mount Vernon Mental Health Center Expansion/Renovation Project 04A004, Fund 311, County Bond Construction. Six sealed bids were received and opened on June 5, 2008. This contract award will provide for the construction of an approximately 15,000 square-foot addition and renovation of approximately 24,000 square feet of existing facility. This project is included in the FY 2009 - FY 2013 Adopted Capital Improvement Program.

The apparent low bidder was American Property Construction Company who requested to withdraw their bid due to an unintentional omission of a quantity of work in compilation of the bid. This was allowed by Department of Public Works and Environmental Services in accordance with the provisions contained in the Invitation for Bid and the Fairfax County Purchasing Resolution. The second bidder, E. E. Reed Construction L.P. has been determined to be the lowest responsive and responsible bidder. The bid of \$5,698,000 is \$754,916 or 11.7% below the Engineer's Estimate of \$6,452,916. The high bid of \$6,750,000 is \$1,052,000 or 18.4% above the low bid.

The firm of E. E. Reed Construction L.P. has satisfactorily completed several County projects including Oakton and Burke Centre libraries.

The Department of Tax Administration has verified that E. E. Reed Construction L.P. has the appropriate Fairfax County Business, Professional and Occupations License.

This bid may be withdrawn after July 21, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to E. E. Reed Construction L.P. in the amount of \$5,698,000.

#### FISCAL IMPACT:

Funding is available within Project 04A004, Mount Vernon Mental Health Center Expansion/Renovation, in Fund 311, County Bond Construction to award this contract and to fund the associated contingencies and other project costs including construction, contract administration, inspections, utility connections, and fixed equipment.

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Based on the post bid update for this project, surplus funds in the approximate amount of \$2.5 million are available in this project, and will be reallocated to the Fund 311 Contingency to help address anticipated shortfalls on other capital projects.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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## INFORMATION - 5

### Contract Award -Thomas Jefferson Library Renovation and Expansion Project (Mason District)

A total of 17 contractors were prequalified to bid on the project for the construction of the Thomas Jefferson Library Renovation and Expansion, Project No. 004842, in Fund 302, Library Construction. Eight sealed bids were received and opened on May 29, 2008. This contract award will provide for the construction of a 7,000 square foot addition to the existing building and the renovation of a 10,000 square foot existing space. This project is included in the FY 2009 - FY 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Falls Church Construction Corporation. Its bid of \$4,395,000 is \$478,942 or 9.8% below the Engineer's Estimate of \$4,873,942 and the highest bid of \$5,344,000 is \$949,000 or 21.6% above the low bid, and \$470,058 or 9.6% above the Engineer's Estimate. Review of the order of bidders indicates that there are two bids below the Engineer's Estimate and six bids above the Engineer's Estimate.

Falls Church Construction Corporation has successfully completed several projects for Fairfax County and is considered a responsible contractor. They are currently the General Contractor on the South Run RECenter, the West Ox VDOT West Parcel Maintenance Facility, and the Girls Probation House. All three projects are on schedule for fall 2008 completion.

The Department of Tax Administration has verified that Falls Church Construction Corporation has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after July 14, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Falls Church Construction Corporation in the amount of \$4,395,000.

#### FISCAL IMPACT:

Funding is available in Project 004842, Thomas Jefferson Community Library, Fund 302, Library Construction to award this contract and to fund the associated

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contingencies, and other project costs including utility connections, contract administration, and inspection.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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INFORMATION - 6

A Platinum Performance Award, Presented to the Fairfax County Wastewater Management Program – Noman M. Cole Jr. Pollution Control Plant by the National Association of Clean Water Agencies (NACWA)

A Platinum Peak Performance Award was recently presented to the Fairfax County Wastewater Management Program by the National Association of Clean Water Agencies (NACWA) in recognition of Noman M. Cole Jr. Pollution Control Plant's complete and consistent compliance with the National Pollutant Discharge Elimination System Permit for 10 consecutive years of 100% permit compliance, including calendar year 2007. This award honors outstanding accomplishment of employees in the Wastewater Management Program in protecting and improving environmental quality of water resources in the County as well as in Chesapeake Bay through effective wastewater treatment at the plant on a 24/7 basis.

The Noman M. Cole Jr. Pollution Control Plant, located at 9399 Richmond Highway, Lorton, is the largest advanced wastewater treatment plant in the Commonwealth of Virginia. The major construction contract work for the plant expansion and upgrade (from 54 to 67 MGD flow, including a new biological nutrient removal (BNR) process for nitrogen removal) was completed in 2005.

The plant is currently certified by the Department of Environmental Quality (DEQ) to operate for up to 67 million gallons per day (MGD) design average day flow.

Nearly half of the 105+ MGD of wastewater flow generated in the county is currently treated at the Noman Cole Plant. The plant is operated 24 hours a day, seven days a week with the help of highly trained and skilled wastewater professionals in the field of operations, maintenance, information controls, engineering, management, and related critical support services, as well as water quality testing and environmental monitoring services.

In order to comply with the stringent regulatory standards, the treatment system at the plant consists of a series of complex and sophisticated physical, mechanical, biological and chemical treatment processes for removing 99 percent or more of the organic pollutants, nutrients – such as phosphorus and nitrogen – and particulate matter from wastewater, in addition to almost complete bacterial disinfection and oxygen enrichment of treated effluent prior to discharge to Pohick Creek.

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ENCLOSED DOCUMENT:

Attachment 1 - Platinum Peak Performance Awards recognition/notification letter from NACWA, dated May 22, 2008.

STAFF:

Anthony H. Griffin, County Executive

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

Kailash B. Gupta, Director, Wastewater Treatment Division, DPWES

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## INFORMATION - 7

### Contract Award – Open-End Contracts for Civil Engineering and Related Services

On May 28, 2008, the Fairfax County Park Authority Board approved open-end contract awards to the firms of Burgess & Niple, Inc., and Bowman Consulting Ltd. for civil engineering and related services required to accomplish projects in the Park Authority's Capital Improvement Program.

Each firm will be awarded a contract in the not-to-exceed amount of \$800,000 for a term of one year. The contracts are renewable for two additional one-year terms with the approval of the Park Authority Board.

In accordance with Fairfax County's procurement policy, staff took appropriate steps to identify two qualified firms to provide civil engineering and related services through the use of open-end contracts. A Selection Advisory Committee (SAC) comprised of three staff members was established to evaluate qualification materials submitted by the professional firms that responded to a publicly advertised "Request for Qualifications." The SAC then interviewed the top sixteen rated firms, from which two firms were determined to be the most qualified.

The Department of Tax Administration has verified that Burgess & Niple, Inc., and Bowman Consulting Ltd. either have the appropriate Fairfax County Business, Professional and Occupational License (BPOL) or are located outside the County and do not require a license.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award the open-end contracts for civil engineering and related services to the firms of Burgess & Niple, Inc., and Bowman Consulting Ltd. in the not-to-exceed amount of \$800,000 per one year term.

### FISCAL IMPACT:

Funds are available within Fund 371, Park Capital Improvement Fund to initiate these contracts. Contract expenditures will be charged to individual projects as work is assigned, up to the maximum amount of the contract.

### ENCLOSED DOCUMENTS:

Attachment 1: Respondents to the Request for Qualifications

### STAFF:

Robert A. Stalzer, Deputy County Executive  
John W. Dargle, Jr., Director, Fairfax County Park Authority

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June 30, 2008

## INFORMATION - 8

### Contract Award – Open-End Contracts for Architectural and Engineering Services

On June 25, 2008, the Fairfax County Park Authority Board approved open-end contract awards to the firms of Samaha Associates, P.C., Shaffer, Wilson, Sarver & Gray, P.C. and Studio 3 Architects, P.C. for architectural and engineering services required to accomplish projects in the Park Authority's Capital Improvement Program.

Each firm will be awarded a contract in the not-to-exceed amount of \$1 million for a term of one year. The contracts are renewable for two additional one-year terms with the approval of the Park Authority Board.

In accordance with Fairfax County's procurement policy, staff took appropriate steps to identify three qualified firms to provide architectural and engineering services through the use of open end contracts. A Selection Advisory Committee (SAC) comprised of three staff members was established to evaluate qualification materials submitted by the professional firms that responded to a publicly advertised "Request for Qualifications." The SAC then interviewed the top eight rated firms, from which three firms were determined to be the most qualified.

The Department of Tax Administration has verified that Samaha Associates, P.C., Shaffer, Wilson, Sarver & Gray, P.C. and Studio 3 Architects, P.C. either have the appropriate Fairfax County Business, Professional and Occupational License (BPOL) or are located outside the County and do not require a license.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award the open-end contracts for architectural and engineering services to the firms of Samaha Associates, P.C., Shaffer, Wilson, Sarver & Gray, P.C. and Studio 3 Architects, P.C. in the not-to-exceed amount of \$1 million per one year term.

#### FISCAL IMPACT:

Funds are available within Fund 371, Park Capital Improvement Fund to initiate these contracts. Contract expenditures will be charged to individual projects as work is assigned, up to the maximum amount of the contract.

#### ENCLOSED DOCUMENTS:

Attachment 1: Respondents to the Request for Qualifications

#### STAFF:

Robert A. Stalzer, Deputy County Executive  
John W. Dargle, Jr., Director, Fairfax County Park Authority

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INFORMATION - 9

Contract Award – Operations and Management Services – Public Transportation  
(Fairfax Connector Bus Service)

The Fairfax County transit system, the Fairfax Connector, provides fixed-route/fixed-scheduled bus service utilizing a “modified turnkey business model” that places the operation and management of the service with a third party private sector provider under policies and procedures as established by the Board of Supervisors.

On April 1, 2008, the Department of Purchasing and Supply Management (DPSM) issued a Request for Proposal (RFP08-970614-11) for the operation and management of the Fairfax Connector system. This contract provides for the continued operation and management of the Fairfax Connector utilizing the aforementioned “modified turnkey business model” whereby a third party private contractor provides labor, supervisory, technical, and managerial resources. The County provides facilities, fuel, revenue and non-revenue equipment, support equipment, and ancillary services.

The requirement contained in the RFP and evaluation criteria allowed the County to make a single vendor award for this service.

Tasks requested for the contract included:

- Start-up and transition services for the Reston-Herndon service.
- Operation of the Reston-Herndon service commencing August 31, 2008, for five years with options to extend.
- Start-up and transition of the Huntington Division service.
- Operation of the Huntington service commencing March 31, 2009, and ending in conjunction with the Reston-Herndon service above.
- Start-up and transition of the new West Ox service replacing Metrobus operations in Centreville, Chantilly, and Oakton as approved by the Board of Supervisors on February 25, 2008.
- Operation of the West Ox service commencing March 31, 2009, also ending in conjunction with the Reston-Herndon service.

The solicitation notice was posted on the County’s procurement notification system, and three firms responded with proposals by the closing date of May 7, 2008. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposals, the SAC recommended that negotiations commence with the top ranked offeror. Separately, a negotiating team consisting of

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some SAC members and a representative of DPSM was formed. Negotiations were entered into with the top ranked firm and an agreement was reached. The negotiating team unanimously recommended to the Director of Transportation that award of the contract to MV Contract Transportation, Inc. (MV) be recommended to the Director of Purchasing and Supply Management.

MV is currently under contract to the County for the operation and management of a portion of the Department of Community and Recreation Services' Fastran service.

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award the contract to MV Contract Transportation, Inc. The total estimated amount of this contract based on a baseline of 524,511 annual revenue hours for 5 years with pre-determined and negotiated revenue hour rates is \$195,222,853. The contract contains provisions for the County to request consideration of lower rates based on an increase in annual revenue hours in increments of 125,000 annual revenue hours above the baseline.

FISCAL IMPACT:

The total fiscal impact to the County for FY 2009 for this proposed contract is \$18,908,728. Funds are currently available in the FY 2009 Adopted Budget Plan for Fund 100, County Transit Systems, to cover this cost.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors for RFP 08-970614-11

STAFF:

Edward L. Long, Jr., Deputy County Executive  
Cathy A. Muse, Director, Department of Purchasing and Supply Management  
Katharine D. Ichter, P.E., Director, Department of Transportation

**List of Offerors  
RFP 08-970614-11**

First Transit, Inc.  
600 Vine Street  
Suite 1400  
Cincinnati, OH 45202

MV Contract Transportation, Inc.  
360 Campus Lane  
Suite 201  
Fairfield, CA 94534

Veolia Transportation, Inc.  
2015 Spring Street  
Suite 750  
Oak Brook, IL 60523

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10:45 a.m.

Matters Presented by Board Members

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11:35 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *Augusta E. Jackson v. Fairfax County Government*, Case No. 1:07-cv-850 (E.D. Va.)
  - 2. *Ryan Herold v. Richard Perl*, Case No. CL-2007-0010415 (Fx. Co. Cir. Ct.)
  - 3. *Louise Root v. County of Fairfax, et al.*, Case No. 1:08cv498 (E.D. Va.)
  - 4. *Fairfax County Redevelopment and Housing Authority v. Zareen Hudson, Juan Zayas, and Cristian Hernandez, et al.*, Case No. CL-2007-0005458 (Fx. Co. Cir. Ct.) (Lee District)
  - 5. *T.W.P. Enterprises, Inc., Trading as T.W. Perry v. Antonio Pereira, et al.*, Case No. CL- 2008-0005401 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Simone M. Wyvell and Christopher Wyvell*, Case No. CL-2007-0009865 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelson Hernandez and Reina Villalobos*, Case No. CL-2007-0012868 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Karla Soriagalvarro, Case No. CL-2008-0004726 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Garbis and Andria Garbis, Case No. CL-2008-0002838 (Fx. Co. Cir. Ct.) (Springfield District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phillip Granger and Lorraine R. Granger, Case No. CL-2008-0003243 (Fx. Co. Cir. Ct.) (Lee District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joanne S. Kreiser, Case No. CL-2008-0001585 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
12. *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)*
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Barbara Brasher and Larnell Brasher, Case No. CL-2008-0004427 (Fx. Co. Cir. Ct.) (Lee District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jon M. Boka, Case No. CL-2008-0002314 (Fx. Co. Cir. Ct.) (Braddock District)*
16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ibrahim Sh-Ibrahim, Case No. CL-2008-0005229 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nelly Matos, Case No. CL-2008-0001179 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*

18. *Eileen M. McLane, Fairfax County Zoning Administrator and Ronald L. Mastin, Fairfax County Fire Marshal v. Rudy Rolando Arispe Flores, Case No. CL-2008-0004015 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Beltran Sanchez and Sulma P. Flores, Case No. CL-2008-0003156 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Andrea Ventura and Isabel Blanco, Case No. CL-2008-0004458 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. 7610 Lee Highway, LLC, d/b/a Park's Auto Service, Case No. CL-2008-0003570 (Fx. Co. Cir. Ct.) (Providence District)*
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alberto Luis, Case No. CL-2008-0003764 (Fx. Co. Cir. Ct.) (Springfield District)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ramiro Ventura, Case No. CL-2007-0014562 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucia O. Palacio, Case No. CL-2008-0005849 (Fx. Co. Cir. Ct.) (Providence District)*
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Ronald L. Mastin, Fairfax County Fire Marshal v. Marco A. Comacho, Case No. CL-2008-0007391 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Argueta and Maria D. Argueta, a/k/a Maria D'Angeles Argueta, Case No. CL-2008-0004425 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wells Fargo Bank, National Association, Case No. CL-2008-0007451 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mery Raquel Vilcapoma Inga, Case No. CL-2008-0006906 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel F. Sturdivant, II*, Case No. CL-2008-0006954 (Fx. Co. Cir. Ct.) (Lee District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Meo K. Khoune*, Case No. CL-2008-0006900 (Fx. Co. Cir. Ct.) (Braddock District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fidel M. Zoleta and Emilia M. Zoleta*, Case No. CL-2008-0006904 (Fx. Co. Cir. Ct.) (Lee District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florence M. Ellington*, Case No. CL-2008-0006693 (Fx. Co. Cir. Ct.) (Sully District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Calderon, Celestina Calderon, and Milton Calderon*, Case No. CL-2008-0006783 (Fx. Co. Cir. Ct.) (Providence District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. 9400 Gunston Cove Road, LLC, and Toro's Truck Center, Inc.*, Case No. CL-2008-0006880 (Fx. Co. Cir. Ct.) (Mount Vernon District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gualtar Antonio Ramos*, Case No. CL-2008-0007170 (Fx. Co. Cir. Ct.) (Providence District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Veroushka Uriona Rivas and Oscar Mengoa*, Case No. CL-2008-0007168 (Fx. Co. Cir. Ct.) (Sully District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roman Vallejos and Maria Paredo*, Case No. CL-2008-0007167 (Fx. Co. Cir. Ct.) (Providence District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana M. Deras De Alvarado and Roberto Carlos Enrique Del Cid*, Case No. CL-2008-0007169 (Fx. Co. Cir. Ct.) (Providence District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. William F. Flores*, Case No. CL-2008-0007755 (Fx. Co. Cir. Ct.) (Sully District)

40. *Board of Supervisors v. McLean Crest, LLC*, Case No. CL-2008-0006691 (Fx. Co. Cir. Ct.) (Dranesville District)
  
41. *Board of Supervisors v. U-Haul Company of Maryland, Inc., and Republic Western Insurance Company*, Case No. CL-2008-0001327 (Fx. Co. Cir. Ct.) (Mount Vernon District)

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Board Agenda Item  
June 30, 2008

3:00 p.m.

Public Hearing Regarding the Financing for the Purchase of a New Fire Pumper Truck for the Centreville Volunteer Fire Department, Inc. (Sully District)

ISSUE:

Public Hearing regarding the financing on an amount of up to \$575,000.00 for the Centreville Volunteer Fire Department to purchase a 2008 Pierce Pumper Truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the County is required to declare that the Volunteer Fire Department is a provider of emergency services.

RECOMMENDATION:

The County Executive recommends that the County declare that the Centreville Volunteer Fire Department is a provider of emergency services so that they may obtain tax-exempt financing through a local bank for the purchase of a 2008 Pierce pumper truck.

TIMING:

On May 19, 2008, the Board authorized advertisement of a public hearing to be held on June 30, 2008, at 3:00 p.m.

BACKGROUND:

The Centreville Volunteer Fire Department seeks to purchase a 2008 Pierce pumper truck and finance the purchase through a local bank. For the loan to be tax-free to the bank, the County is required to declare that the Volunteer Fire Department is a provider of emergency services.

FISCAL IMPACT:

None to Fairfax County

ENCLOSED DOCUMENTS:

Attachment 1 – Certificate of Approval from the Chairman of the Volunteer Fire Commission of Fairfax County

STAFF:

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

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Board Agenda Item  
June 30, 2008

3:00 p.m.

Public Hearing on PCA 2005-PR-039 (Dunn Loring Metro, LLC) to Amend the Proffers for RZ 2005-PR-039 Previously Approved for Mixed Use Development to Permit Site Modifications and Associated Modifications to Site Design with an Floor Area Ratio of 1.37 Including Bonus Density for Affordable Dwelling Units and an Overall FAR of 2.25 for Area South of the Proposed Main Street, Located on Approximately 14.06 Acres Zoned PRM, Providence District

and

Public Hearing on PCA 88-P-030-02 (Dunn Loring Metro, LLC) to Amend the Proffers for RZ 88-P-030 Previously Approved for Mixed Use Development to Permit Site Modifications and Associated Modifications to Site Design with an Floor Area Ratio of 1.37 Including Bonus Density for Affordable Dwelling Units and an Overall FAR of 2.25 for Area South of the Proposed Main Street, Located on Approximately 1.33 Acres Zoned PDC, Providence District

PCA 2005-PR-039 is located in the northwest quadrant of the intersection of Prosperity Avenue and Gallows Road, Tax Map 49-1 ((1)) 27A; 49-2 ((1)) 13A and 15A.

PCA 88-P-030-02 is located on the north side of Prosperity Avenue approximately 1,200 feet west of its intersection with Gallows Road, Tax Map 49-1 ((13)) 17A and 18A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 21, 2008, the Planning Commission unanimously voted (Commissioners Litzenberger and Lusk absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2005-PR-039 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those dated May 5, 2008;
- Approval of PCA 88-P-030-2 and the associated Conceptual Development Plan Amendment, subject to the execution of proffers consistent with those dated May 5, 2008;
- Approval of a waiver to allow underground stormwater management facilities in the residential area for Land Unit A of the Dunn Loring/Merrifield Metro Station Development Plan, subject to the Conditions of Waiver #0378-WPFM-001-2, dated August 24, 2006;
- Modification of the private street limitations of Sect. 11-302 of the Zoning Ordinance;

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- Modification of the transitional screening requirements and waiver of the barrier requirements to the north, northeast, and internal to the site, in favor of the treatments depicted on the CDP/FDPA;
- Waiver of the 75-foot yard regulation for lots abutting principal arterial highways as required by Sect. 2-414.1.B of the Zoning Ordinance;
- Modification of the interior parking lot landscaping on the top of the parking deck; and
- Modification of the loading space requirement in favor of the loading spaces reflected on the CDPA/FDPA.

The Planning Commission voted unanimously (Commissioners Litzenberger and Lusk absent from the meeting) to approve FDPA 2005-PR-039, subject to the Development Conditions dated May 7, 2008 and subject also to Board approval of PCA 2005-PR-039.

The Planning Commission voted unanimously (Commissioners Litzenberger and Lusk absent from the meeting) to approve FDPA 88-P-030-02, subject to Board approval of PCA 88-P-030-02.

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

Board Agenda Item  
June 30, 2008

3:30 p.m.

Public Hearing on SE 2008-MA-005 (Education For Life) to Permit a Private School of General Education, Nursery School And Childcare Center with a Combined Maximum Daily Enrollment of 90 Students, Located on Approximately 6.34 Acres Zoned I-3, CRD, HC and SC, Mason District

The application property is located at 3431-A Carlin Springs Road, Tax Map 62-1 ((1)) 16F.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on June 26, 2008. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
June 30, 2008

3:30 p.m.

Public Hearing on SEA 84-V-035 (Huntwood, L.L.C.) to Amend SE 84-V-035 Previously Approved for an Increase in Building Height and Uses in a Floodplain to Permit a Drive-in Bank, Uses in a Floodplain, Increase in Land Area, Increase in Maximum Floor Area Ratio, Waivers and Modifications in a Commercial Revitalization District and Associated Modifications to Site Design, Located on Approximately 4.67 Acres Zoned C-8, CRD and HC, Mount Vernon District

The application property is located at 5845 and 5863 Richmond Highway, Tax Map 83-4 ((1)) 8, 9, 10 and 11.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on June 26, 2008. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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

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Board Agenda Item  
June 30, 2008

3:30 p.m.

Public Hearing on SE 2008-DR-003 (Chevy Chase Bank, F.S.B.) to Permit a Drive-In Financial Institution in a Highway Corridor Overlay District, Waiver of Certain Sign Regulations and Modifications and Waivers in a Commercial Revitalization District, Located on Approximately 30,363 Square Feet Zoned C-2, CRD, HC and SC, Dranesville District

The application property is located at 1427, 1433 and 1441 Dolley Madison Blvd. Tax Map 30-2 ((5)) 6, 9 and 10.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 12, 2008, the Planning Commission voted unanimously (Commissioners Murphy and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-DR-003, subject to the Development Conditions dated June 12, 2008;
- Modification of the barrier requirement along Dolley Madison Boulevard, in favor of that shown in the Special Exception Plat;
- Modification of the transitional screening requirement along Dolley Madison Boulevard, in favor of that shown on the Special Exception Plat;
- Modification of the front yard requirement in a Commercial Revitalization District, in favor of what is shown on the Special Exception Plat;
- Waiver of the service drive requirement along Dolley Madison Boulevard; and
- Modification of the required peripheral parking lot landscaping, in favor of that shown on the Special Exception Plat;

The Planning Commission voted 8-1-1 (Commissioner Harsel opposed; Commissioner Hart abstaining; Commissioners Murphy and Sargeant absent from the meeting) to recommend that the Board of Supervisors waive the loading space requirement.

The Commission voted 9-1 (Commissioner Litzenberger opposed; Commissioners Murphy and Sargeant absent from the meeting) to recommend that the Board of Supervisors waive construction of the required on-road bike lane, in favor of an applicant-established escrow fund for future construction.

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ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item  
June 30, 2008

3:30 p.m.

Public Hearing on RZ 2007-SU-014 (Bo Hwan Suk, Sun Ok Suk & Fairfax County Park Authority) to Rezone from R-1, R-5, HC and WS to C-3, R-5, HC and WS to Permit Commercial Development and Public Park with an Overall Floor Area Ratio of 0.30, Located on Approximately 3.03 Acres, Sully District

and

Public Hearing on PCA 74-2-150 (Fairfax County Park Authority) to Amend the Proffers for RZ 74-2-150 Previously Approved for a Park to Permit a Land Swap with Adjacent Property and Deletion of Proffers to Permit Development of a Public Park and Office Uses and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.30, Located on Approximately 1.07 Acres Zoned R-5, HC and WS, Sully District

The application property is located on the east side of Old Centreville Road approximately 20 feet south of its intersection with Braddock Road. Tax Map 54-4 ((1)) 81 and 82; 54-4 ((8)) (6) K pt.

PLANNING COMMISSION RECOMMENDATION:

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

- Approval of PCA 74-2-150;
- Approval of RZ 2007-SU-014, subject to the execution of proffers consistent with those dated April 24, 2008;
- Modification of the transitional screening width along the northern and eastern property boundaries, from 35 to 25 feet, in favor of the existing vegetation with supplemental plantings, as shown on the Generalized Development Plan;
- Waiver of the transitional screening requirements adjacent to the proposed Stormwater Management/BMP facility to the south, in favor of the supplemental plantings as shown on the Generalized Development Plan; and
- Waiver of all barrier requirements.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

Board Agenda Item  
June 30, 2008

STAFF:

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

Board Agenda Item  
June 30, 2008

3:30 p.m.

Public Hearing on PCA C-052-07 (CESC Skyline LLC) to Amend the Proffers for RZ C-052 Previously Approved for Mixed Use Development to Permit Building Addition, Site Modifications and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 2.66 (1.85 FAR on Original Application Area) Located on Approximately 12.16 Acres Zoned PDC, CRD, HC and SC, Mason District

The application property is located in the southwest corner of the intersection of Leesburg Pike and George Mason Drive, Tax Map 62-3 ((1)) 37, 39, 40 and 41C.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, June 11, 2008, the Planning Commission voted unanimously (Commissioners Litzenberger and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA C-052-07, subject to the execution of proffers consistent with those dated June 3, 2008;
- Waiver of the transitional screening and barrier requirements between the residential and non-residential uses within the original application area;
- Waiver of the service drive along Route 7; and
- Modification of the eight-foot wide asphalt trail and Commercial Revitalization District streetscape requirements, in favor of that shown on the CDP/FDP.

The Commission voted unanimously (Commissioners Litzenberger and Murphy absent from the meeting) to approve FDPA C-052-13, subject to the Conditions dated June 11, 2008 and subject also to Board approval of PCA C-052-07.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
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3:30 p.m.

Public Hearing on PCA 2004-PR-003 (Arlington Boulevard Consolidation LLC) to Amend RZ 2004-PR-003 Previously Approved for Commercial Development with an Overall Floor Area Ratio of 1.5 to Permit Modification to Approved Proffers and Site Design, Located on Approximately 1.88 Acres Zoned C-3, Providence District

The application property is located on the south side of Arlington Boulevard west of its intersection with Williams Drive. Tax Map 49-3 ((1)) 135 and 49-3 ((9)) 11A pt.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on June 25, 2008. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
June 30, 2008

3:30 p.m.

Joint Public Hearing on the Proposed Six-Year Virginia Department of Transportation  
Secondary System Construction Program for Fiscal Years 2009 Through 2014

ISSUE:

Board review and approval of the proposed Six-Year Virginia Department of Transportation (VDOT) Secondary System Construction Program for Fiscal Years (FY) 2009 through 2014.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached Secondary System Construction Program for FY 2009 through 2014 (Attachment I).

TIMING:

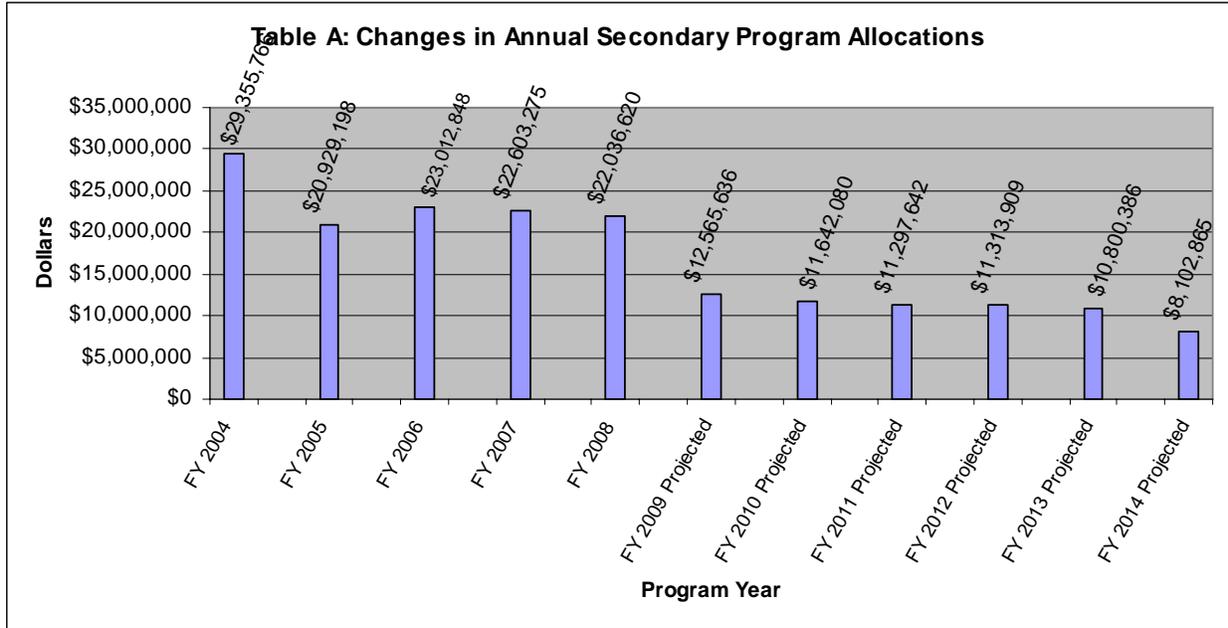
The Board of Supervisors is requested to act on this item on June 30, 2008, following the public hearing, prior to the start of Fiscal Year 2009 on July 1, 2008.

BACKGROUND:

The proposed Secondary System Construction Program has been prepared by VDOT, in coordination with County staff, pursuant to Section 33.1-70.01 of the *Code of Virginia*. This is an update of the previous Program which was the subject of a public hearing before the Board of Supervisors on December 3, 2007. Project schedule information is also included in the Program.

The total FY 2009 through FY 2014 Secondary Road Program is \$65.7 million. This is a 44.8 percent decrease from the FY 2008 to 2013 Secondary Road Program of \$119.1 million approved on June 18, 2007, and a 32 percent drop from FY 2008 to FY 2009. This reduction is a result of several factors, including the General Assembly's elimination of the abusive driver fees included in House Bill 3202; increased highway maintenance costs; and lower transportation revenue.

Table A shows the annual Fairfax County Secondary Road Program from FY 2004 through FY 2014.



In addition, Table B shows the changes in the total program amount from the FY 2003 to FY 2008 program through the current program.

Table B: Secondary Program Comparison

2003-2008	\$138,335,526
2004-2009	\$153,442,084
2005-2010	\$113,686,186
2006-2011	\$131,445,086
2007-2012	\$ 78,270,291
2008-2013	\$119,121,972
2009-2014	\$ 65,722,518

The following changes to the Program are proposed due to the large decrease in available funding:

- Eliminate funding for the widening of Pohick Road from Route 1 to I-95 that was previously scheduled to begin design in FY 2009.

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- Eliminate funding for widening Rolling Road from DeLong Drive to Fullerton Road that was scheduled to begin design in FY 2009.
- Reduce funding on Telegraph Road from Hayfield Road to South Kings Highway, delaying construction beyond 2014.
- Decrease funding for several cost center budgets. Over the life of the Program, these include a \$415,000 decrease in traffic calming funds; a \$14.3 million decrease in traffic services (including the installation of traffic signals); and a \$250,000 increase in pipe, entrance, and drainage funds.
- In some cases bridge projects have changed as a result of inspection data on bridge conditions. Construction of the Towlston Road Bridge replacement over Rocky Run, Beulah Road Bridge rehabilitation over Wolf Trap Run, and Walney Road rehabilitation over Flatlick Branch are listed as unscheduled. Beach Mill Bridge over Nichols Run has been moved back into the program. Twin Lakes Bridge over Johnny Moore Creek will be rehabilitated using federal funds rather than using secondary funds.
- Updated cost estimates and project schedules from the estimates provided in December 2007. A summary of these changes in cost estimates and project schedules between the December 2007 Program and the proposed Program are included as Attachment II.
- VDOT maintenance budget provides Northern Virginia funding for on-road bike facilities, but to date Fairfax County has not received any of these funds. County staff will continue to pursue these funds in future VDOT budgets.
- VDOT and Fairfax County will enter into a formal agreement with the Federal Highway Administration (FHWA) for advanced construction of the portion of Telegraph Road from Beulah Street to Leaf Road, just south of Hayfield Road. FHWA will construct this portion of Telegraph Road in conjunction with the construction of Mulligan Road, using funds from both Fairfax County and the Secondary Six Year Program.

FISCAL IMPACT:

There is no impact to the Fairfax County budget at this time. The funds associated with this Program are VDOT Secondary System funds or funds from outside sources. At such time as individual projects are constructed, the County may send VDOT any related funds that have been collected for a particular project by the County through proffers or construction escrows.

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ENCLOSED DOCUMENTS:

Attachment I: Secondary System Construction Program for FY 2009 through FY 2014

Attachment II: Secondary System Construction Program Schedule and Cost Change Summary

STAFF:

Katharine D. Ichter, Director, FCDOT

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

Karyn Moreland, Chief Capital Projects Section, FCDOT

Tom Biesiadny, Chief Coordination and Funding Division, FCDOT

Carl Winstead, Coordination and Funding Division, FCDOT

Leonard Siegel, Arlington/Fairfax Preliminary Engineering Manager, VDOT

Jan Vaughan, Arlington/Fairfax Preliminary Engineering, VDOT

Board Agenda Item  
June 30, 2008

4:00 p.m.

Public Hearing on Proposed Amendments to *The Code of the County of Fairfax, Virginia*, to Add a New Chapter, Chapter 121 (Graffiti Ordinance) RE: Repair or Removal of the Defacement of Buildings, Facilities and Personal Property

ISSUE:

Public hearing on proposed amendments to *The Code of the County of Fairfax, Virginia*, to add a new chapter, Chapter 121 (Graffiti Ordinance). The new chapter addresses issues related to the damage and defacement of public and private property and to the repair or removal of such defacement to buildings, facilities, and personal property, and imposes penalties for violations of the ordinance.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to *The Code of the County of Fairfax, Virginia*, to add a new chapter, Chapter 121 (Graffiti Ordinance).

TIMING:

On May 19, 2008, the Board authorized advertisement of a Public Hearing to be held on June 30, 2008, at 4:00 p.m. If approved, the changes would become effective on July 1, 2008.

BACKGROUND:

This new ordinance is being proposed to allow the County to enter onto private property to remove graffiti if the property owner does not remove it. Virginia Code §§ 15.2-908 and 15.2-1812.2 give the Board the authority to adopt an ordinance to provide for the removal of graffiti from public and private property, at County expense, if the graffiti is visible from a public right-of-way. Action to remove the graffiti on private property would have to be preceded by reasonable notice to the owner or lessee of the property at least 15 days prior to any County action. Graffiti not removed by the property owner then would be subject to removal at the expense of the County.

This new ordinance would amend the Fairfax County Code by adding sections 121-1-1 through 121-1-2, relating to the damage and defacement to public and private property and to the repair or removal of such defacement to buildings, facilities, and personal property, and relating to penalties for such violations of such provisions.

Nationally recognized best practices for addressing the issue of graffiti in the community include the following: recognize, report, record and remove the graffiti in a timely manner.

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Information regarding the recognition of graffiti and the importance of removing graffiti in a timely manner is generally presented to the community and county workforce through presentations, training, and written materials. This information can be found on the Fairfax County Police Department (FCPD) web page and the Fairfax County Gang Prevention web page. Additionally, County staff is developing a graffiti awareness campaign, which will include public service announcements and community education initiatives. To ensure that all calls reporting graffiti continue to be taken seriously and receive follow-up as soon as possible, the FCPD, in collaboration with the Department of Public Works and Environmental Services (DPWES), have been designated as the agencies responsible for intake and assignment of the removal of graffiti from private and public property.

*Graffiti Reporting and Removal Procedures:*

Step 1 - All graffiti reports, gang related or not, should be made with the Fairfax County Police Department by use of the Department of Public Safety Communications (DPSC) non-emergency number, 703-691-2131.

Step 2 - The call taker will take the information and the complaint will be dispatched to the appropriate patrol officer. The officer will investigate the complaint, complete a report and document the graffiti with pictures. Following the investigation, the officer will notify the property owner, occupant, or lessee of the property and communicate the need for the timely removal of the graffiti.

Step 3 - A follow-up inspection will be completed by the police officer for graffiti removal within 10 days. If the graffiti has not been removed, the police officer will deliver a letter to the property owner or occupant and inform them they have 15 days to remove the graffiti.

Step 4 - After 15 days the police officer will complete a second follow-up inspection of the site. If the graffiti still remains, the police officer will document his findings and provide a report, with pictures, to the Maintenance and Stormwater Management Division (MSMD).

Step 5 - MSMD will consult with a contractor and the property owner, if appropriate, for a price quote to remove the graffiti. Methods for removing the graffiti will be discussed with the property owner if available. The best method of graffiti removal or covering with paint will be determined by staff. Every effort will be made by MSMD to have the graffiti removed as swiftly as possible.

Step 6: Individuals interested in determining the status of their graffiti report, or whether a police report was initiated, will be directed to the district station in which the graffiti is located. Each district station will have a designated officer(s) responsible for responding to questions about graffiti complaints within their geographical area.

Adoption of these proposed amendments will provide the County with the authority to enter onto private property and take action to remove/cover graffiti visible from a public right-of-

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way. The Board has several times raised questions and concerns about the process for addressing graffiti, particularly on private property. Without this ordinance, there will continue to be instances where the owner or agent of private property fails to remove the graffiti and the County will have no recourse to address the matter.

FISCAL IMPACT:

The newly proposed ordinance for removal of graffiti from private property and the resulting programmatic initiatives are likely to mildly increase service requirements which presently are not funded or staffed. Several options for responding to this possible increase in service requirements are being explored, to include diverting in-house staff resources from existing maintenance programs, utilizing contract employees, continued usage of the Office of Sheriff's community labor workforce, and securing gang prevention federal grant money specific to graffiti abatement. Staff will provide the Board with reports regarding the number of complaints handled and other financial information on a quarterly basis.

ENCLOSED DOCUMENT:

Attachment 1: Proposed Ordinance to Adopt Fairfax County Code Sections  
121-1-1 and 121-1-2

STAFF:

Sheriff Stan G. Barry, County of Fairfax  
Merni Fitzgerald, Director, Office of Public Affairs  
Colonel David M. Rohrer, Chief of Police  
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services  
Robert Bermingham, Gang Prevention Coordinator  
David Ellis, Neighborhood and Community Building Coordinator  
Michael H. Long, Senior Assistant County Attorney

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4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 15519 Lee Highway (Sully District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 15519 Lee Highway, Centreville, VA 20121 (Tax Map No. 064-1-((01))-0012A)(Property) and approval of a blight abatement plan for Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 15519 Lee Highway blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On May 19, 2008, the Board authorized advertisement of this public hearing to be held Monday, June 30, 2008, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2007) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes. Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2007) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2007) and if it meets all of the following conditions:

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

The property located at 15519 Lee Highway was referred to the Blight Abatement Program (BAP) on May 15, 2007. Located on the subject property is a vacant, wood, two-story farm house with a porch. The property also contains a detached garage. The residential structure was constructed in 1941 according to Fairfax County Tax Records. On April 26, 2007, the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. The structure has been vacant since at least June 2003, when the property was purchased by the current owners. The dwelling is deteriorated due to the extreme lack of maintenance. The dwelling is not economically feasible to repair and needs to be demolished. The detached garage is dilapidated and in partial collapse and needs to be demolished also.

On March 5, 2008, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. BAP staff have communicated with the owners on several occasions and they are aware of the issues with the property but to date have not taken any action to abate the blighted conditions of the property.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on June 12, 2008 and June 19, 2008.

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

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

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of May 27, 2008, is \$267,385. It is estimated that the cost of demolition of the structures will be approximately \$60,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 15519 Lee Highway (Sully District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Christina M. Sadar, Blight Abatement Program Coordinator, HCD

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4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 15011 Lee Jackson Memorial Highway (Sully District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 15011 Lee Jackson Memorial Highway, Chantilly, VA 20151 (Tax Map No. 033-2-((01))-0007) (Property) and approval of a blight abatement plan for Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 15011 Lee Jackson Memorial Highway blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On May 19, 2008, the Board authorized advertisement of this public hearing to be held Monday, June 30, 2008, at 4:00 p.m.

BACKGROUND:

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

Properties are considered “blighted” under the Spot Blight Abatement Statute if they meet the definition for “Blighted property” established under Va. Code Ann. 36-3 (Supp. 2007) which defines a blighted property as “any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or

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improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2007) and if it meets all of the following conditions:

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

The property located at 15011 Lee Jackson Memorial Highway was referred to the Blight Abatement Program (BAP) on April 27, 2007. Located on the subject property are the burned out remains of a two-story house. The residential structure was constructed in 1925 according to Fairfax County Tax Records. On April 24, 2007, the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. The structure has been vacant since at least the winter of 2005, when fire destroyed most of the structure. All that remains of the dwelling is the charred ruins. This structure cannot be repaired and needs to be demolished.

On March 5, 2008, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. BAP staff have communicated with the owners on several occasions and they are aware of the issues with the property. The owners are currently trying to obtain a demolition permit to raze the structure but to date this has action not been accomplished.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on June 12, 2008 and June 19, 2008.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owners to eliminate the blighted conditions on the

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

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of May 27, 2008, is \$267,385. It is estimated that the cost of demolition of the structure will be approximately \$60,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 15011 Lee Jackson Memorial Highway (Sully District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Christina M. Sadar, Blight Abatement Program Coordinator, HCD

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June 30, 2008

4:00 p.m.

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

ISSUE:

Public hearing to consider the proposed amendments to Section 82-5A of *The Code of the County of Fairfax, Virginia* (Fairfax County Code).

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on June 2, 2008, for June 30, 2008, at 4:00 p.m.

BACKGROUND:

Staff is recommending a change to the Residential Permit Parking District (RPPD) regulations to impose vehicle weight restrictions. The current County Code Chapter 82, Article 5A allows for the issuing of decals and visitor passes to residents that reside within a Residential Permit Parking District without regard to the vehicle weight. Virginia statute 46.2-1222.1 B(iii) allows Fairfax County to restrict the parking of "any vehicle that has a gross vehicle weight rating of 12,000 or more pounds" on public highways in residential districts.

The omission of any type of vehicle restriction in Chapter 82, Article 5A, allows for non-commercial vehicles with a gross weight of twelve thousand (12,000) pounds or more to be issued a decal or display a visitor pass. Staff does not feel that vehicles over 12,000 pounds should be eligible for decals in Residential Permit Parking Districts.

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

1. In Section 82-5A-2, define an *RPPD allowable vehicle* as a motor vehicle having a Gross Vehicle Weight Rating (GVWR) of less than twelve thousand (12,000) pounds.

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2. In Section 82-5A-9, specify *RPPD allowable vehicles* having a Gross Vehicle Weight Rating of less than 12,000 pounds in the overall parking restriction.
3. In Section 82-5A-10, restrict the issuance and display of a decal to an *RPPD allowable vehicle* having a Gross Vehicle Weight Rating of less than 12,000 pounds with an address in the Residential Parking District.
4. In Section 82-5A-11, restrict the display of a visitor pass to an *RPPD allowable vehicle* having a Gross Vehicle Weight Rating of less than 12,000 pounds.

FISCAL IMPACT:

The recommended changes should have no fiscal impact.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Section 82-5A

STAFF:

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

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4:00 p.m.

Public Hearing on a Proposal to Vacate and Abandon Part of the Right-of-Way of Suncrest Lane (Providence District)

ISSUE:

Public Hearing on a Proposal to Vacate and Abandon Part of the Right-of-Way of Suncrest Lane.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached ordinance (Attachment III) for vacation and order (Attachment IV) for abandonment of the subject right-of-way.

TIMING:

On May 19, 2008, the Board authorized a public hearing to consider the proposed vacation and abandonment for June 30, 2008 at 4:00 p.m.

BACKGROUND:

The applicant, Susan Hageman, is requesting that a portion of the right-of-way of Suncrest Lane at the corner of Frank Street and Electric Avenue be vacated and abandoned. The Suncrest Lane right-of-way is in the Virginia Department of Transportation (VDOT) State Secondary System because of its location at the corner of Electric Avenue and Frank Street, both of which are VDOT Secondary State Highways.

No new development is associated with this application. The bulk of the land will be incorporated into Ms. Hageman's property.

Traffic Circulation and Access

The vacation and abandonment will have no long-term impact on vehicle circulation and access. The subject right-of-way is a dead end and no longer serves a transportation purpose.

Easements

Dominion Virginia Power and Verizon have identified facilities within the area to be vacated and abandoned. The applicants have provided easement plats, deeds, or agreements in forms acceptable to them. The applicants also identified sanitary sewer,

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storm sewer and storm drainage easement requirements in the vacation and abandonment area; the Department of Public Works and Environmental Services concurred with this identification. No other easement needs were identified.

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

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

STAFF:

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

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4:30 p.m.

Public Hearing on a Proposed Memorandum of Understanding with the Town of Clifton, Virginia Related to the Clifton Professional Offices Project (Springfield District)

ISSUE:

Board adoption of an Ordinance approving entering into and authorizing the County Executive to execute a Memorandum of Understanding (MOU) with the Town of Clifton, Virginia (Town) to provide site inspection and bonding services for the Clifton Professional Offices Project (Project).

RECOMMENDATION:

The County Executive recommends that the Board adopt an Ordinance approving entering into and authorizing the County Executive to execute a MOU with the Town for the Project as set forth in Attachment I. The MOU has been prepared by staff in the Department of Public Works and Environmental Services (DPWES) and coordinated with the Office of the County Attorney, Town staff, and the Town Attorney.

TIMING:

Board action is requested on June 30, 2008. On May 19, 2008, the Board authorized advertisement of a Public Hearing before the Board on June 30, 2008, at 4:30 p.m.

BACKGROUND:

DPWES recently received a request from Ms. Susan Yantis, representing the Town, for assistance with the Project, a proposed commercial development within the Town. The Town has a very limited number of proposed developments and does not employ professional staff to conduct the required site inspections and process securities for proposed development projects. The Board has approved similar agreements to provide such services to the Town in the past. In June 1996, the Board approved an agreement related to the Frog Hill project; and in January 1990, the Board approved an agreement related to the Clifton Heights project.

Similar to these past development project agreements, the Town is requesting assistance from DPWES to conduct site inspections of the Project, including, but not limited to, inspections for erosion and sediment controls, stormwater management, landscaping, and public improvements within the dedicated right-of-way; establish, collect, and enforce all project-related escrows; establish, collect, and administer any

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necessary securities for the public improvements for the Project; and perform all necessary final inspections for the Project in accordance with the attached MOU.

As set forth in the MOU, the County will be authorized to enforce the provisions of the Agreement, but will not be responsible for bringing any legal action against the Developer in the event of a default under the Development Agreement for completing any of the physical improvements for the Project not completed by the Developer, or for funding the completion of any of the physical improvements for the Project not completed by the Developer, all of which will be the responsibility of the Town.

The Board's approval is requested for the following:

- A MOU between the Town and the County authorizing DPWES to conduct site inspections, process securities, and assess fees for the Project.
- Ordinance Approving Entering into and Authorizing the County Executive to Execute a MOU with the Town Related to the Project (Attachment II).

FISCAL IMPACT:

DPWES can accommodate the Town's request to provide the services set forth in the MOU with existing resources. The County will collect fees for inspections and monitoring of the Project in accordance with the County fee schedule.

REGULATORY IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I – Memorandum of Understanding with the Town

Attachment II – Ordinance Approving Entering into the MOU with the Town for the Project and Approving Execution of the MOU by the County Executive

STAFF:

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

Howard Guba, Deputy Director, DPWES

James Patteson, Director, Land Development Services, DPWES

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4:30 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Eskridge Road Improvements Project (Providence District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 008919/00001, Eskridge Road Improvements, Commercial Revitalization Program, Fund 315.

RECOMMENDATION:

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

TIMING:

On May 5, 2008, the Board authorized advertisement of a public hearing to be held on June 30, 2008, commencing at 4:30 p.m.

BACKGROUND:

On January 28, 2008, the Board authorized the Land Acquisition Division (LAD) to initiate negotiations to acquire the necessary land rights for Comprehensive Plan Improvements to Eskridge Road. Eskridge Road is a Private Developer Assistance Project, Project Number 008919/00001. This project consists of improvements to existing Eskridge Road and construction of new segments from its intersection with Lee Highway (Route 29) to the southern boundary of Parcel 80A.

The construction of this project consists of approximately 1,850 linear feet of 4-lane undivided roadway, including a minimum 5-foot wide sidewalk along the eastern edge. Improvements also include storm drains, sanitary sewer facilities, overhead utility and water main installations along the length of the project as well as several entrances to existing businesses.

The construction of this project requires the acquisition of one dedication, one grading and temporary construction easement, one storm drainage easement, and four utility easements within the Providence District. Funds required to process the acquisition have been provided by the developer. One certificate for each Lot 96B and 97 will be filed showing both the developer and lessee as joint owners of each lot. After

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exhausting their private efforts, Merrifield Mixed Use LLC requested assistance from Fairfax County to acquire all necessary land rights on, over, and across the relevant portions of Tax Map Numbers 049-3-01-0096B and 0097. Although LAD has been negotiating to acquire these land rights since April 1, 2008, as of this date, it has been unable to reach resolution due to an impasse in negotiations between the affected property owner and its lessee; thus, condemnation is necessary.

In order to commence construction of this project on schedule, it is necessary for the Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (2003). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding for this project is available in Project 008919/00001, Eskridge Road Improvements, Fund 315, Commercial Revitalization Program. No additional funding is being requested from the Board 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 1D).

STAFF:

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

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4:30 p.m.

Public Hearing on Incorporating References to the Hunter Mill Road Traffic Calming Study in the Comprehensive Plan: Plan Amendment S07-CW-T1 (Dranesville, Hunter Mill, Providence and Sully Districts)

ISSUE:

The proposed Plan Amendment S07-CW-T1 incorporates references to the Hunter Mill Road Traffic Calming Study in the Comprehensive Plan (Attachment 1). This study makes recommendations for Hunter Mill Road in its entirety from Baron Cameron Avenue (Route 606) to Chain Bridge Road (Route 123) that would help to improve traffic operations as well as preserve its historic and scenic nature.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 1, 2008, the Planning Commission voted unanimously (Commissioner Hall not present for the vote; Commissioner Litzenberger absent from the meeting) to recommend that the Board of Supervisors adopt Plan Amendment S07-CW-T1.

A verbatim excerpt of the Planning Commission discussion on May 1, 2008, is included as Attachment 2.

RECOMMENDATION:

The County Executive concurs with the Planning Commission recommendation.

TIMING:

Planning Commission public hearing – May 1, 2008  
Board of Supervisors public hearing – June 30, 2008

BACKGROUND:

On May 21, 2007, the Board of Supervisors authorized Plan Amendment S07-CW-T1 to incorporate references to the Hunter Mill Road Traffic Calming Study in the Comprehensive Plan. The Hunter Mill Road Traffic Calming Study was sponsored by the Northern Virginia Regional Commission (NVRC) on behalf of the Northern Virginia Transportation Authority (NVTA), and was completed in December 2006. The Hunter Mill Road Traffic Calming Study carried out a series of traffic operations analyses along

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Hunter Mill Road based on existing and future traffic conditions. The future year analyses were based on projected traffic volumes for the year 2011. By including the Hunter Mill Road Traffic Calming Study in the Comprehensive Plan, the study's traffic calming conceptual plan may be used as a factor in considering development proposals and potential roadway improvements on a case by case basis in the Hunter Mill Road Corridor. The traffic calming conceptual plan contains recommendations regarding:

- Traffic calming and traffic operations improvements such as raised medians and roundabouts at several intersections along Hunter Mill Road.
- On-road and off-road trails for pedestrians, cyclists and equestrians as well as landscaping and signage along Hunter Mill Road.

Each specific recommendation in the traffic calming conceptual plan must undergo further traffic engineering review to determine if it is feasible or desirable. However, the recommendations of the traffic calming plan can be used to establish maximum right-of-way needs associated with development proposals and potential roadway improvements.

FISCAL IMPACT:

There is no fiscal impact associated with the proposed changes to the Area Plan text.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Changes to the Area Plan Text

Attachment 2: Planning Commission Verbatim

STAFF:

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

Daniel B. Rathbone, Chief, Transportation Planning Division, FCDOT

Leonard Wolfenstein, Chief, Transportation Planning Section, FCDOT

Fred Selden, Chief, Planning Division, Department of Planning and Zoning (DPZ)

Daniel C. Stevens, Transportation Planner, FCDOT

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4:30 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law

ISSUE:

Public hearing to amend Chapter 82, Motor Vehicles and Traffic. These amendments adopt actions of the 2008 General Assembly into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 82.

TIMING:

The Board authorized the advertisement of a public hearing on the proposed amendments on June 2, 2008; scheduled for June 30, 2008, at 4:30 p.m. If approved, the provisions of these amendments will become effective July 1, 2008.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2008 General Assembly. A summary of these changes, which become effective July 1, 2008, is provided in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic  
Attachment 2 - Summary of 2008 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic

STAFF:

Robert A. Stalzer, Deputy County Executive  
Colonel David M. Rohrer, Chief of Police  
Robert M. Ross, Assistant County Attorney

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Board Agenda Item  
June 30, 2008

4:30 p.m.

Public Hearing on DPA B-846-03 (Reston Square Hotel LLC) to Permit the Third Amendment of the Development Plan for RZ B-846 Previously Approved for Hotel to Permit a Change in the approved Development Plan to Allow 200 Rooms Within the Proposed Hotel for a Portion of the Original 15.0 Acre Site with an Overall Floor Area Ratio of 1.07, Located on Approximately 19,159 Square Feet Zoned PRC, Hunter Mill District

The application property is located on the north side of Sunrise Valley Drive between Reston Parkway and Roland Clarke Place and south of Dulles Toll Road. Tax Map 17-4 ((31)) H.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on June 26, 2008. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
June 30, 2008

5:00 p.m.

Public Hearing on an Amendment to The Code of the County of Fairfax, Virginia, Article 7 of Chapter 3 Regarding a Change in the Employee Contribution Rate for the Police Officers Retirement System

ISSUE:

Board approval of an amendment to Article 7 of Chapter 3, County Employees. This change to the Police Officers Retirement System reduces the employee contribution rate from 11% to 10%.

RECOMMENDATION:

The County Executive recommends that the Board approve an amendment to the Police Officers Retirement System for the purpose of changing the employee contribution rate.

TIMING:

Board action is requested on June 30, 2008, at 5:00 p.m. Public hearing was authorized for advertisement on June 2, 2008.

BACKGROUND:

The employee contribution rate for police officers was reduced from 12% to 11% in FY 2008. The recommendation to decrease the rate to 10% beginning in FY 2009 is another step in improving the competitiveness of the Police Officers' retirement benefits and in narrowing the disparities between public safety retirement systems within the County.

The decrease in the employee contribution rate will reduce Police Officers' out-of-pocket costs and make the Police benefits package more competitive with surrounding jurisdictions. More specifically, the percentage of pay that Police Officers contribute to the retirement system continues to be higher in Fairfax County than in several surrounding localities. Moreover, because Police Officers do not participate in Social Security nor receive Social Security benefits unless they qualify through other employment, Police Officers' net income replacement ratio at Social Security age is lower than that of other County retirees who do participate in Social Security. Lowering the employee contribution rate will provide Police Officers with a more equitable and competitive benefits package. It is anticipated that additional adjustments will be made

Board Agenda Item  
June 30, 2008

in subsequent years to continue to reduce the employee contribution rate for the Police Officers system.

FISCAL IMPACT:

The reduction in the employee contribution rate to 10% requires an increase of 0.89% in the employer contribution rate to the Police Officers Retirement System. The FY 2009 Adopted Budget Plan includes \$894,365, the estimated cost of this amendment.

ENCLOSED DOCUMENTS:

Attachment 1: Amendment to Chapter 3, Article 7, Sections 3-7-24

Attachment 2: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lurnz Swartz dated April 15, 2008

STAFF:

Robert L. Mears, Executive Director of the Retirement Systems

Board Agenda item  
June 30, 2008

5:00 p.m.

Public Hearing on Amendments to The Code of the County of Fairfax, Virginia, Articles 2 and 3 of Chapter 3 Regarding Changes in the Social Security Offset to Service-Connected Disability Benefits for the Uniformed and Employees' Retirement Systems

ISSUE:

Board approval of amendments to Articles 2 and 3 of Chapter 3, County Employees. These changes to the Uniformed and Employees' Retirement Systems revise service-connected disability retirement benefits by changing the reduction based on Social Security benefits from 40% to 30% of Social Security benefits.

RECOMMENDATION:

The County Executive recommends that the Board approve an amendment to the Uniformed and Employees' Retirement Systems for the purpose of changing the level of service-connected disability benefits.

TIMING:

Board action is requested on June 30, 2008, at 5:00 p.m. Public Hearing was authorized for advertisement on June 2, 2008.

BACKGROUND:

The current service-connected disability benefit provisions for the Uniformed and Employees' Retirement Systems are summarized below.

For the Uniformed Retirement System: For those retired prior to December 9, 1996, the benefit level is two-thirds (66 2/3%) of salary. If retired after December 8, 1996, there are two possible levels of benefit. The standard benefit is 40% of salary and a severe service-connected disability benefit is 90% of salary.

All three levels of benefits are offset to some extent by Social Security benefits. There is a 40% offset of disability benefits provided by Social Security. This offset occurs regardless of age unless the Social Security benefit is based on a disability other than that for which the employee was retired. If the retiree is not eligible for Social Security disability benefits and is eligible to receive a Social Security benefit based on age, for those with a 66 2/3% or a 90% benefit, there is a 40% offset of the age-based Social

Board Agenda item  
June 30, 2008

Security benefit that occurs at age 62, the first date of eligibility for Social Security benefits.

For the Employees' Retirement System: The service-connected disability benefit is two-thirds (66 2/3%) of salary. This benefit is reduced by 40% of Social Security disability benefits received at any age, or, at age 62, by 40% of the age-based Social Security benefit.

Benefits in both Systems are also offset by any workers' compensation benefits that are being received.

Proposed Revision

The proposed amendments would enhance service-connected disability retirement benefits by reducing the Social Security offsets from 40% of the Social Security benefit to 30%.

FISCAL IMPACT:

Reduction of the 40% offset provisions would result in a modest impact on the retirement cost of current and future service. A larger component of the cost is due to the unfunded liability created by applying new provisions to past years of service. Following established retirement funding policy the increase in unfunded liability would be amortized over 15 years. The impact on the employer contribution rates for FY 2009 is an increase of 0.13% for the Uniformed System and 0.03% for the Employees' System. Based on FY 2009 budgeted payroll levels, the first year General Fund impact of reducing the 40% offset to a 30% offset is estimated at \$192,500 for the Uniformed System and \$67,500 for the Employees' System. Funding has been included in the FY 2009 Adopted Budget Plan.

ENCLOSED DOCUMENTS:

- Attachment 1: Amendment to Chapter 3, Section 3-2-36
- Attachment 2: Amendment to Chapter 3, Section 3-3-37
- Attachment 3: Amendment to Chapter 3, Section 3-3-37.3
- Attachment 4: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Robert Mears dated May 13, 2008

STAFF:

Robert L. Mears, Executive Director of the Retirement Systems

Board Agenda Item  
June 30, 2008

5:00 p.m.

Public Hearing on RZ 2007-MV-011 (Carrhomes, LLC) to Rezone from R-1 to PDH-2 to Permit Residential Development at a Density of 1.47 Dwelling Units Per Acre, Located on Approximately 7.46 Acres, Mount Vernon District

The application property is located on the west side of Telegraph Road approximately 100 feet north of its intersection with Newington Road. Tax Map 99-4 ((1)) 32 and 33.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 30, 2008, the Planning Commission voted 5-1-6 (Commissioners Alcorn, Hart, Litzenberger, Lusk, and Murphy in favor; Commissioner Flanagan opposed; Commissioners de la Fe, Donahue, Hall, Harsel, Lawrence, and Sargeant abstained) to recommend the following actions to the Board of Supervisors:

- Approval RZ 2007-MV-011, subject to the execution of proffers consistent with those dated April 23, 2008;
- Modification of the PFM standard for a typical section of undivided streets to permit the 47-foot wide right-of-way to taper to 44 feet in width in order to align the proposed public street with the existing right-of-way, as depicted on the CDP/FDP.

The Commission voted 5-2-5 (Commissioners Alcorn, Hart, Litzenberger, Lusk, and Murphy in favor; Commissioners Flanagan and Harsel opposed; Commissioners de la Fe, Donahue, Hall, Lawrence, and Sargeant abstained) to recommend that the Board of Supervisors approve modification of Sect. 2-0103.2 of the Public Facilities Manual to allow four (36%) of the eleven proposed lots to be pipestem lots.

The Planning Commission voted 5-1-6 (Commissioners Alcorn, Hart, Litzenberger, Lusk, and Murphy in favor; Commissioner Flanagan opposed; Commissioners de la Fe, Donahue, Hall, Harsel, Lawrence, and Sargeant abstained) to approve FDP 2007-MV-011, subject to the Final Development Plan Conditions dated March 11, 2008 and subject also to Board approval of RZ 2007-MV-011 and the Conceptual Development plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
June 30, 2008

5:00 p.m.

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

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