

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
AUGUST 3, 2009**

AGENDA

- 9:15 Signing Ceremony for the Lake Barton Dam Rehabilitation Project
Board Conference Room
- 9:30 **Done** Presentations
- 10:00 **Done** Presentation of 2009 National Association of Counties (NACo) "Best in Category" Award Winners
- 10:00 **Done** Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
- 10:00 **Done** Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

- 1 **Approved** Streets into the Secondary System (Dranesville, Hunter Mill, Providence, Springfield and Sully Districts)
- 2 **Approved** Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Center Lane Stormwater Management Drainage Improvements - Project CA8000 (CA004) (Mason District)
- 3 **Approved** Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Revise Chapter 67.1 of the County Code in Compliance with the Environmental Protection Agency's (EPA) New Pretreatment Streamlining Rule and Miscellaneous EPA and County Housekeeping Updates
- 4 **Approved** Approval of Traffic Calming Measures and Installation of Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Dranesville, Providence and Mount Vernon Districts)
- 5 **Approved** Approval of Installation of "No Parking" Signs on School Street (Lee District)
- 6 **Approved** Approval of Installation of "No Parking" Signs on Morning View Lane (Lee District)
- 7 **Approved** Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Mount Vernon, Providence, and Sully Districts)
- 8 **Approved** Approval to Apply for an Allocation of Sponsoring Partnerships and Revitalizing Communities (SPARC) Mortgage Funds from the Virginia Housing Development Authority (VHDA)

**FAIRFAX COUNTY
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**ADMINISTRATIVE
ITEMS**

(continued)

- 9 **Approved** Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2010 Revised Budget Plan

ACTION ITEMS

- 1 **Approved** Approval of Modification of Covenants of the Stonehurst Subdivision (Providence District)
- 2 **Approved** Approval of Changes to the Processing of Traffic Impact Analyses for Rezoning Applications
- 3 **Approved** Approval of Amended Parking Reduction for Hyatt Dulles Hotel (Hunter Mill District)
- 4 **Approved
w/amendment** Endorsement of Comments on Proposed Amendments to the Virginia Stormwater Management Regulations
- 5 **Approved
w/amendment** Comment on the Proposed Federal Capital Improvements Program - National Capital Region, Fiscal Years 2010 - 2015
- 6 **Approved** Approval of the CSB State Performance Contract for FY 2010
- 7 **Approved
w/amendment** Authorization for Scheduling a Vote on a Proposed Amendment to the Rules of Procedure Regarding Time Allocations for Speakers at Board Public Hearings
- 8 **Approved** Approval of FY 2009 Year-End Processing
- 9 **Approved** Approval of Master Lease-Purchase Agreement for Financing of Equipment and Other Actions Associated With Award of the Contract to Provide Lease-Purchase Financing for Acquisition of Equipment
- 10 **Approved
w/amendment** Approval of Department of Community and Recreation Services' Policy for Allocating Community Use Time to Partner Organizations on Synthetic Turf Fields

**FAIRFAX COUNTY
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**INFORMATION
ITEMS**

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|-------|--------------|--|
| 1 | Noted | 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) |
| 2 | Noted | Fairfax-Falls Church Community Services Board FY 2010 Fee Schedule |
| 3 | Noted | Contract Awards and Approval of Street Acceptance Items During Board of Supervisors' Recess |
| 10:30 | Done | Matters Presented by Board Members |
| 11:20 | Done | Closed Session |

**PUBLIC
HEARINGS**

- | | | |
|------|--|---|
| 3:00 | Approved | Board Decision on SE 2008-SP-025 (Islamic Saudi Academy) (Springfield District) |
| 3:00 | Approved | Public Hearing on SEA 85-L-059-06 (BSI Incorporated t/a Browne Academy) (Lee District) |
| 3:00 | Public hearing deferred to 9/14/09 at 3:30 pm | Public Hearing on RZ 2005-HM-028 (Pedro & Carmen M. Toscano, Jr.) (Hunter Mill District) |
| 3:00 | Public hearing deferred to 9/14/09 at 3:30 pm | Public Hearing on SE 2007-HM-023 (Pedro & Carmen M. Toscano, Jr.) (Hunter Mill District) |
| 3:00 | Approved | Public Hearing on RZ 2008-PR-017 (Merrifield Garden Center Corporation) (Providence District) |
| 3:00 | Approved | Public Hearing on SE 2006-PR-018 (Merrifield Garden Center Corporation) (Providence District) |
| 3:30 | Approved | Public Hearing on PCA 2003-MV-033 (Lorton Arts Foundation, Inc.) (Mount Vernon District) |
| 3:30 | Approved | Public Hearing on AR 84-V-007-03 (EDH Associates) (Mount Vernon District) |

**FAIRFAX COUNTY
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**PUBLIC
HEARINGS**
(continued)

3:30	Public hearing deferred to 10/19/09 at 3:30 p.m.	Public Hearing on RZ 2009-PR-002 (Square 1400, L.C.) (Providence District)
3:30	Approved	Public Hearing on SEA 99-H-022 (The Academy of Christian Education, Inc.) (Hunter Mill District)
3:30	Public hearing deferred to 9/14/09 at 3:00 pm	Public Hearing on SEA 2005-SP-033 (Washington DC SMSA Ltd Partnership D/B/A Verizon Wireless) (Springfield District)
3:30	Approved	Public Hearing on SEA 2005-SU-020 (Dominion Christian School and Whole World Fellowship and Church at Northern Virginia) (Sully District)
4:00	Public hearing deferred to 9/14/09 at 3:00 pm	Public Hearing on SEA 95-M-009 (Pinecrest (E&A) LLC) (Mason District)
4:00	Approved	Public Hearing on SEA 2006-PR-019 (Virginia International University) (Providence District)
4:00	Approved	Public Hearing on SEA 79-V-073-04 (American Horticultural Society) (Mount Vernon District)
4:00	Approved	Public Hearing on a Proposal to Vacate and Abandon a Portion of Southland Avenue (Route 2523) (Mason District)
4:00	Approved	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Langley Oaks Pond #1 Project (Dranesville District)
5:00	Approved	Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-1FS, Located on the Northeast Corner of Loisdale Road and Springfield Center Drive (Lee District)
5:00	Approved	Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-2FS, Located on Springfield Center Drive, East of the GSA Parr Warehouse (Lee District)
5:00	Approved	Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-4FS, Located on the North- Side of Old Keene Mill Road, West of Amherst Avenue (Lee District)

**FAIRFAX COUNTY
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**PUBLIC
HEARINGS**
(continued)

- | | | |
|------|-----------------|---|
| 5:00 | Approved | Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-10S, Located West of Beulah Street, North of the Franconia-Springfield Parkway, and South of Walker Lane (Lee District) |
| 5:00 | Approved | Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-3MV, Located on the Northwest Corner of Huntington Avenue and Metroview Drive (Mount Vernon District) |
| 5:00 | Approved | Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-9S, Located South of Backlick Road and the Fairfax County Parkway, Between Telegraph Road and Cinder Bed Road (Mount Vernon District) |
| 5:30 | Approved | Public Comment from Fairfax County Citizens and Businesses on Issues of Concern |



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
August 3, 2009

9:30 a.m.

PRESENTATIONS:

1. **CERTIFICATE** – To recognize the Fairfax County police officers and their K-9 partners who participated in an Iron Dog competition. Requested by Supervisor Frey.
2. **CERTIFICATE** – To recognize staff from Public Safety and the Landsdowne Recreation Center for their services to save a young boy's life. Requested by Chairman Bulova and Supervisors Hyland and McKay.
3. **PROCLAMATION** – To designate Tuesday, August 4, 2009, as National Night Out in Fairfax County. Requested by Chairman Bulova.
4. **CERTIFICATE** – To recognize Kay Tsui for her accomplishments in cycling. Requested by Chairman Bulova.
5. **CERTIFICATE** – To recognize the Vienna youth soccer state champions for their accomplishments. Requested by Chairman Bulova and Supervisors Hudgins, Cook, Foust, Gross, Herrity, Hyland, McKay and Smyth.
6. **CERTIFICATE** – To recognize the Chantilly High School Girls Soccer Team, Girls Lacrosse Team and Boys Lacrosse Team for their accomplishments. Requested by Supervisors Foust, Frey and Herrity.

— more —

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7. CERTIFICATE – To recognize the Langley High School Boys Lacrosse Team for winning the northern region and state championships. Requested by Supervisors Foust and Frey.
8. CERTIFICATE – To recognize Dawn Stoffelen, David Wyttenbach, Kwami Brown, Dempsey Wilson, Dave Fallert and Leon Plenty for their professionalism, quick thinking and service to the patrons of the Lee District Park RECenter. Requested by Chairman Bulova and Supervisor McKay.

STAFF:

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

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10:00 a.m.

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

ENCLOSED DOCUMENTS:
Appointments to be heard August 3, 2009

STAFF:
Nancy Vehrs, Clerk to the Board of Supervisors

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10:00 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE – 1

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

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Grovemont Property	Dranesville	Nicholas Run Drive
Besley Farm	Hunter Mill	Irvin Street (Route 831)
Centerside	Providence	Center Street Walled Oak Court Centerside Court
Fairfax Center Parcel B-1 (Wegmans)	Springfield	Government Center Parkway (Route 7436) (Additional Right-of-Way (ROW) Only)
Henry A Long & Dennis McArver Parcel A – Newbrook Drive	Sully	Newbrook Drive (Route 8411) Poplar Tree Road (Route 4831) (Additional ROW Only) Walney Road (Route 657) (Additional ROW Only)

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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 Forms

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

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ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Center Lane Stormwater Management Drainage Improvements - Project CA8000 (CA004) (Mason District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project CA8000 (CA004) - Center Lane Stormwater Management Drainage Improvements, Fund 318, Stormwater Management Program.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for September 14, 2009, commencing at 4:00 p.m.

TIMING:

Board action is requested on August 3, 2009, 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 consists of storm drainage improvements that will alleviate flooding of commercial property located at the intersection of Center Lane and Williams Lane. A stormwater management facility has been installed at the end of Williams Lane, which requires an outfall for the discharge of excess stormwater runoff.

This project requires the acquisition of a deed of dedication of an existing 12-foot outlet road starting at Paul Street (Route 1844) and extending north approximately 175 linear feet into Williams Lane. An "unknown owner" owns the property; therefore, condemnation is required to obtain title to the affected property.

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. §15.2-1904 and 15.2-1905 (2008). 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 CA8000 (CA004) - Cameron Run Watershed Projects, Center Lane, Fund 318, Stormwater Management Program. This project is included in the Adopted FY2010 - FY2014 Capital Improvement Program. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

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

STAFF:

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

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing for a Sewer Ordinance Amendment to Revise Chapter 67.1 of the County Code in Compliance with the Environmental Protection Agency's (EPA) New Pretreatment Streamlining Rule and Miscellaneous EPA and County Housekeeping Updates

ISSUE:

Board authorization is needed to advertise a public hearing for the purpose of amending the County's sewer ordinance Chapter 67.1 (Articles 1-8). The sewer use ordinance (Attachment 1) is being amended to incorporate revisions required by the Environmental Protection Agency's new Streamlining Rule and corresponding changes to the Virginia Pollutant Discharge Elimination System Permit Regulation (VAC 25-31-10 et. seq.). Also, the ordinance is being amended to incorporate miscellaneous EPA and County housekeeping updates including a modification to the conditions under which the county will pay claims.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing to consider adoption of modifications to the sewer use ordinance on September 14, 2009, at 4:00 p.m.

TIMING:

The Board should authorize such advertisement on August 3, 2009, to provide the public adequate notice for the public hearing.

BACKGROUND:

Fairfax County is required to administer a Pretreatment Program to protect its sanitary sewer system (referred to as a Publicly Owned Treatment Works or POTW) from harmful pollutants which could interfere with the POTW's operation or pass through the POTW insufficiently treated. Specifically, the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (Pub.L. 95-217), as implemented by the General Pretreatment Regulations (40 CFR Part 403), requires implementation of National Pretreatment Standards to control such pollutants. The program is administered nationally by the Environmental Protection Agency (EPA), and in Virginia by the Department of Environmental Quality (DEQ). Subject to DEQ approval and

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through the issuance of discharge permits, the Department of Public Works and Environmental Services has administered such a Pretreatment Program since 1983.

On October 14, 2005, EPA adopted the "Streamlining Rule", a major amendment to the General Pretreatment Regulations. The Streamlining Rule is designed to reduce the overall regulatory burden on both industrial users and regulators without adversely affecting environmental protection. DEQ has required the County to incorporate required Streamlining Rule changes to its sewer use ordinance. In addition to incorporating the required changes, other changes have been included that provide clarification or flexibility for the administration of the County's Pretreatment Program. Also, Section 67.1-13 of the code dealing with payment of claims resulting from sanitary sewer backups has been modified to better outline the conditions under which these claims may be paid by the County.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Amended Sewer Use Ordinance, Chapter 67.1 (Articles 1-8)

Attachment 2: Staff report prepared by the Department of Public Works and Environmental Services

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

Randy Bartlett, Deputy Director, DPWES

Shahram Mohsenin, Director, Wastewater Planning & Monitoring Division, DPWES

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ADMINISTRATIVE - 4

Approval of Traffic Calming Measures and Installation of Multi-Way Stop and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Dranesville, Providence, and Mount Vernon Districts)

ISSUE:

Board endorsement of a Traffic Calming plan, Multi-Way Stop and “Watch for Children” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse a traffic calming plan for Davidson Road (Attachment I) consisting of the following:

- One raised crosswalk and one speed hump on Davidson Road (Dranesville District)

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

- Marbury Road and Oakton Ridge Court (Providence District)

The County Executive further recommends approval for a “Watch for Children” sign on the following street (Attachment II):

- Fort Hunt Road (Mount Vernon District)

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

TIMING:

Board action is requested on August 3, 2009.

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BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Davidson Road plans were approved by staff and the Virginia Department of Transportation (VDOT). The traffic calming plan was subsequently submitted for approval to residents of the petition area in each community. On July 7, 2009, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

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 VDOT's "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 stop requested. On, July 7, 2009, 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.

The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed signs will be effectively located and will not be in conflict with any other traffic control devices. The Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" sign on Fort Hunt Road (June 5, 2009).

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FISCAL IMPACT:

The estimated cost of \$6,000 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Davidson Road

Attachment II: "Watch for Children" Sign Resolution – Fort Hunt Road

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

Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 5

Approval of Installation of "No Parking" Signs on School Street (Lee District)

ISSUE:

Board approval for the County installation of "No Parking" signs on the southern portion of School Street from the western boundary of 3009 School Street to the eastern boundary of 3005 School Street.

RECOMMENDATION:

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

TIMING:

Routine.

BACKGROUND:

The Lee District Supervisor's Office has requested that "No Parking" signs be placed on the southern portion of School Street from the western boundary of 3009 School Street to the eastern boundary of 3005 School Street. Staff has reviewed the area and has determined that the parked vehicles create a safety hazard for pedestrians, cyclists, and motorists traveling along that road. In addition, this is a T-intersection area and parked vehicles are in conflict with other traffic and in violation of Section 82-5-1.

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

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

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

In accordance with subsections (3) and (4) referenced above, staff believes that parking along the southern portion of School Street from the western boundary of 3009 School Street to the eastern boundary of 3005 School Street, should be prohibited everyday, 24 hours a day.

FISCAL IMPACT:

The cost of installing the signs is estimated at \$200 to be paid out of Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Restricted Parking Resolution

STAFF:

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

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ADMINISTRATIVE - 6

Approval of Installation of “No Parking” Signs on Morning View Lane (Lee District)

ISSUE:

Board approval for the County installation of “No Parking” signs on the west side of Morning View Lane, from the intersection of Tassia Drive and continuing south for approximately 75 feet.

RECOMMENDATION:

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

TIMING:

Routine.

BACKGROUND:

The Lee District Supervisor’s Office has requested that “No Parking” signs be placed on the west side of Morning View Lane from the intersection of Tassia Drive and continuing south for approximately 75 feet. Vehicles parked in this area are hampering school buses and other vehicles from entering and exiting the main parking lot at Island Creek Elementary School. Staff has reviewed the area and has determined that the parked vehicles create a safety hazard for pedestrians, cyclists, and motorists traveling along that section of the road.

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

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

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

In accordance with subsection (3) referenced above, staff believes that parking along the western portion of Morning View Lane from the intersection of Tassia Drive and continuing south for approximately 75 feet, should be prohibited every day, 24 hours a day.

FISCAL IMPACT:

The cost of installing the signs is estimated at \$200 to be paid out of Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Restricted Parking Resolution

STAFF:

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

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ADMINISTRATIVE – 7

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application 2232-V08-18 to October 8, 2009; application FS-Y09-31 to October 9, 2009; application 2232-V09-11 to October 31, 2009; applications FS-Y09-34 and FS-Y09-36 to November 6, 2009; application FS-D09-37 to November 7, 2009; applications FS-V09-35 and FSA-P09-4-1 to November 12, 2009; and application FS-B09-42 to December 7, 2009.

TIMING:

Board action is required on August 3, 2009, 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-B09-42, which was accepted for review by the Department of Planning and Zoning on June 24, 2009. 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.

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The Board also should extend the review periods for applications 2232-V08-18, 2232-V09-11, FS-Y09-31, FS-Y09-34, FS-V09-35, FS-Y09-36, FS-D09-37, and FSA-P09-4-1, which were accepted for review by the Department of Planning and Zoning between May 11, 2009, and June 15, 2009. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

- | | |
|-------------|---|
| 2232-V08-18 | T-Mobile Northeast LLC
100-foot monopole (flagpole type)
5614 Old Mill Road
Mount Vernon District |
| 2232-V09-11 | T-Mobile Northeast LLC
125-foot monopole/light pole
8501 Silverbrook Road (South County High School)
Mount Vernon District |
| FS-Y09-31 | Cricket Communications
Antenna colocation on existing transmission tower
Lee Highway / White Post Road intersection
Sully District |
| FS-Y09-34 | Clearwire US LLC
Antenna colocation on existing monopole
5858 Old Centreville Road (Centreville VFD Station)
Sully District |
| FS-V09-35 | Clearwire US LLC
Antenna colocation on existing monopole
8101 Lorton Road
Mount Vernon District |
| FS-Y09-36 | Clearwire US LLC
Antenna colocation on existing monopole
Bobann Drive
Sully District |
| FS-D09-37 | Cricket Communications
Antenna colocation on existing tower
11000 Leesburg Pike
Dransville District |

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FS-B09-42 Fairfax County Public Schools & Junior Achievement
Junior Achievement Building
4101 Pickett Road (Frost Middle School)
Braddock District

FSA-P09-4-1 Verizon Wireless
Antenna colocation on existing water tank
3300 Gallows Road (Fairfax Hospital)
Providence District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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ADMINISTRATIVE - 8

Approval to Apply for an Allocation of Sponsoring Partnerships and Revitalizing Communities (SPARC) Mortgage Funds from the Virginia Housing Development Authority (VHDA)

ISSUE:

The Virginia Housing Development Authority (VHDA) is soliciting proposals for Round Eight of the Sponsoring Partnerships and Revitalizing Communities (SPARC) loan program, which is due on August 14, 2009. Pending approval by the Board of Supervisors, the Department of Housing and Community Development (HCD), on behalf of the Fairfax County Redevelopment and Housing Authority (FCRHA), will submit to VHDA a competitive application for a commitment of SPARC mortgage funds in an amount up to \$18 million. In the seven previous rounds of funding (2002-2008), the FCRHA has been awarded allocations totaling \$63 million which to date have provided low interest mortgages to 354 households in Fairfax County. If authorized by the FCRHA and the Fairfax County Board of Supervisors (BOS), the Department of Housing and Community Development (HCD) will submit an application for an allocation of SPARC mortgage funds in an amount up to \$18 million.

RECOMMENDATION:

The County Executive recommends that the Board authorize HCD, on behalf of the FCRHA, to apply for an allocation of up to \$18 million in SPARC mortgage funds from the VHDA.

TIMING:

Immediate

BACKGROUND:

The objective of Sponsoring Partnerships and Revitalizing Communities (SPARC) is to offer homeownership opportunities to first-time homebuyers and to households that are ready to move-up to homeownership. SPARC funds are state-wide allocations of tax-exempt mortgage revenue bond monies that provide first-trust financing at an interest rate that is one-half percent or one percent below the VHDA first-time homebuyer rate (currently the VHDA rate is 5.25 percent as of July 1, 2009). SPARC will also provide more flexible and favorable terms than are generally available. In round eight only the one-half percent reduction of the VHDA first-time homebuyer rate will be available.

In July 2008, HCD received a SPARC allocation of \$16 million for Round Seven. HCD provided over \$6 million in SPARC funds to first-time homebuyers to purchase foreclosed

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properties in Fairfax County. HCD will continue that effort in Round Eight by setting aside half of the SPARC allocation for the purchase of foreclosed properties to revitalize neighborhoods.

Due to the delay in the announcement of the SPARC Round Eight program, VHDA will be extending Round Seven from June 30 to September 30. This extension will ensure that organizations which have not exhausted their Round Seven allocations can continue to serve their clientele while the competitive process for Round Eight funding is underway. To date approximately \$351,000 remains available for reservation through HCD and is expected to be used by September 30, 2009. Funds have been marketed through HCD first-time homebuyer programs by lenders and realtors.

SPARC Program partners include the Northern Virginia Association of Realtors, the Mortgage Bankers Association, various lenders and nonprofit organizations that provide services to immigrant populations. These groups facilitate the VHDA homeownership education class for eligible borrowers. Thirteen local VHDA-designated lending institutions have actively participated and reserved loans under the recent allocation.

Approval is requested to apply for an allocation of up to \$18 million for Round Eight of SPARC funding. Purchasers would apply and receive first mortgage SPARC funds through designated VHDA lenders. The allocation for funding would be requested to meet the following objectives:

- Increase service to low and moderate-income households by targeting 50 percent of the SPARC funds to borrowers at 60 percent or less of the area median income and the remaining 50 percent toward borrowers meeting the VHDA income limits.
- Target low and moderate income households that work in Fairfax County so that they can live close to their places of employment.
- Preserve community property values in targeted neighborhoods that have experienced the greatest decline in values due to high foreclosure rates.
- Stabilize neighborhoods by reducing (a) the presence of vacant properties, (b) the opportunities for higher crime, and (c) deteriorating housing conditions due to high foreclosures rates.
- Reduce affordable housing financing gaps by providing purchasers with the opportunity to combine SPARC with the Fairfax County Silver Lining Program, the Federal Home Loan Bank Down Payment and Closing Costs Program, and other secondary financing that meet VHDA's Secondary Financing Certification Requirements.

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- Address deficiencies in housing stock affordable to low-income families (under 60 percent of the area median income) by providing purchasers with the opportunity to combine SPARC funding with the Home Improvement Loan Program (HILP) to purchase and rehabilitate older properties.

FISCAL IMPACT:

There is no fiscal impact to the County in requesting an allocation of the SPARC mortgage funding. Mortgage lenders access these funds for eligible County borrowers directly from VHDA designated lenders, bringing new capital to first-time homebuyers who live or work in the County.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive

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

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

Barbara Silberzahn, Director, Homeownership and Relocation Services Division, HCD

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ADMINISTRATIVE – 9

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2010 Revised Budget Plan

ISSUE:

Board approval of an advertisement to increase the FY 2010 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2009 Carryover Reviews*. Section 15.2 – 2057 of the Code of Virginia requires that a public hearing be held prior to Board Action.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing to be held on September 14, 2009, at 10:00 a.m.

TIMING:

Board action is requested on August 3, 2009.

BACKGROUND:

As the *FY 2009 Carryover Review* includes potential increases in appropriation greater than \$500,000, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement for a public hearing.

Details of the proposed changes shown in the advertisement are provided to the Board in the enclosed *FY 2009 Carryover Review* documents. As stated in the advertisement, copies of these documents will be made available for citizen review at governmental centers, libraries and the Government Center.

The School Board funding adjustments included in the advertisement is based upon the School Board's actions on July 23, 2009.

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ENCLOSED DOCUMENTS:

Attachment A: Proposed advertisement for public hearing

Attachment B: August 3, 2009 Memorandum to the Board of Supervisors from Anthony H. Griffin, County Executive, with attachments, transmitting the County's *FY 2009 Carryover Review* with appropriate resolutions

Attachment C: Fairfax County School Board's FY 2009 Final Budget Review and Appropriation Resolutions

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

Susan Datta, Director, Department of Management and Budget

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ACTION - 1

Approval of Modification of Covenants of the Stonehurst Subdivision (Providence District)

ISSUE:

Board approval of certain modifications to the existing covenants of Stonehurst Subdivision.

RECOMMENDATION:

The County Executive recommends that the Board approve certain modifications to the existing covenants of Stonehurst Subdivision, as set forth in Attachment I, by approving an appropriate resolution (Attachment II) and, further, that the Board authorize the County Executive or his designee to execute such additional document(s) evidencing such approval as he deems appropriate. The resolution has been prepared by counsel for the Stonehurst Homeowners Association (HOA) in coordination with staff of the Department of Public Works and Environmental Services (DPWES) and the Office of the County Attorney.

TIMING:

Board action is requested on August 3, 2009.

BACKGROUND:

The Stonehurst Subdivision, constructed in the late 1960s and early 1970s, is a community of 308 town homes located on the north side of Route 50 east of Blake Lane in the Providence District [TM: 48-4 ((11))]. The County has received a request from Ms. Laurie L. Dolson, counsel for the Stonehurst HOA, regarding two amendments to the Declaration of Covenants, Conditions and Restrictions (Declaration) governing the Stonehurst Subdivision. The covenants contain an unusual provision requiring that amendments to the covenants be approved by the Board. Paragraph 26 of the Declaration provides as follows:

26. These covenants may not be eliminated, changed or amended in whole or in part at any time by Stonehurst Homeowners Association, its successors or assigns[,] without the approval of the Board of Supervisors of Fairfax County, Virginia.

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Fairfax County was not a party to the Declaration that established this covenant. Because the Board was not a party to the Declaration, the validity of this covenant could be questioned. However, the HOA is requesting that the Board, as an accommodation, approve two recent modifications of its covenants, such that the modifications will not risk the creation of a title defect.

The amendments to the Declaration, already approved by the members of the HOA, relate to snow removal along walkways and entryways, and assigned parking within the community. All the streets within the subdivision are private streets. The County would not be adversely affected by these changes.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – First Amendment to the Stonehurst Declaration of Covenants, Conditions and Restrictions

Attachment II – Resolution Approving First Amendment to the Stonehurst Declaration of Covenants, Conditions and Restrictions

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard Guba, Deputy Director, DPWES

James Patteson, Director, Land Development Services, DPWES

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ACTION - 2

Approval of Changes to the Processing of Traffic Impact Analyses for Rezoning Applications

ISSUE:

Board review and approval of proposed changes to the processing of Traffic Impact Analyses (TIA) for rezoning applications to allow an earlier review of the TIA by the Virginia Department of Transportation (VDOT). A Letter to Industry (Attachment I) has been drafted to communicate these changes to developers and allied participants in the zoning review process.

RECOMMENDATION:

The County Executive recommends that the Board endorse the process changes detailed in the Letter to Industry (Attachment I).

TIMING:

The changes in the TIA review process are proposed to take effect on October 1, 2009.

BACKGROUND:

On July 1, 2007, regulations requiring the submission of a TIA for rezoning applications meeting criteria defined in 24VAC30-155-40 took effect. The intent of this regulation is to significantly increase the involvement by VDOT in the local land use process. Historically in Fairfax County, close coordination with VDOT has occurred, even with regard to review of a TIA, prior to the legislation taking effect. The legislation formalized a VDOT TIA review process on a statewide basis including defining specific submission requirements for the review of a TIA and establishing timelines for their reviews.

The establishment of detailed submission requirements is significant as they provide a legal basis for securing data and analysis essential for an adequate review of a TIA. However, this requirement has presented some difficulties in the review of a TIA by VDOT as these analyses have been found to be deficient. This has required additional submittals to address the identified deficiencies and affected the review timelines for a TIA and the scheduling of public hearings on rezoning applications.

The legislation establishes a 45-day review time period for a TIA. If, prior to the 44th day of the review, VDOT determines that more review time is necessary, the review period can be extended up to 120 days. While VDOT has typically completed its review within the initial 45 day period, TIAs have been found deficient requiring resubmission to address the

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deficiencies. This restarts the timeframe for review. In cases with resubmissions, particularly multiple resubmissions, the overall TIA review timeframe has extended beyond 120 days.

The regulatory guidance for review of a TIA clearly distinguishes between a process to determine whether a TIA complies with State regulations and a TIA review process to identify and make recommendations pertaining to transportation impacts associated with a proposed development. The procedural changes are intended to have VDOT clearly identify deficiencies in the TIA to be addressed by the applicant toward a determination that the study is complete. In order to allow VDOT to make an earlier determination on the completeness of a TIA, staff is proposing that it be submitted coincident with the submittal of a rezoning application. Further, rather than holding the TIA until the rezoning application is accepted, as is the practice today, it will be forwarded to VDOT immediately for their review. This earlier review by VDOT will begin during the review of the rezoning application by the Department of Planning and Zoning for acceptance. While the zoning application can be accepted for formal review by staff prior to a determination of sufficiency of the TIA, no public hearing dates for the application will be established until VDOT determines that the TIA meets the technical requirements.

VDOT has been involved in the discussions regarding the proposed procedural changes and has agreed to begin its review at this earlier stage. They have also indicated that in addition to determining that the TIA meets technical requirements they are also likely to make recommendations for transportation improvements during this earlier review. VDOT has also indicated they will adhere to the 45/120 day review timetable under the revised process. These changes were also discussed with the Planning Commission on July 8, 2009.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Draft Letter to Industry

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Daniel B. Rathbone, Chief, Transportation Planning Division, FCDOT
Angela K. Rodeheaver, Chief, Site Analysis Section, FCDOT
Michael A. Davis, FCDOT

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ACTION - 3

Approval of Amended Parking Reduction for Hyatt Dulles Hotel (Hunter Mill District)

ISSUE:

Board approval of a 28.4 percent amended reduction in required parking for Hyatt Dulles Hotel, Tax Map Number 15-2 ((2)) 0001, Hunter Mill District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 28.4 percent for Hyatt Dulles Hotel, pursuant to Paragraph 4(B), Section 11-102 of Chapter 112 of the *Code of the County of Fairfax, Virginia* (County Code), 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 346 parking spaces on-site and 54 off-site parking spaces located at Dulles Corner, Parcel 2 must be maintained at all times for the Hyatt Dulles Hotel.
2. The following uses are permitted per this parking reduction, for the Hyatt Dulles Hotel Expansion:
 - 317 guest rooms;
 - A total of 25,790 gross square feet (GSF) with 467 seats for meeting rooms or a banquet facility;
 - Restaurant space with 217 table/bar seats, and 28 employees;
 - 37 lounge/lobby seats; and
 - 247,380 GFS total for the entire hotel.
3. Provision of a Transportation Demand Management (TDM) program, proffered in conjunction with the approval of Rezoning (RZ) 2008-HM-016/ Proffered Conditioned Amendment (PCA) 86-C-029-011, with a goal to reduce the number of vehicle trips generated by the hotel property employees, visitors and guests by fifteen percent (15%) during the PM peak hour of the adjacent street traffic.
4. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Number 15-2 ((2)) 0001, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include

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requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Fairfax County Zoning Ordinance (Zoning Ordinance).

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

TIMING:

Board action is requested on August 3, 2009.

BACKGROUND:

The referenced site is 6.38 acres, is zoned Planned Development Commercial (PDC) and is within the Airport Noise Overlay District.

The site is governed by the proffers associated with RZ 2008-HM-016 and PCA 86-C-029-11 and the combined Conceptual/Final Development Plan (CDP/FDP) that were approved by the Board on March 30, 2009. PCA 86-C-029-11 permitted the deletion of 6.38 acres from the 99 acre Dulles Corner mixed use development. Approval of RZ/FDP 2008-HM-016 rezoned the 6.38 acres to the PDC District, subject to new proffers, to expand the existing Dulles Hyatt Hotel.

Approval of the above applications permits the addition of 19,000 square feet of meeting space to the ground floor of an existing 228,380 gross square foot hotel, which results in an increase in floor area ratio (FAR) from 0.82 to 0.98 and a slight decrease in overall FAR for the overall Dulles Corner development from 0.72 to 0.71. Based on the parking tabulations contained in the staff report, there will be a total of 25,790 square feet of meeting room space with approximately 467 seats.

The subject site received approval of a 20.72% parking reduction (104 spaces) on October 27, 1986. On December 4, 1987, the Board of Supervisors approved a shared parking agreement based on differing hours of operation with the office building to the east for a

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total of 344 required spaces, which resulted in an additional reduction of 54 parking spaces. The proffers accepted with the Board of Supervisors' approval of RZ 2008-HM-016 and PCA 86-C-029-11 include commitments to the provision of a revised shared parking study an/or parking reduction that demonstrate that adequate parking space is available, prior to the issuance of a Non-Residential Use Permit (RUP) for the expansion. In addition, the applicant has proffered to implement a Transportation Demand Management Program (TDM) and to acquire \$5,000 in SmarTrip cards for use by hotel employees prior to the issuance of a Non-RUP for the expansion area and to continue the program for a period of four (4) years for use by hotel employees.

The applicant has submitted Parking Study number 6318-PKS-001-1 which is an analysis of the parking accumulations resulting from the hotel expansion. This site will have a reconfiguration of the parking lot that will provide 346 parking spaces on site. There are 54 additional parking spaces provided within the garage of the adjacent site on Dulles Corner. The total number of available parking spaces will be 400 at the time of the completion of the construction associated with the hotel's expansion. However, during construction a temporary parking agreement will be needed for displaced parking during construction. The applicant has agreed to obtain a temporary agreement which should solve all of the concerns about parking availability during the expansion of the hotel.

The review of the parking analysis indicates that the parking accumulations of the uses justify the 28.4 percent parking reduction. Therefore, the staff recommends granting this reduction.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I – Excerpt of Parking Reduction Study and Letter of Request dated June 18, 2009, Wells & Associates (Full copy of the Parking Reduction Study is filed with the Clerk of the Board for public review)

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 – 4

Endorsement of Comments on Proposed Amendments to the Virginia Stormwater Management Regulations

ISSUE:

Board endorsement of comments on proposed amendments to Parts I, II, III, and XIII of the Virginia Stormwater Management Regulations (4VAC50-60 *et seq.*).

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to submit the comments in Attachment I. The comments have been prepared by staff of the Department of Public Works and Environmental Services (DPWES).

TIMING:

Board action is requested on August 3, 2009. The public comment period ends Friday August 21, 2009, at 5:00 p.m.

BACKGROUND:

The Virginia Soil and Water Conservation Board (VSWCB) is proposing amendments to Parts I, II, III, and XIII of the Virginia Stormwater Management Regulations (4VAC50-60 *et seq.*) in two separate regulatory actions. The proposed regulatory action related to Parts I, II, and III amends the technical criteria applicable to stormwater discharges from construction activity, establishes minimum criteria for locally-administered stormwater management programs (qualifying local programs) and Department of Conservation and Recreation (DCR) administered local programs, as well as authorization procedures and review procedures for qualifying local programs, and amends the definitions section applicable to all of the Virginia Stormwater Management Program (VSMP) regulations. The proposed regulatory action related to Part XIII establishes a statewide fee schedule for stormwater management and state agency projects and establishes the fee assessment and the collection and distribution systems for those fees. Permit fees are established for: Municipal Separate Storm Sewer Systems (MS4) (new coverage); MS4 (major modifications); Construction activity general permit coverage; Construction activity individual permits; Construction activity modifications or transfers; and MS4 and Construction activity annual permit maintenance fees.

The proposed amendments to the regulations were published in the *Virginia Register* on June 22, 2009. DCR held a series of public hearings including a public hearing on Tuesday, July 7, 2009, at 7:00 p.m. in the City of Manassas Council Chambers at which staff provided

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preliminary comments as discussed in a July 2, 2009, memorandum (NIP) to the Board from the County Executive. The public comment period ends Friday August 21, 2009, at 4:00 p.m. Not less than 15 days following the completion of the public comment period, VSWCB may adopt the proposed amended regulations. When final action is taken, VSWCB will publish the text of the regulation as adopted. A 30-day final adoption period begins upon final publication in the *Virginia Register*. At any time during the promulgation or final adoption process, the appropriate standing committee of either branch of the General Assembly and/or the Governor may file an objection with the Registrar and the promulgating agency or suspend the effective date of the regulations. However, approval of the regulations by the legislature is not necessary for the regulations to become effective. Because the regulations propose to delegate permitting authority to localities related to the federal Clean Water Act, approval of the final regulations by the Environmental Protection Agency also is needed.

The proposed amendments to the regulations do not include a timetable for local jurisdiction compliance with the amended regulations. However, HB 1991 enacted this past legislative session requires VSWCB to adopt a schedule for local program adoption of no sooner than 15 months and not more than 21 months following the effective date of the regulations with the possibility of a 12-month extension for individual jurisdictions based on DCR's review of the local program and a demonstration of substantial progress. DCR is projecting local adoption to occur between October 2011 and April 2012 with an April 2013 date for those jurisdictions receiving extensions. Section 10.1-603.3 of the Virginia Stormwater Management Act specifies that any locality in Tidewater Virginia as defined by the Chesapeake Bay Preservation Act (§ 10.1-2100 et seq.), or any locality that is partially or wholly designated as required to obtain coverage under a Municipal Separate Storm Sewer (MS4) permit under the provisions of the Clean Water Act, shall be required to adopt a local stormwater management program and take over permitting from DCR. Therefore, Fairfax County is required to adopt a stormwater management program and take over permitting from DCR. Other Virginia localities may adopt stormwater management programs and take over permitting from DCR but are not required to do so. There are 103 localities required to adopt programs and 222 localities for which adoption is optional.

The proposed regulations have been in development for more than three years and staff has participated on the statewide Technical Advisory Committee established by DCR to solicit input on the proposed regulations. Staff also has provided input on the proposed regulations through the Virginia Municipal Stormwater Association (VAMSA). VAMSA is a statewide association of local governments that supports the development and implementation of stormwater-related policies based on good science and good public policy, including a balanced approach to environmental and fiscal sustainability. Staff has provided periodic updates to the Board at the Board's Development Process and Environmental Committee meetings throughout the development of the regulations. Additionally, the Board expressed its concerns regarding the fiscal sustainability and the technical feasibility of the proposed regulations in a letter to L. Preston Brian, Jr. Secretary

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of Natural Resources in November 2008. That letter and Secretary Bryant's response are attached.

The *Economic Impact Analysis* prepared by the Virginia Department of Planning and Budget for the proposed regulations discusses the additional costs imposed on land development activities in general terms and only develops a detailed cost estimate for the proposed permit fee. The analysis notes that:

- The cost of incremental reductions in nutrient loads from the application of stormwater controls, however, is high relative to other nutrient removal options.
- Uncertainties exist over the long term cost and effectiveness of many stormwater control practices.
- The cost of achieving additional nutrient reductions in highly urban settings and other areas with site specific constraints is still uncertain but potentially high.
- The total incremental costs to the state of implementing additional stormwater control practices to meet the proposed regulatory changes could not be estimated at this time.
- The greater expected use of smaller scale distributed practices could increase the costs of local stormwater management, particularly in terms of ensuring the long-term maintenance and performance of stormwater control practices over time.
- Private land developers across the state may face increased land development costs associated with these new regulations in many situations. A portion of those costs will be passed down to buyers of newly constructed properties, homeowners and businesses.

A listing of the major changes to the stormwater regulations is attached. The proposed changes will have a significant impact on Fairfax County and County citizens. Major staff comments are provided below. Full comments including minor editorial or technical comments are included in Attachment I.

1) Fees. As currently proposed, the regulations will place a substantial financial burden on those localities that will be required to maintain stormwater programs and assume permitting authority for stormwater discharges from construction activity, which is currently the responsibility of the state. Although localities will be able to recoup some of their costs associated with these new activities through the collection of permit fees, the statewide fees being proposed do not address the variation in costs between different localities across the state, which are generally higher in suburban/urban areas. Under the proposed regulations, localities will be required to return a portion (currently proposed to be 28%) of the collected funds back to the state. The proposed regulations incorporate provisions allowing localities to charge lesser fees, provided the state gets its 28% based on the statewide fee, but do not include provisions to allow localities to charge higher fees. In the background documentation for this regulatory action, the Department of Conservation and Recreation (DCR) states that the establishment of regional fees was considered and "was not determined to be the preferred approach as it was thought that this could lead to

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competitive disadvantages within localities with a higher fee structure.” There is no evidence that existing disparities among localities in fees for building permit applications, zoning applications, and subdivision and site plan reviews has this effect.

In setting the proposed statewide fees, DCR relied on a 2006 survey of its regional Soil and Water Conservation Office field staff to estimate how long various aspects of stormwater program administration such as plan review, inspections, and administrative/permit issuance took based on project size. Because these estimates were based on permits issued under the existing regulations and the number of facilities per plan is anticipated to increase substantially under the proposed regulations, we believe that the time required for plan review and inspection is grossly underestimated and will result in insufficient fees being collected to support local programs. The amount of new funding available to localities to assume permitting authority for stormwater discharges may be lessened further by the apparent overlap between the proposed permit fee with fees currently being collected for plan review and inspection.

In light of the above, we recommend that the proposed fee structure be changed to require a statewide base permit fee that will be returned to the state to fund its portion of the program, and to allow localities to be able to set fees in addition to the base fee based on the costs associated with their individual programs. If the state chooses not to allow for local variation, then regional variation would be the next best solution. As a minimum, the statewide fees need to be higher to account for the added costs associated with the revised technical criteria.

2) Technical content of amendments. We are concerned about the scientific basis for the water quality control criteria and the long-term accountability for its effectiveness. It appears that there has been a “force-fitting” of the methodology and facility effectiveness to meet an explicit phosphorous loading requirement that is based on application of the Chesapeake Bay Model. We do not support the use of the Chesapeake Bay Model to develop water quality standards for the following reasons: i) the model was developed to test management strategies not set water quality standards; ii) the stream segmentation is not refined enough to accurately model current pollutant loads; iii) the model does not adequately account for redevelopment of existing urban areas nor recognize the potential stability of moderate to low density residential areas; iv) the model does not accurately reflect the extent of areas currently treated by water quality controls; and v) the model does not account for the benefits provided by regional lakes which, while they were not designed as stormwater treatment facilities, do trap sediment and associated pollutants. We are concerned about moving forward with a heavy reliance on practices whose long-term effectiveness is unknown and that localities will be held accountable through their MS4 permits if the methodology and the effectiveness of some of the practices are revised over time.

Water quality offsets and monetary contributions are options that have been offered as alternatives to on-site controls. These alternatives do not provide sufficient relief. Offsets don't address impacts to local streams. Monetary contributions delay installation of facilities

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until such time as there is sufficient money accumulated to go forward with the project. Depending on the pace of development, there could be years of delay.

The lack of availability of design standards for the stormwater facilities is also a concern. Localities have been told repeatedly that the updated Virginia Stormwater Management Handbook, which is referenced in the regulations, would be available for review during the comment period on the regulations. It is not. To date, insufficient information has been made available about the technical basis for the criteria, design standards, and the testing of the criteria. This information is important for determining the implications of the proposed changes on land development and redevelopment. For example, as a locality with areas in need of revitalization, we are particularly concerned about the impacts the proposed criteria may have on the ability to achieve greater density in areas near mass transit. We believe that the public comment forum is flawed because our ability to comment on the regulations is hampered by the lack of availability of the material referenced in the regulations.

As a solution to the above concerns, we recommend a phased or iterative approach to the implementation of more stringent phosphorous removal requirements. We recommend that in the initial phase all jurisdictions within the state be required to comply with the current criteria (maximum post-development phosphorus load of 0.45 lbs/acre/year from new development and 10% reduction for redevelopment) not just those currently subject to the requirements. More stringent criteria can be adopted as the science and technology evolves. Because permitting authority for stormwater discharges from construction activity will have a substantial impact on those localities that are required to establish a program, a phased approach will allow the localities to get their programs established and approved without the additional burden created by having to incorporate and implement new technical criteria. A phased approach also provides time for additional study and data gathering on the methodology and long-term effectiveness of the water quality control practices being proposed. In presentations given at the public hearing portion of the public comment forum, staff of the Department of Conservation and Recreation has identified redevelopment, infill, and implementation on varying types of sites as outstanding issues. A phased approach will allow for more study and discussion on the best way to address these outstanding issues.

As an alternative to phasing in the more stringent criteria, the proposed regulations could be modified to utilize a two part design. The first part of the design would reduce the post-development phosphorus loads to 0.45 lbs/acre/year. The water quality controls used for this part of the design would consist of land use practices and facilities that would be subject to maintenance agreements to insure continued operation. The second part of the design would bring the loading down from 0.45 to 0.28 lbs/acre/year. The water quality controls used for this part of the design would consist of land use practices and facilities (e.g. smaller on-lot facilities) that would not be subject to maintenance agreements. Some redundancy could be built into the design to account for failure of facilities that are not properly maintained or are removed by property owners. This approach would be similar to regulations that require water conservation measures to be installed in new homes, without

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any requirement for government enforcement after initial installation. Since maintenance agreements would not be required, localities would not be required to assume responsibility for enforcement of the inspection and maintenance of these facilities. This approach addresses many of our concerns discussed below and also will allow for greater use of innovative technologies.

3) Post-construction maintenance, enforcement, and fiscal sustainability. The proposed technical criteria will necessitate the use of many more decentralized stormwater management facilities for each development project to achieve the required results. The long-term effectiveness of many of these facilities is unknown and many of them require specialized maintenance. This places a financial burden on the owner of the facility and a burden on the localities that have to inspect and enforce the maintenance of these facilities. This problem is exacerbated by the fact that some of the facilities being proposed will have to be located on individual homeowner lots where the long-term existence and effectiveness of practices such as disconnected downspouts, rain barrels, and rain gardens will be dependant on the actions of homeowners. Enforcement involving individual homeowners and homeowner associations is a difficult, time consuming, and expensive process with questionable benefit to overall water quality. Staff is concerned about the County being held accountable through our MS4 permit for ensuring that these facilities continue to provide the designed removal rates throughout their service life and having the effectiveness of our water quality efforts rely so heavily on the actions of individual property owners. The County already has several thousand facilities, both public and private, to inspect and enforce for maintenance. The concern is that the proposed regulations will increase the numbers of facilities substantially beyond that mark without any assurance that the facilities will function as intended. In addition, there aren't any mechanisms to recover the costs for administration, inspection and enforcement of maintenance over the life of the facilities. In order for the environmental protection benefits to be achieved, the program needs to address long-term financial sustainability.

The alternative approaches recommended previously are a way to address these concerns. Regardless of whether either of the alternative approaches is considered, the proposed regulations should be modified such that maintenance agreements would not be required for certain types of facilities (e.g. rain barrels on single-family homes) where monitoring and enforcement is most problematic. Since maintenance agreements would not be required, the localities would not be required to assume responsibility for enforcement of the inspection and maintenance of these facilities. The facilities would be installed but not monitored after the development project is completed. Maintenance would be addressed through public education. This process would be similar to regulations that require water conservation measures to be installed in new homes, without any requirement for government enforcement after initial installation. The benefit of this approach is that the burden on localities is lessened while citizens and communities are educated and become accustomed to their responsibilities for smaller decentralized stormwater facilities and more information on the operation, maintenance, and long term impacts of these facilities can be

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collected. More stringent enforcement requirements can be introduced over time as more information and confidence is gained in the various types of facilities.

FISCAL IMPACT:

See discussion of the state's *Economic Impact Analysis* in the background section this Board Item.

ENCLOSED DOCUMENTS:

Attachment I: Staff Review Comments

Attachment II: Listing of Major changes to the Stormwater Regulations

Attachment III: Proposed Amendments to parts I, II, and III of the Virginia Stormwater Management Regulations

Attachment IV: Proposed Amendments to part XIII of the Virginia Stormwater Management Regulations

Attachment V: Letter from Chairman Gerald E. Connolly to Secretary of Natural Resources L. Preston Bryant Jr. dated November 17, 2008

Attachment VI: Letter from Secretary of Natural Resources L. Preston Bryant, Jr. to Chairman Gerald E. Connolly dated December 10, 2008

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard Guba, Deputy Director, DPWES

Randy Bartlett, Deputy Director, DPWES

James Patteson, Director, Land Development Services, DPWES

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ACTION - 5

Comment on the Proposed Federal Capital Improvements Program - National Capital Region, Fiscal Years 2010 - 2015

ISSUE:

Request by the National Capital Planning Commission (NCPCC) for review and comment by Fairfax County on the proposed Federal Capital Improvements Program (FCIP) for the National Capital Region.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors submit the comments provided in Attachment 1 to NCPCC concerning the proposed Federal Capital Improvements Program FY 2010 – FY 2015. The majority of the projects identified in Fairfax County which are recommended for funding are located at Fort Belvoir. The comments state that the County remains concerned about the potential impacts of the significant number of projects at Fort Belvoir and cannot provide specific endorsement until all project information and details are received and additional roadway and transit commitments identified. The comments support four other projects that are recommended in the Program: Fairfax County Parkway Phases III and IV, I-95 HOV Access at Fort Belvoir and the Engineering Proving Grounds, and Dulles Corridor Rapid Transit Project. The comments also provide support to two projects which are of interest to the County and have been submitted by NCPCC as “Commission Submitted Projects: Recommended for Future Programming.” These projects are identified as “Light Rail Projects in the District of Columbia, Virginia and Maryland”, and the “Regional Park System”

TIMING:

NCPCC has requested comments on the proposed program by August 25, 2009, and is tentatively scheduled to adopt the FCIP on September 3, 2009. Board approval is requested on August 3, 2009, so that an official Board position can be transmitted to NCPCC.

BACKGROUND:

The FCIP for the National Capital Region, Fiscal Years 2010-2015, contains the federal land acquisition and development proposals in the National Capital Region that are recommended for funding over the next five federal fiscal years. The FCIP identifies

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twenty-six projects to be located in Fairfax County: twenty-two projects at Fort Belvoir with a five-year funding requirement of \$1.434 billion; Phase III and Phase IV of the Fairfax County Parkway with a five-year funding requirement of \$56.4 million; I-95 HOV Access at Fort Belvoir and the Engineering Proving Grounds; and the Dulles Corridor Rapid Transit Project.

Provided below is a description of each of the projects contained in the FCIP which is proposed to be located in Fairfax County. An asterisk (*) by the project name indicates it is a new project in the FCIP.

Fort Belvoir Projects - Of the twenty-two Fort Belvoir projects, seven are "Recommended" and fifteen are "Projects Requiring Additional Planning Coordination." The "recommended" project category includes projects submitted by federal agencies that are considered to be in conformance with NCPC and local planning policies; planning initiatives identified in the Comprehensive Plan; identified federal interests and objectives; federal agency system plans; master plans for individual installations; and NCPC-approved site or building plans. "Projects Requiring Additional Planning Coordination" are projects which may not conform to the submitting agency's own approved master plan, federal agency system plans or NCPC-approved site and building plans; projects which lack sufficient basic information for review, such as building programs or conceptual plans, out-year projects that are still in development; projects which significantly conflict with existing adopted federal, regional or local plans, planning initiatives identified in the Federal Comprehensive Plan, or are contrary to federal interests as defined by adopted planning guidelines or policies. Significant planning issues might also be identified through consultation with NCPC staff or through NCPC review.

The seven projects "Recommended" at Fort Belvoir include:

1. Access Road Improvements*. \$51,350,000 programmed in FY2010 to construct approximately 2.5 miles of access ramps and road improvements at the Fort Belvoir Gates. These improvements are located at Backlick Road and the Engineering Proving Grounds (EPG) Barta Road, at the I-95 south-bound ramp onto EPG, at the HOV ramp off of I-95 to EPG, at the ramps accessing EPG off the Fairfax County Parkway, and signalization and lane improvements off of US Route 1 onto Fort Belvoir at Tully gate and Pence Gate. Utility relocation, stormwater management and property purchase are part of the project.

NCPC notes that at its August 4, 2008 meeting, it approved the preliminary and final site development plans for the East North Loop Road utilities, access improvements at Backlick Road/Barta Road intersection, and power substation rough grading at the EPG, Fort Belvoir and approved the preliminary site

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development plans for the South Loop Road Bridge over SL-4 Wetlands at the EPG, Fort Belvoir. Fairfax County has submitted comments about the proposed infrastructure and the Department of the Army should take these into consideration as they move forward with the project.

2. Construct New Hospital. \$140,700,000 programmed in FY2010. The estimated total project cost is \$806,800,000; the project has received \$666,100,000 in prior funding. This project is for the construction of an 868,800 gross square foot (GSF) community hospital. This facility will include primary and specialty patient care, medical and administrative offices and supporting unit hospital functions. All related support facilities will be included. A total of 2,600 parking spaces will be provided through structured parking. This project first appeared in the FY 2008 – FY 2013 FCIP.

NCPC notes that at its September 6, 2007 meeting, it approved the concept site and building plans for the hospital. At its July 10, 2008 meeting, NCPC approved the preliminary and final site and building plans for the new hospital and commended the Army for maintaining the design integrity of the final hospital design with its sustainable and eco-friendly building elements and landscape design features.

3. Dental Clinic. \$17,700,000 estimated total project cost programmed in FY2010. This project will construct a 22,798 GSF dental clinic with office space, waiting area, restrooms, and related supporting facilities and security, lighting and information systems. Parking spaces have not been determined. This project first appeared in the FY 2008 – FY 2013 FCIP.
4. Fort Belvoir Infrastructure. \$152,000,000 estimated total project cost programmed over the FY2009 – FY2011 period for construction of infrastructure facilities at Fort Belvoir. Work includes a communications center, communication lines, access control facilities, underground electrical lines with substation, transformers and switches; hot water and chilled water generation plants and distribution lines, elevated potable water storage tank, water distribution mains and laterals; sanitary sewer main and laterals, natural gas pipelines, storm water collection and management structures, roads, bridges and perimeter fencing, and supporting facilities. This project first appeared in the FY 2008 – FY 2013 FCIP.
5. North Atlantic Regional Medical Command (NARMC) Headquarters Building. \$23,000,000 estimated total project programmed in FY2010 to construct a 50,000 GSF medical command headquarters building. Primary facilities include administrative areas and building information systems. Related supporting

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facilities and security and information systems will also be provided. This project first appeared in the FY 2004 – FY 2009 FCIP.

6. National Geospatial Agency. \$112,900,000 programmed in FY2010. The estimated total project cost is \$1,209,000 and the project has received \$1,096,100,000 in prior funding. This project will construct a 2,419,000 GSF facility to house the National Geospatial Agency. This complex will consist of a sensitive compartmented information facility (SCIF), Tier II data center, remote inspection facility, visitor's center, auditorium, technical library, cafeteria, physical fitness facility, and training and laboratory facilities, emergency generator, HVAC, and includes electrical service, water distribution and wastewater collections lines, steam and chilled water distribution lines, access road with bridge, paving curb and gutter, site improvements and information systems. A total of 5,100 parking spaces will be provided through structured parking. This project first appeared in the FY 2008 – FY 2013 FCIP.
7. Shoppette South Post*. \$4,000,000 in estimated total project cost programmed in FY2010. This project will construct a 7,233 GSF facility to house the Shoppette at Fort Belvoir. This complex will consist of a gas station, retail and fast-food restaurant, administrative and related systems. A total of 45 parking spaces will be provided. The Executive Director of NCPC approved the final site and building plans on April 30, 2009.

NCPC lists fifteen projects at Fort Belvoir listed by NCPC as "Projects Requiring Additional Planning Coordination" and provides the following general comment about these projects:

"Fort Belvoir is preparing for significant growth by 2011 due to the implementation of the BRAC actions. Many of the projects listed are not identified in the existing master plan, but are being included in the significantly expanded master planning and environmental review process being undertaken by the Army. The Army is currently working with NCPC, Fairfax County and other local, regional and state entities to identify and address the impacts of the anticipated growth. In recognition of these identified impacts and pending the completion of an updated master plan that includes these projects, these projects are categorized as "Requiring Additional Planning Coordination."

Projects listed in this category include:

1. Construct New Barracks. \$47,000,000 estimated total project cost programmed in FY2015. This project provides for construction of a 500 unit barracks complex that includes living module, hallways, stairwells, utilities, and security and

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information systems. Parking has not been determined. This project first appeared in the FY 2008 – FY 2013 FCIP.

2. Construct New Physical Fitness Center at EPG. \$30,000,000 estimated total project cost programmed in FY2013. This project provides for construction of a 71,799 GSF medium, standard-design physical fitness facility with multi-purpose courts, racquetball courts, aerobic exercise and strength training rooms, jogging track, indoor 25-meter swimming pool, athletic fields and men's and women's locker rooms and related amenities, supporting facilities and security systems. A total of 120 parking spaces will be provided. This project first appeared in the FY 2008 – FY 2013 FCIP.
3. Defense Energy Support Center Administrative Facility*. \$122,000,000 estimated total project cost programmed in FY2014 and FY2015. This project will construct a 266,560 GSF facility to house the Defense Energy Support Center part of the Defense Logistics Agency at Fort Belvoir. This complex will consist of a sensitive compartmental information facility, administrative, and related systems. A total of 600 parking spaces will be provided through structured parking. The project is proposed to meet LEED Silver standards.
4. Emergency Services Center. \$6,200,000 estimated total project cost programmed in FY2010. This project provides for construction of an emergency services center consisting of a remote military police station and a modified, standard two-company satellite fire station with drive through bays. Building will include watch/alarm room, emergency medical services/decontamination, administrative offices, kitchen, dining/dayroom, and related supporting facilities and security and information systems. This project first appeared in the FY 2008 – FY 2013 FCIP.
5. Emergency Services Center South Post*. \$4,900,000 estimated total project cost programmed in FY2015 for the construction of an emergency services center consisting of a modified, standard two-company satellite fire station with drive-through bays. Building will include watch/alarm room, emergency medical services/decontamination, administrative offices, kitchen, dining/dayroom, dormitory rooms, restrooms and showers, classroom space and related systems and support facilities. The project is proposed to meet LEED Silver standards.
6. Flight Control Tower. \$8,300,000 estimated total project cost programmed in FY2011. This project will construct a permanent, 12-story, fire-resistant flight control tower at Davison Army Airfield. This project will include radar operations, air traffic control equipment and operations, training rooms, administrative areas,

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and related supporting facilities and security and information systems. This project first appeared in the FY 2008 – FY 2013 FCIP.

7. Information Dominance Center. Estimated total project cost of \$186,000,000 programmed over the FY 2011 - FY2013 period. This project will construct 290,000 GSF and renovate an existing 200,000 GSF for the Information Dominance Center (IDC) Sensitive Compartmented Information Facility (SCIF); consisting of specialized operations space; special equipment storage; an Intrusion Detection System; classrooms; a conference center; a server room; a wellness room with shower; warehouse area; mechanical/utility rooms; training and storage areas; a library, office space, and administrative support areas and related supporting facilities and security and information systems. A total of 1,440 parking spaces will be provided. This project first appeared in the FY 2004 – FY 2009 FCIP.
8. Addition to Building 358, Joint Personnel Recovery Agency. \$19,000,000 estimated total project cost programmed in FY2010 to construct a 62,892 GSF permanent addition and renovate 24,842 GSF of Building 358 on Fort Belvoir. Work includes private open office areas, SCIF areas, conference and storage rooms, an auditorium, a technical library, and related supporting facilities and security and information systems. A total of 237 parking spaces will be provided. This project first appeared in the FY 2006 – FY 2011 FCIP.
9. National Museum of the US Army*. \$388,175,000 estimated total project cost programmed in FY2010 and FY2011, to construct a 155,977 GSF facility to house the National Museum of the US Army. The complex will consist of indoor and outdoor exhibit space and related systems and support facilities. Project requires the site improvements and relocation of golf course facilities and realignment of the golf course. A total of 550 vehicle and 40 recreational vehicle parking spaces will be provided through surface parking. The project is proposed to meet LEED Silver standards.
10. North Post Road Control Point. \$7,700,000 estimated total project cost programmed in FY2011 for the construction of a control point with a vehicle inspection station, access control building, booth and canopy, vehicle turnarounds, security lighting, backup generator, building information systems, a two-lane access road with sidewalks/bike path, street lighting, drainage, traffic signal, and left and right turn controls for Richmond Highway (US Route 1). The project will also install active barriers funded through other procurement measures. Related supporting facilities and security systems will also be provided. This project first appeared in the FY 2006-2011 program.

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11. Office of the Chief of Army Reserve Administrative Facility*. \$71,000,000 estimated total project cost programmed in FY2010 to construct a 150,000 GSF facility to house the Office of the Chief of Army Reserves at Fort Belvoir. This complex will consist of a sensitive compartmented information facility, administrative and related systems and support facilities. A total of 600 structured-parking spaces will be provided. The project is proposed to meet LEED Silver standards.
12. Renovate Buildings 211, 214, 215, & 220. \$26,000,000 estimated total project cost programmed in FY2011. This project, part of the BRAC modernization of Building's 211, 215, 219 and 220, totaling 133,160 gross square feet provides administrative space, emergency operations center, and a SCIF. Secure and non-secure conference rooms, video teleconference center, data processing center, technical library, General Officer/Senior Executive Service office suites, storage, administrative support areas, and related supporting facilities and security and information systems will be provided. This project first appeared in the FY 2008 – FY 2013 FCIP.
13. Replace Commissary Facility*. \$27,500,000 estimated total project cost programmed in FY2010 and FY2011 to construct a 131,000 GSF facility to house a replacement Commissary. The project will consist of a food display area, storage and refrigeration, administrative space, related systems and supporting facilities. A total of 650 surface parking spaces will be provided. The project is proposed to meet LEED Silver standards. The existing facility will be demolished as part of this project and the existing parking area will be reused to reduce other parking requirements.
14. Structured Parking, 200 Area. \$8,900,000 estimated total project cost programmed in FY2013 to construct a parking structure with a capacity of 400 spaces. This structure will be reinforced concrete with structural steel framing, parking decks, and a sloped interior ramp system. Related supporting systems are included. One 12,974 GSF building will be demolished. This project first appeared in the FY 2006 – FY 2011 FCIP.
15. Warriors in Transition (WIT) Complex. \$70,000,000 estimated total project cost programmed in prior funding to construct a standard design Warriors in Transition Complex. WIT primary facilities include barracks, soldier and family assistance center and an administration and operations facility. Supporting facilities and security and information systems also will be provided. This project first appeared in the FY 2009 – FY 2014 FCIP.

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Federal Highway Administration. Three projects are recommended under the Federal Highway Administration with a total project cost of \$75,400,000. These projects include:

1. Fairfax County Parkway Phase III*. \$33,600,000 estimated total project cost programmed in FY2010 to relocate Hooes Road and Rolling Road with improvements to the interchange at the Fairfax County Parkway and the Springfield-Franconia Parkway. The project will also complete construction of the mainline section of the Fairfax County Parkway connecting I-95.
2. Fairfax County Parkway Phase IV (Boudinot Drive Interchange)*. \$22,800,000 estimated total project cost programmed in FY2010 to extend Boudinot Drive to the Fairfax County Parkway and construct a grade separated loop ramp.
3. I-95 HOV Access at Fort Belvoir – Engineering Proving Grounds*. \$19,000,000 estimated total project cost programmed in FY2010 to construct two single lane HOV access ramps from I-95 directly to the Army’s Fort Belvoir Engineering Proving Grounds.

The FCIP also contains projects that have been submitted by NCPC and are “Recommended and Strongly Endorsed.” Included in this Program category is the Dulles Corridor Rapid Transit Project. As revised by the Fairfax County Department of Transportation, this project is described as follows:

1. Dulles Corridor Rapid Transit Project. This project calls for the extension of Metrorail between the existing Orange Line (between East and West Falls Church stations) and eastern Loudoun County via Tyson’s Corner, Reston/Herndon and Dulles International Airport. The draft Environmental Impact Statement, completed in FY 2002, recommends Metrorail as the Locally Preferred Alternative.

The Federal Transit Administration (FTA) on May 12, 2008 approved the request by the Metropolitan Washington Airports Authority (MWAA) to advance the Dulles Corridor Metrorail Project into the final design stage of the FTA’s new Starts Process. The FTA committed approximately \$159 million to be used for project administration, final design work, utility relocations, right-of-way acquisitions, engineering and the costs for designing rail cars. A key step in the process is obtaining a Full Funding Grant Agreement (FFGA). On March 10, 2009, the FTA executed a FFGA with MWAA to construct Phase I of the project. The FFGA of \$900 million includes a previous costs incurred by the project for preliminary engineering and final design. State funds, Dulles Toll Road revenues and Fairfax County dollars to support the project have long been dedicated to designing and constructing Phase I.

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Phase I of the project runs from East Falls Church to Wiehle Avenue. Phase II will include six new stations, three of which are in Fairfax County, including one serving Dulles International Airport. Utility relocation work along the Route 7 corridor has been underway since January 2008. Phase I is expected to begin revenue service in December 2013. Phase II is expected to open in late 2016 or early 2017. The project is being managed by the MWA. This project was first submitted to NCPC in the FY2004 - FY2009 program.

Two other projects listed in the FCIP are of interest to Fairfax County and are identified under the category "Recommended for Future Programming." Projects in this category include those that have not been submitted by federal agencies but that the Commission believes should be submitted by a particular agency for future programming to advance and implement NCPC and/or local planning policies; planning initiatives identified in the Comprehensive Plan; identified federal interests and objectives; federal agency system plans; master plans for individual installations; or NCPC-approved site and building plans. Projects in this category may or may not currently be recommended in NCPC plans and could be conceptual in nature. The two projects in this category include:

1. Light Rail Projects in the District of Columbia, Virginia, and Maryland. NCPC's Comprehensive Plan for the National Capital: Federal Element recommends planning and implementing regional transportation systems – operated by state and local governments and other authorities – that accommodate the transportation requirements of federal facilities, including employee, visitor, and service needs. This project calls for various rail projects that complement the existing regional transit system, including the Inner Purple Line in Montgomery County and Prince George's County; a trolley system in the District; and light rail in the Route 1 Corridor in Arlington County and the City of Alexandria, light rail along Columbia Pike within Arlington County and Fairfax County, and priority corridors for rapid bus systems in the region. This project was first submitted by NCPC in the FY 2004 –FY 2009 program.
2. Regional Park System. This project seeks to protect or acquire, in coordination with local jurisdictions, a connected outer ring of major open spaces at the region's periphery that link new and existing local properties with federal properties. This will provide a varied zone that encompasses continuous wildlife habitats, local recreational amenities, and federal research and training areas. This project was first submitted by NCPC in the FY 2004 – FY 2009 program.

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed letter from Sharon Bulova, Chairman of the Board of Supervisors, to NCPC transmitting the Board of Supervisor's comments on the Proposed Federal CIP.

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred R. Selden, Director, Planning Division (PD), DPZ
David B. Marshall, Chief, Facilities Planning Branch, PD, DPZ

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ACTION - 6

Approval of the CSB State Performance Contract for FY 2010

ISSUE:

Board of Supervisors approval for the Fairfax-Falls Church Community Services Board's acceptance of funds and approval of the FY 2010 State Performance Contract with the Virginia Department of Behavioral Health and Developmental Disabilities (formerly the Department of Mental Health, Mental Retardation and Substance Abuse Services).

RECOMMENDATION:

The County Executive recommends that the Board approve the FY 2010 State Performance Contract with the Virginia Department of Behavioral Health and Developmental Disabilities and the associated acceptance of funds.

TIMING:

Immediate.

BACKGROUND:

By law, the Fairfax-Falls Church Community Services Board (CSB) must make its proposed State Performance Contract available for public viewing prior to the CSB Board's final recommendations and approval, and prior to the CSB submitting the State Performance Contract for reviewing and approval by Fairfax County and the Cities of Fairfax and Falls Church.

The proposed FY 2010 State Performance Contract was available for thirty days for public review and comment. Copies of the FY 2010 State Performance Contract were disseminated to County Regional Libraries, two City Councils, the CSB outpatient treatment sites and Board of Supervisors District offices. Notices were sent to the CSB distribution list and posted on the CSB's Web page.

On July 29, 2009, the CSB Board approved FY 2009 State Performance Contract.

The contract transfers \$34,032,992 in state-controlled funds to the CSB, which is the total estimate of \$17,552,352 in State funds, \$4,874,175 in Federal funds, \$9,865,192 in Medicaid State Plan Option funds and \$1,741,273 in MR Waiver funds.

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FISCAL IMPACT:

This is the contractual mechanism used by the State for the CSBs to receive \$34,032,992 in state-controlled funds. This is \$3.6 million or 9.6% less than the FY 2009 annual contract amount of state-controlled funds attributable: state general fund reductions taken in mid-FY 2009; new disbursement plan for regional recovery funding to all five Northern Virginia CSBs; and exclusion of Part C funds as part of the FY 2010 contract.

ENCLOSED DOCUMENTS:

Attachment A: Excerpt of FY 2010 Performance Contract; entire document can be found at www.dmhmrsas.virginia.gov and in the Office of the Clerk to the Board

STAFF:

Verdia L. Haywood, Deputy County Executive
George Braunstein, Executive Director, Fairfax-Falls Church CSB

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ACTION – 7

Authorization for Scheduling a Vote on a Proposed Amendment to the Rules of Procedure Regarding Time Allocations for Speakers at Board Public Hearings

ISSUE:

Board authorization to schedule a vote on a proposed amendment to the Rules of Procedure regarding new time allocations for persons addressing the Board at public hearings: three minutes for individuals and five minutes for persons speaking on behalf of organizations.

RECOMMENDATION:

The County Executive recommends that the Board schedule the vote for September 14, 2009, for amending the Rules of Procedure regarding proposed new time allocations for persons addressing the Board.

TIMING:

Board action is requested on September 14, 2009. The Board can vote on an amendment to the Rules of Procedure only after the text has been presented at least one previous meeting at which the date for the vote has been established.

BACKGROUND:

One of the procedural items that was discussed at the Board's retreat in June was clarifying what had become a confusing protocol for speakers at public hearings. According to current practice, persons speaking for Board-recognized Countywide organizations were allotted ten minutes; speakers for County Boards, Authorities, and Commissions (BACs) or district wide organizations were allotted five minutes; and persons speaking for themselves or a neighborhood group were allotted three minutes. To make the time allowed to individuals and spokespersons for organizations more consistent, the Board discussed setting the time for individual speakers at three minutes and for spokespersons for organizations at five minutes. The Board also discussed this during the recap of the retreat presented at the July 13, 2009, Board meeting.

To adopt these guidelines, the Board's Rules of Procedure must be formally amended. According to the Rules, "Amendment of these rules may be accomplished by majority vote of the entire membership, provided that such amendment may not be voted upon at any meeting unless the text of the proposed amendment has been presented at least

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one previous meeting at which the date for a vote has also been established. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.” The proposed text for the amendment is included in Attachment 1.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Amendment to the Rules of Procedure

STAFF:

Nancy Vehrs, Clerk to the Board

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ACTION - 8

Approval of FY 2009 Year-End Processing

ISSUE:

Board approval to allow staff to process payment vouchers for items previously approved and appropriated in FY 2009. In addition, this item is to inform the Board that no County agencies or funds require additional appropriations for FY 2009, and only one School Board fund requires an additional appropriation for FY 2009.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the following actions:

- Authorize staff to process payment vouchers for items previously approved and appropriated in FY 2009 for the interim period from July 1 until the Board approves the *FY 2009 Carryover Review*, which is scheduled for action on September 14, 2009.
- Supplemental Appropriation Resolution AS 09161 for the one School Board fund requiring an additional appropriation for FY 2009.

Since these adjustments do not increase the actual total expenditure level for all funds, a public hearing is not required.

TIMING:

Board approval is required on August 3, 2009, since the *FY 2009 Carryover Review* is not scheduled for Board action until September 14, 2009.

BACKGROUND:

The *FY 2009 Carryover Review* is scheduled for final action on September 14, 2009, following a public hearing. In the interim, Board approval is requested to allow staff to process payment vouchers for items previously approved and appropriated in FY 2009 such as capital construction projects, grant-funded programs, and capital equipment purchases for the period of July 1 to September 14, 2009, or until final action is taken on the *FY 2009 Carryover Review*. Similar action has been taken in prior years as part of the year-end closeout.

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It should be emphasized that no County agency or fund exceeded its appropriation authority in FY 2009. This is directly attributable to the outstanding efforts of all department heads in managing their approved allocation.

In addition, one School Board fund, Fund 692, School OPEB Trust Fund, exceeded its expenditure authority in FY 2009 by \$31,527 as a result of required benefit payments to retirees for Other Post Employment Benefits.

FISCAL IMPACT:

Approval of Supplemental Appropriation Resolution AS 09161 will result in no net increase in FY 2009 total expenditures for all funds. In addition, this item relates to funding for previously appropriated items approved in FY 2009 and carried forward to FY 2010 for payment.

ENCLOSED DOCUMENTS:

Attachment 1 - Supplemental Appropriation Resolution AS 09161

STAFF:

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

Board Agenda Item
August 3, 2009

ACTION – 9

Approval of Master Lease-Purchase Agreement for Financing of Equipment and Other Actions Associated With Award of the Contract to Provide Lease-Purchase Financing for Acquisition of Equipment

ISSUE:

Board authorization to award and execute a contract to provide lease-purchase financing for acquisition of eligible equipment under a Master Lease Agreement pursuant to the competitive negotiation procurement conducted by the Department of Purchasing and Supply Management.

RECOMMENDATION:

The County Executive recommends that the Board authorize award and execution of a contract substantially in the form of the attached Master Lease Agreement (Attachment I) with TD Equipment Finance, Inc., pursuant to the competitive negotiation procurement, to provide lease-purchase financing for acquisition of eligible equipment.

BACKGROUND:

The Board of Supervisors established the County's Master Equipment Lease-Purchase Program ("Lease-Purchase Program") on June 6, 1994. Under the Lease-Purchase Program, financing entities are selected through a competitive solicitation and a Master Lease Agreement is executed with the selected entities. Since inception, the Lease-Purchase Program has proven to be a valuable tool to acquire school buses, public service radios, computers, furniture for courthouse expansion, etc. The Fairfax County Public School system in particular has used the program to stabilize and manage the replacement of aging equipment within the County's debt guidelines to relieve stress on the budget and create a stable source of funding. The County's Ten Principles of Sound Financial Management allow for up to 3 percent of operating expenditures to be used to support lease purchase agreements secured by equipment. The payments for these agreements do not impact the County's General Obligation debt ratios due to the use of the equipment as security. The Lease-Purchase Program provides the County and the Schools with rapid access to capital with low rates, stream-lined legal reviews and standardized documents.

Following the 1994 Board action, the County subsequently solicited bids and awarded a contract to provide for lease financing for the acquisition of equipment. The original contract expired and new contracts have been awarded many times through a competitive bidding process that conformed in all respects to the Board's authorization to establish the Lease-Purchase Program.

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In June 2008, the then-current contract expired and the County initiated the process to establish a replacement contract using the Board approved model. The County's financial consultants advised the Department of Purchasing and Supply Management that the volatile financial market was not conducive to our ability to secure a contract. The competitive bidding process was deferred and then conducted in January 2009 and March 2009; however, the County was not able to successfully establish a contract with any of the bidders because the bids either did not extend financing on the terms advertised in the solicitation or included other unacceptable conditions that are not permitted in the competitive sealed bidding process. In June 2009, the County altered the procurement strategy and requested sealed proposals using the competitive negotiation method of procurement. The use of competitive negotiation allows the County to evaluate based on established criteria and negotiate with the top rated offerors to establish the best contract.

The Department of Purchasing and Supply Management issued Request for Proposal 10-130087-40, soliciting 1,953 firms. Seven offerors responded with proposals by the closing date of July 6, 2009. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposals, the SAC negotiated with the top-rated offerors and recommends contract award to TD Equipment Finance, Inc. The lease purchase rate proposed by TD Equipment Finance is based upon the term of the financing (3, 4, 5, 7, or 10 years) and a formula that uses the Interest Rate Swaps Index as reported by the Federal Reserve as the basis. This index is a more accurate indicator of current costs of funds and appears to be relatively stable in today's market. As of July 14, 2009, the lease purchase rate under the TD Equipment Finance proposal based on this index ranged from 2.35% to 3.66%, depending upon the term selected for the financing. The contract has a one-year term with four (4) one-year renewal options. The maximum annual financing available through the contract is \$60,000,000.

The Department of Tax Administration has a pending Business, Professional, and Occupational License application from TD Equipment Finance.

FISCAL IMPACT:

The lease purchase rates obtained via this contract will allow the County departments and the Fairfax County Public Schools to make lease purchases for needed capital items according to budgeted plans. The lease purchase rates obtained are the lowest possible based on this competitive bid process. The lease purchase rate will be set at the time a lease financing is undertaken.

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ENCLOSED DOCUMENTS:

Attachment I – List of Offerors

Attachment II - Master Lease Agreement

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

Leonard Wales, County Debt Manager, Department of Management and Budget

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August 3, 2009

ACTION – 10

Approval of Department of Community and Recreation Services' Policy for Allocating Community Use Time to Partner Organizations on Synthetic Turf Fields

ISSUE:

The Department of Community and Recreation Services (CRS) and the Fairfax County Athletic Council (FCAC) are proposing a policy to be incorporated into the Field Allocation Policy, which provides guidance on the development of partnerships with community organizations seeking to contribute to the development of a synthetic turf field and the allocation of community use time on synthetic turf fields governed by a memorandum of understanding (MOU).

RECOMMENDATION:

The County Executive recommends that the Board approve the requirements for the Synthetic Turf Field Partnership Agreements policy.

TIMING:

Board action is requested on August 3, 2009. This item was first presented to the Board on November 17, 2008, but the Board requested more time to study the issue.

BACKGROUND:

As the number of synthetic turf athletic fields in Fairfax County has greatly increased in the past few years, issues surrounding their development and use also have increased. Currently, several groups are interested in pursuing opportunities to fund turf field conversions, including groups that have expressed a willingness to sign an agreement based on this proposed policy.

At its October 15, 2008, meeting, the Fairfax County Athletic Council voted to recommend a policy that ensured that the county retain the right to allocate a limited percentage of time to other community sports organizations in order to provide some opportunity to meet existing or future demands that cannot be met through the allocation of other comparable fields (Attachment 1). If the Board adopts the turf field MOU policy, the language will be incorporated as a new section into the recently revised Field Allocation Policy, adopted by the Board on November 17, 2008.

Policy guidance is necessary to provide a sufficient guaranteed use for groups willing to invest in funding the installation of synthetic turf fields. This policy would also ensure that the county has a limited number of reserved hours per week to meet at least some of the

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unmet needs of other groups. A clear policy would protect groups investing in fields by providing a guarantee of field space, while also ensuring that all eligible community groups receive opportunities to play on the county's high quality turf fields.

The proposed turf field MOU policy will apply only to MOUs regarding synthetic turf fields in CRS's scheduling inventory that are developed at least in part by funding provided by one or more community athletic organizations.

In developing the provisions of the policy, CRS and the FCAC attempted to balance two priorities, which at times compete with each other. The policy must be able to encourage private investment in turf field development. It must also recognize that these fields are public property, owned by all Fairfax County residents. CRS's mission in field scheduling is to provide fair and equitable opportunities for all who qualify. The main concern regarding this issue is how fields are allocated:

- Demand for synthetic turf fields greatly exceeds supply, and the provisions of the MOUs currently in place restrict CRS's ability to provide equitable turf field space to all eligible groups. There continue to be major youth organizations that receive limited turf field allocations, as use of the only fields in their geographic area is significantly restricted by existing MOUs.
- Current policies and practices create a scheduling paradox. MOUs currently in place clearly state that contributing users cannot receive "exclusive use" of the field; instead, they receive "first right of scheduling." In practice, however, first right of scheduling is very similar to exclusive use, especially during peak seasons and times when other youth organizations are in need of turf space. (Even groups that participate in the Adopt-a-Field and Friends of the Field programs do not receive guarantees of field allocation; there are numerous instances of groups not receiving allocations of fields they have adopted because other groups' needs could not be met.)

CRS and the FCAC considered replacing this clause with the statement that "fields will be scheduled in accordance with the current Field Allocation Policy." However, this provision would provide limited protection to contributing users' investments, as groups would be subject to receiving little to no allocation during their secondary season (e.g., soccer groups may not receive an allocation in the spring, which is lacrosse's primary season).

The proposed policy is as follows: CRS shall sign memoranda of understanding with eligible community sports organizations that provide a sufficient guaranteed use for groups willing to invest in funding the installation of synthetic turf fields while also providing a limited county "reserved time" during designated youth community use hours to meet at least some of the unmet needs of other groups that meet specific requirements for the allocation of "partnered fields."

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For turf field conversions fully funded by partners: provides first right of scheduling to contributing users for the majority of youth community use time (weekdays from 5 p.m. to 8 p.m. and weekends from 8 a.m. to 8 p.m.). A limited county “reserved time” of up to eight hours per week will be retained by the county to accommodate at least some of the growing demand for turf space.

For turf field conversions partially funded by partners: provides first right of scheduling to contributing users for youth community use time (weekdays from 5 p.m. to 8 p.m. and weekends from 8 a.m. to 8 p.m.). A limited county “reserved time” proportional to the amount of public funding will be retained by the county to accommodate at least some of the growing demand for turf space.

The reserved time is a *maximum*; in cases where other organizations’ turf field needs can be met on other fields, contributing users may actually receive up to 100 percent of the available time. CRS will strive to provide the contributing users as much time as possible, but may need to use the county’s reserved time for other eligible organizations when circumstances dictate.* Specifically, CRS will employ the following criteria to schedule (if needed) the county’s reserved time to organizations including the partner organizations who meet the following criteria:

1. The sports organizations must be designated as a Certified Athletic Organization (as defined by the Field Allocation Policy) that serve youth;
2. The sports organizations must have needs that cannot be met on comparable fields within their geographical areas either:
 - o within their primary season under the Turf Field Allocation Guidelines; or
 - o as required by the Field Allocation Policy (on adequate grass or synthetic turf fields).

Other policy options were considered. Removing fields from the public inventory and requiring the contributing users to lease the fields from the county potentially could be too costly for groups. In addition, the county has been phasing out lease agreements on athletic fields; a leasing solution would reverse that trend. Tiered reservation times based on the type of contributing user (e.g., a single sports organization would receive a minimum of 80 percent use, while a multiple sports organization would receive a minimum of 90 percent) were determined to be too difficult to administer and to be too vulnerable to loopholes.

* Equal consideration of unmet needs will be given to both partner and non-partner organizations.

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Despite the reservation time clause, CRS and the FCAC feel that the incentives to groups to invest in synthetic turf outweigh any potential disincentives. In addition to receiving first right of scheduling, contributing users also receive:

- allocations of additional time outside of youth community use hours, which could exceed 20 hours per week;
- 62 percent increased total capacity on the field, according to the Park Authority, due to extended seasons and limited inclement weather cancellations;
- opportunities to raise funds via camps, clinics, and concessions, without having to pay a commission to the property owner (i.e., FCPA or FCPS);
- a premier site to host tournaments—another fundraising opportunity;
- the ability to offer a higher level of competitive play and training;
- equal consideration of their unmet needs in the determination of reservation time eligibility;
- only 50 percent of their assigned space on the field counts toward their turf field allocation;
- the opportunity to obtain funding assistance through the mini-grant program that CRS is establishing.

It also should be noted that, while the investment of approximately \$800,000 is significant and well appreciated by the county, a group's contribution to the project costs of converting a field to turf does not cover all of the county's costs for providing the field. For example, the county (FCPA, FCPS) remains responsible for:

- purchasing and developing the land and infrastructure, estimated by the Park Authority at approximately \$4 to \$5 million;
- routine maintenance and upkeep, such as utilities, trash removal, and grounds maintenance;
- repairs and maintenance to the turf, such as regular grooming and disinfecting.

The FCAC and CRS undertook a long and deliberative process to develop this policy. With increased interest among the athletic community in funding turf field conversions, CRS and the FCAC wanted to ensure a consistent approach to these agreements. In the summer of 2007, the FCAC began its review of the issues, working with the athletic community and staff from CRS, the Fairfax County Park Authority, and Fairfax County Public Schools.

After developing a statement of issues regarding the potential policy, the FCAC distributed the statement for public comment. Opinions from the athletic community and the community at large were obtained through written comments and at public comment meetings held throughout the county. (Those who attended the meetings also were encouraged to submit written comments to ensure their views were accurately captured.) Presentations were made to the Park Authority Board and to members of the Board of Supervisors in May 2008; meetings with various sports organizations occurred throughout the process. Public

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comments were distributed to the Board prior to the November 17, 2008, Board of Supervisors meeting; those comments can also be found on the CRS website at http://www.fairfaxcounty.gov/rec/team_sports/field_policy/approved08/policies.htm

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Policy for Allocating Field Time to Partner Organizations on Synthetic Turf Fields

STAFF:

Verdia L. Haywood, Deputy County Executive
Patricia D. Franckewitz, Director, CRS
Christopher A. Leonard, Deputy Director, CRS
Karen B. Avvisato, Supervisor, Athletic Services Division, CRS
Jesse M. Ellis, Branch Manager, Athletic Services Division, CRS

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INFORMATION – 1

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 11 consecutive years of 100% permit compliance, including calendar year 2008. 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 100 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.

ENCLOSED DOCUMENT:

Attachment 1 - Platinum Peak Performance Honors notification from NACWA, dated June 8, 2009.

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

Fairfax-Falls Church Community Services Board FY 2010 Fee Schedule

Since its establishment in 1969, the Fairfax-Falls Church Community Services Board (CSB) has complied with Section 37.2-504(A) (7) of the Code of Virginia, which states that the CSB shall prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the Board and establish procedures for the collection of the same.

The CSB ensures compliance with the Code of Virginia in four ways: (1) conducts a review of fee related materials by the CSB's Fee Policy Committee comprised of CSB Board members; (2) posts a Notice of Public Comment Period and accepts written comments regarding Proposed Fees for the next fiscal year; (3) distributes copies of the proposed changes to the Board of Supervisors' District Offices, the Fairfax County Regional Libraries, the Fairfax County Government Center main lobby, CSB service sites, the Cities of Fairfax and Falls Church, consumers, and advocates; and (4) holds a public session on the proposed fees for the next fiscal year. The Fee Policy Committee's final report was made to the CSB after holding a public session on June 24, 2009, at a CSB Board meeting during matters of the public.

In accordance with the CSB's Reimbursement Policy, the Memorandum of Agreement with the Board of Supervisors and State regulations, the CSB approved the attached FY 2010 Fee Schedule (Attachment B) on June 24, 2009. In addition, the CSB's Reimbursement Policy stipulates that changes in fees shall become effective no sooner than 60 days after the date of final approval by the Board. Therefore, the revised Fee Schedule is scheduled for implementation on October 1, 2009.

The revised Fee Schedule takes into account consultation with the Deputy County Executive for Human Services, the County's Department of Management and Budget on the guidelines for review of fees, a review of other CSB Fee Policies and Procedures, a review of the CSB's unit costs, a review of the most frequently paid median fees by insurance companies for individual therapy sessions, consultation on income and poverty guidelines from the County's Department of Systems Management for Human Services, and a review of Federal Health and Human Services (HHS) materials.

The revised Fee Schedule reflects proposed changes in Comprehensive Services Act rates for residential services, changes to reflect billing policies and correct units of service.

Unless otherwise directed by the Board of Supervisors, the CSB will direct staff to proceed with the implementation of the FY 2010 Fee Schedule on October 1, 2009.

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FISCAL IMPACT:

Total FY 2010 fee revenue estimate is \$16.5 million, which includes: \$11.6 million Medicaid SPO/Waiver, \$2.2 million client fees, \$1.9 million insurance (commercial, Children's Health Insurance, and Medicaid clinic), \$0.8 million CSA fees.

ENCLOSED DOCUMENTS:

Attachment A: Fairfax-Falls Church Community Services Board Proposed Changes
FY2010 Fee Schedule from FY2009

Attachment B: Fairfax-Falls Church Community Services Board FY 2010 Fee Schedule

STAFF:

Verdia L. Haywood, Deputy County Executive

George Braunstein, Executive Director

Fairfax-Falls Church Community Services Board

James P. Stratoudakis, Ph.D., Director Quality Management and Emergency Management,
Fairfax-Falls Church Community Services Board

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INFORMATION – 3

Contract Awards and Approval of Street Acceptance Items During Board of Supervisors' Recess

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

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

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant County Executive

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10:30 a.m.

Matters Presented by Board Members

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11:20 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. *John Walker-Bey v. Fairfax County Department of Family Services*, Record No. 2850-08-4 (Va. Ct. App.)
 - 2. *Martin F. Wiesner v. Fairfax County Police Department*, Case No. CL-2009-0006633 (Fx. Co. Cir. Ct.)
 - 3. *Nahom F. Beyene v. J. W. Andrea*, Case No. 1:08-cv-1321 LMB/JFA (E.D. Va.)
 - 4. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Case No. CL-2008-0004469 (Fx. Co. Cir. Ct.)
 - 5. *Elena Norfolk v. Detective Douglas Middlebrooks*, Case No. CL-2009-0009207 (Fx. Co. Cir. Ct.)
 - 6. *James Carter v. Fairfax County, Virginia, Veolia Transportation Services, Inc., and John/Jane Doe*, Case No. CL-2009-0007723 (Fx. Co. Cir. Ct.)
 - 7. *In re Grievance of Marshall Thielen*, No. 0925 (Fx. Co. Civil Serv. Comm'n)

8. *Kevin M. O'Brien, Victoria O'Brien, and WJMJ, LLC v. Board of Supervisors of Fairfax County, Virginia, Braddock Road Project, LLC, and The County of Fairfax, Virginia*, Case No. CL-2009-0006355 (Fx. Co. Cir. Ct.) (Mason District)
9. *Fairfax County Redevelopment and Housing Authority v. James C. Riekse, Rajesh Kapani, Rajinder P. Kapani, Frederick L. Shreves, II, Trustee, Vincent J. Keegan, Trustee, Mortgage Electronic Registration Systems, Inc., and Weichart Financial Services*, Case No. CL-2007-0011400 (Fx. Co. Cir. Ct.) (Mount Vernon District)
10. *Board of Supervisors of Fairfax County, Virginia v. Burke & Herbert Bank & Trust Company*, Case No. CL-2008-0009338 (Fx. Co. Cir. Ct.) (Mason District)
11. *Bentley Properties, LLC, and Papermoon-Springfield, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0006589 (Fx. Co. Cir. Ct.) (Lee District)
12. *Marco Mendoza v. Fairfax County, et al.*, Case No. CL-2009-0008980 (Fx. Co. Cir. Ct.) (Hunter Mill District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Herrera and Dinora Herrera*, Case No. CL-2009-0000375 (Fx. Co. Cir. Ct.) (Dranesville District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 9140 Backlick, LLC*, Case No. CL-2009-0006208 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Ramos Pinto and Marisol Pinto*, Case No. CL-2008-0010799 (Fx. Co. Cir. Ct.) (Providence District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose M. Romero*, Case No. CL-2009-0010130 (Fx. Co. Cir. Ct.) (Braddock District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derlis A. Arnez, Rosario Arnez, and Carmen R. Arnez*, Case No. CL-2008-0016093 (Fx. Co. Cir. Ct.) (Lee District)

18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Purdy, Jr.*, Case No. CL-2008-0009693 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Case No. CL-2007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio E. Ayala and Laura Sanchez*, Case No. CL-2008-0016939 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Wayne Oliver*, Case No. CL-2009-0000810 (Fx. Co. Cir. Ct.) (Springfield District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elizabeth Case and Ray Case*, Case No. CL-2009-0000410 (Fx. Co. Cir. Ct.) (Providence District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Gutierrez and Julia B. Gutierrez*, Case No. CL-2009-0002829 (Fx. Co. Cir. Ct.) (Mount Vernon District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nehemias O. Salvador*, Case No. CL-2009-0000811 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mouhammad A. Kassar, Amine M. Kassar, and Samy A. Kassar*, Case No. CL-2009-0004611 (Fx. Co. Cir. Ct.) (Lee District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Donald O. Bussard, Jr.*, Case No. CL-2009-0006891 (Fx. Co. Cir. Ct.) (Mount Vernon District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Castellon*, Case No. CL-2009-0006456 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Juan C. Justiniano*, Case No. CL-2008-0015614 (Fx. Co. Cir. Ct.) (Lee District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Timothy A. Veto*, Case No. CL-2008-0016333 (Fx. Co. Cir. Ct.) (Dranesville District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose R. Reyes and Ana Gladis Valdez*, Case No. CL-2009-0006262 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio De Leon, a.k.a. Julio Daniel De Leon-Gramajo, and Filiberta Gonzales De Leon*, Case No. CL-2009-0006009 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gene C. Ballard*, Case No. CL-2009-0009095 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul Ken Hopper*, Case No. CL-2009-0009453 (Fx. Co. Cir. Ct.) (Providence District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edilberto Vasquez, Gertrudis Vasquez, and Maria I. Vasquez*, Case No. CL-2009-0009422 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Monterey and Christian Monterey*, Case No. CL-2009-0009728 (Fx. Co. Cir. Ct.) (Mason District)

38. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Henry A. Novak and Shirley Lee Novak*, Case No. CL-2009-0009727 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wendy Y. Rejas*, Case No. CL-2009-0009790 (Fx. Co. Cir. Ct.) (Mason District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricio Paucar and Rafael A. Soler*, Case No. CL-2009-0010199 (Fx. Co. Cir. Ct.) (Mason District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sunil Arora*, Case No. CL-2009-0010198 (Fx. Co. Cir. Ct.) (Mason District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Louise K. Runquist and Jacqueline B. Bossi*, Case No. CL-2009-0010261 (Fx. Co. Cir. Ct.) (Mason District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy Mark*, Case No. CL-2009-0010262 (Fx. Co. Cir. Ct.) (Braddock District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Han Sun Lee and Hyun Jin Lee*, Case No. CL-2009-0010263 (Fx. Co. Cir. Ct.) (Springfield District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Ferrufino and Emma Salazar*, Case Nos. 09-0007962 and 09-0007963 (Fx. Co. Gen. Dist. Ct.) (Mason District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lester R. Kerfoot, Jr., and Carole Jean Kerfoot*, Case Nos. 09-0010583 and 09-0010584 (Fx. Co. Gen. Dist. Ct.) (Lee District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta L. Gonzalez*, Case Nos. 09-0009483 and 2009-0009484 (Fx. Co. Gen. Dist. Ct.) (Lee District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Muhammad Aziz and Shahnaz Aziz*, Case Nos. 09-0012874 and 09-0012875 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Demetrios Demetriou and Androula Demetriou, Case No. 09-0014890 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maury A. Audet, Case Nos. 09-0016479 and 09-0016480 (Fx. Co. Gen. Dist. Ct.) (Lee District)*

Board Agenda Item
August 3, 2009

3:00 p.m.

Board Decision on SE 2008-SP-025 (Islamic Saudi Academy) to Permit Building Additions and Associated Modifications to Site Design and Development Conditions to an Existing Private School of General Education, Located on Approximately 34.05 Acres Zoned R-C and WS, Springfield District

The application property is located at 11101, 11115, 11121, 11123 Popes Head Road. Tax Map 68-3 ((1)) 61, 62, 63 and 64.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 11, 2009, the Planning Commission voted unanimously (Commissioners Alcorn and Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-SP-025, subject to the Development Conditions dated May 14, 2009;
- Modification of the transitional screening requirement to allow the use of existing vegetation;
- Waiver of the barrier requirement;
- Waiver of the Comprehensive Plan trail requirement, as conditioned; and
- Waiver of the interparcel access requirement.

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
August 3, 2009

3:00 p.m.

Public Hearing on SEA 85-L-059-06 (BSI Incorporated t/a Browne Academy) to Amend SE 85-L-059 Previously Approved for a Private School of General Education, Nursery School, Child Care Center, Uses in a Floodplain and RPA Exception to Permit an Increase in Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 11.59 Acres Zoned R-4, Lee District

Also under the Board's Consideration will be the applicant's Chesapeake Bay Resource Protection Area Encroachment Exception Request # 6562-WRPA-002-1 under Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (Chapter 118) of the Code of the County of Fairfax and a related Water Quality Impact Assessment. The applicant proposes to construct a playground, parking and vehicular access within a Resource Protection Area.

The application property is located at 5909, 5917 and 5923 Telegraph Road, Tax Map 82-4 ((1)) 31A, 32 and 33.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 23, 2009, the Planning Commission voted 7-0-2 (Commissioners Alcorn and Sargeant abstaining; Commissioners Flanagan, Hall, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 85-L-059-06, subject to the Development Conditions dated July 23, 2009, with Condition #25 revised so that no more than three signs will be posted, specifically targeted to the perimeter of the restored Resource Protection Area (RPA);
- Approval of RPA Exception #6562-WRPA-002-1, subject to the Development Conditions dated May 11, 2009, as contained in Attachment A of Appendix 11 of the staff report;
- Modification of the transitional screening requirements along all property lines to allow the existing vegetation, as depicted on the SEA Plat; and
- Modification of the barrier requirements along all property lines, except the eastern boundary of Lot 33 where the barrier requirement should be waived in favor of the existing vegetation.

Board Agenda Item
August 3, 2009

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

Board Agenda Item
August 3, 2009

3:00 p.m.

Public Hearing on RZ 2005-HM-028 (Pedro & Carmen M. Toscano, Jr.) to Rezone from R-1 to R-2 to Permit Residential Development at a Density of 1.2 Dwelling Units Per Acre, Located on Approximately 1.67 Acres, Hunter Mill District

and

Public Hearing on SE 2007-HM-023 (Pedro & Carmen M. Toscano, Jr.) to Permit a Waiver of the Minimum Lot Width Requirement, Located on Approximately 1.67 Acres Zoned R-2, Hunter Mill District

The application property is located on the east side of Vale Road approximately 500 feet south of its intersection with Corsica Street at 9946 Vale Road, Tax Map 38-3 ((1)) 4

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 28, 2009, the Planning Commission voted unanimously (Commissioners Harsel and Murphy absent from the meeting) to recommend that the Board of Supervisors deny RZ 2005-HM-028 and SE 2007-HM-023, as recommended in the staff report.

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
August 3, 2009

3:00 p.m.

Public Hearing on RZ 2008-PR-017 (Merrifield Garden Center Corporation) to Rezone from R-3 and HC to C-8 and HC to Permit Retail Sales Establishment with an Overall Floor Area Ratio of 0.32 and a Waiver of the Minimum Lot Size, Located on Approximately 10,155 Square Feet, Providence District

and

Public Hearing on SE 2006-PR-018 (Merrifield Garden Center Corporation) to Permit a Plant Nursery, Located on Approximately 3.91 Acres Zoned I-5 and HC, Providence District

The application property is located east of Gallows Road and north of Lee Highway at 8112 Lee Highway, Tax Map 49-2 ((1)) 28A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 25, 2009, the Planning Commission voted unanimously (Commissioners Alcorn, Donahue, and Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2008-PR-017, subject to the execution of proffers consistent with those dated June 12, 2009;
- Waiver of the minimum lot size requirement;
- Approval of SE 2006-PR-018, subject to Development Conditions consistent with those dated June 25, 2009;
- Modification of Standard 9 (Parking) of the Additional Standards for Plant Nurseries in favor of that shown on the SE Plat and as conditioned;
- Waiver of the service drive requirement along Lee Highway;
- Modification of frontage improvements along Lee Highway in favor of that shown on the SE Plat in accordance with VDOT project 0029-029-119; and
- Waiver of Sect. 2-504 of the Zoning Ordinance to permit outdoor storage and sales in a required yard and of Sect. 5-505(3) to permit outdoor storage and sales in a front yard.

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ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
August 3, 2009

3:30 p.m.

Public Hearing on PCA 2003-MV-033 (Lorton Arts Foundation, Inc.) to Amend the Proffers, Conceptual and Final Development Plans for RZ 2003-MV-033 Previously Approved for Mixed Use Development to Permit Modifications to Proffers and Site Design with an Overall Floor Area Ratio of .22, Located on Approximately 53.08 Acres Zoned PDC, Mount Vernon District

The application property is located on the east side of Ox Road south of its intersection with Lorton Road, Tax Map 106-4 ((1)) 58.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 15, 2009, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2003-MV-033, subject to the execution of proffers consistent with those dated July 15, 2009, to include the editorial clarification regarding the hours of operation; and
- Modification of the transitional screening and barrier requirements along the northern and western property lines as shown on the CDPA/FDPA.

The Planning Commission also voted unanimously (Commissioner Hall absent from the meeting) to approve FDPA 2003-MV-033, subject to the Development Conditions dated July 13, 2009 and subject also to Board approval of PCA 2003-MV-033.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
August 3, 2009

3:30 p.m.

Public Hearing on AR 84-V-007-03 (EDH Associates) Local A&F District Renewal Appl. authorized by Chapter 115 (County Code), effective June 30, 1983, Located on Approximately 114.99 Acres Zoned R-E, Mount Vernon District

The application property is located on the west side of Belmont Boulevard and at the terminus of Gunston Drive, Tax Map 113-4 ((1)) 27Z.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on July 30, 2009. 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)
Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
August 3, 2009

3:30 p.m.

Public Hearing on RZ 2009-PR-002 (Square 1400, L.C.) to Rezone from I-4 to PRM to Permit Residential Development at an Intensity of 1.62 FAR Including Bonus Density for the Provision of Affordable Housing and Approval of the Conceptual and Final Development Plans, Located on Approximately 4.64 Acres, Providence District

The application property is located on the west side of Dorr Avenue approximately 400 feet north of its intersection with Merrifield Avenue, Tax Map 49-1 ((13)) 13, 14, 15 and 16.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on RZ 2009-PR-002 will be held on July 30, 2009, and 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)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
August 3, 2009

3:30 p.m.

Public Hearing on SEA 99-H-022 (The Academy of Christian Education, Inc.) to Amend SE 99-H-022 Previously Approved for a Private School of General Education to Permit an Interior Expansion and Modifications to Development Conditions, Located on Approximately 2.31 Acres Zoned I-5, Hunter Mill District

The application property is located at 1808-A Michael Faraday Ct. Tax Map 18-3 ((5)) 6.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 23, 2009, the Planning Commission voted unanimously (Commissioners Flanagan, Hall, and Murphy absent from the meeting) to recommend that the Board of Supervisors approve SEA 99-H-022, subject to the Development Conditions dated June 10, 2009.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
August 3, 2009

3:30 p.m.

Public Hearing on SEA 2005-SP-033 (Washington DC SMSA Ltd Partnership D/B/A Verizon Wireless) to Amend SE 2005-SP-033 Previously Approved for a Telecommunications Facility to Permit Site Modifications and Modifications to Development Conditions, Located on Approximately 2.59 Acres Zoned R-2, Springfield District

The application property is located at 7008 Elkton Drive, Tax Map 89-4 ((5)) A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 23, 2009, the Planning Commission unanimously voted (Commissioners Flanagan, Hall, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2005-SP-033, subject to the Development Conditions dated July 8, 2009; and
- Reaffirmation of the previously approved modification of the transitional screening requirements in favor of the existing screening as shown on the SE Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
August 3, 2009

3:30 p.m.

Public Hearing on SEA 2005-SU-020 (Dominion Christian School and Whole World Fellowship and Church at Northern Virginia) to Amend SE 2005-SU-020 Previously Approved for a Church with Private School of General Education with a Maximum Daily Enrollment of 135 Students in Grades K-8 and a Telecommunications Facility to Permit a Maximum Daily Enrollment of 135 Students in Grades K-10 and Associated Modifications to Development Conditions and Site Design, Located on Approximately 17.95 Acres Zoned R-E, Sully District

The application property is located at 10922 Vale Road, Tax Map 37-1 ((1)) 17 and 17A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SEA 2005-SU-020 will be held on July 30, 2009, and 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)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
August 3, 2009

4:00 p.m.

Public Hearing on SEA 95-M-009 (Pinecrest (E&A) LLC) to Amend SE 95-M-009 Previously Approved for a Fast Food Restaurant to Permit Increase in Land Area, Waiver of Open Space Requirements, Expansion of the Use and Associated Modifications to Site Design and Development Conditions, Located on Approximately 5.51 Acres Zoned C-2, C-5 and HC, Mason District

The application property is located at 6546-6552 Little River Turnpike, Tax Map 72-1 ((1)) 20D.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SEA 95-M-009 will be held on July 29, 2009, and 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
August 3, 2009

4:00 p.m.

Public Hearing on SEA 2006-PR-019 (Virginia International University) to Amend SE 2006-PR-019 Previously Approved for a College/University to Permit Modifications to Site Design and Development Conditions, Located on Approximately 11.0 Acres Zoned I-4, Providence District

The application property is located at 3953 and 3957 Pender Dr Tax Map 57-1 ((1)) 10.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SEA 2006-PR-019 will be held on July 30, 2009, and 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)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
August 3, 2009

4:00 p.m.

Public Hearing on SEA 79-V-073-04 (American Horticultural Society) to Amend SE 79-V-073 Previously Approved for a Public Benefit Association to Permit Modifications of Development Conditions and Site Design, Located on Approximately 24.69 Acres Zoned R-2, Mount Vernon District

The application property is located at 7931 East Boulevard Dr. Tax Map 102-2 ((1)) 20.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 8, 2009, the Planning Commission voted unanimously (Commissioners Alcorn and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 79-V-073-04, subject to the proposed Development Conditions dated June 24, 2009;
- Modification of the transitional screening requirements along the northern and southern property lines in favor of the existing vegetation as shown on the SEA Plat; and
- Waiver of the barrier requirements along the northern and southern property lines in favor of the existing vegetation shown on the SEA Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
August 3, 2009

4:00 p.m.

Public Hearing on a Proposal to Vacate and Abandon a Portion of Southland Avenue
(Route 2523) (Mason District)

ISSUE:

Public hearing to consider the vacation and abandonment of a portion of Southland Avenue (Route 2523).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the attached ordinance vacating Southland Avenue (Attachment II) and adopt the attached order to abandon (Attachment III) the same portion of the roadway.

TIMING:

The Board took action on June 22, 2009, to authorize a public hearing for August 3, 2009, at 4:00 p.m.

BACKGROUND:

The applicant, Home Properties Orleans Village, is requesting that a portion of Southland Avenue be vacated and abandoned. The subject roadway is in the secondary system of highways.

This segment of Southland Avenue is not open to through travel and terminates at a property owned by the Fairfax County Park Authority. It is currently being used as an informal parking and storage area for vehicles belonging to the residents of the adjacent apartment buildings. The request to vacate and abandon is pursuant to a request made by VDOT during site plan review indicating that a cul-de-sac be constructed to serve as a terminus for Southland Avenue and that the remaining portion be vacated and abandoned. The permits for the cul-de-sac are contingent upon the vacation and abandonment of the portion of roadway. As the vacation and abandonment area is adjacent to Fairfax County Park Authority property, the applicant has granted an ingress egress easement to the County and Park Authority to allow maintenance access.

Board Agenda Item
August 3, 2009

Traffic Circulation and Access

The vacation and abandonment of the subject area will have no impact on vehicular circulation. Vehicular access to the vacated and abandoned portion will be restricted to County emergency, maintenance and police vehicles.

Easements

Easements for Dominion Virginia Power, Fairfax County Water Authority, Fairfax County Park Authority, storm drainage, and sanitary sewer have been granted. No other easements are necessary.

This proposal to vacate and abandon the subject right-of-way was circulated among the following agencies for review, none of which indicated any opposition to the proposal: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Water Authority, Fairfax County Park Authority, Washington Gas Light Company, Fairfax County Public Schools, Virginia Department of Transportation, Fairfax County Department of Transportation, Department of Planning and Zoning, Dominion Virginia Power, Fire and Rescue, and Verizon.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Notice of Intent to Vacate and Abandon
Attachment II: Ordinance of Vacation
Attachment III: Order of Abandonment
Attachment IV: Vacation and Abandonment Plat
Attachment V: Metes and Bounds Description
Attachment VI: Vicinity map (Tax Map 72-1)

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Angela Kadar Rodeheaver, FCDOT
Michael A. Davis, FCDOT

Board Agenda Item
August 3, 2009

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Langley Oaks Pond #1 Project (Dranesville District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 318/FX4000 (TR001) - Langley Oaks Pond #1, Fund 318, Stormwater Management Program.

RECOMMENDATION:

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

TIMING:

On June 22, 2009, the Board authorized advertisement of a public hearing to be held on August 3, 2009, commencing at 4:00 p.m.

BACKGROUND:

This project consists of conducting non-routine maintenance to dredge and restore an existing stormwater management dry pond. The dry pond will also be retrofitted to improve water quality and stream protection benefits.

This project requires the acquisition of an access easement, approximately 1,158 linear feet (48,826 square feet), along a portion of an existing 50-foot road, also known as Bright Mountain Road, and along a portion of an existing 40' unimproved road, also known as Turkey Run 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 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. §15.2-1904 and 15.2-1905 (2008). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding is available in Project 318/FX4000 (TR001) – Langley Oaks Pond #1, Fund 318,

Board Agenda Item
August 3, 2009

Stormwater Management Program. This project is included in the Adopted FY 2010 – FY 2014 Capital Improvement Program. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

Attachment B - Resolution with Fact Sheet on the affected parcel with plat showing interests to be acquired (Attachments 1 through 1A)

STAFF:

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

Board Agenda Item
August 3, 2009

5:00 p.m.

Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-1FS, Located on the Northeast Corner of Loisdale Road and Springfield Center Drive (Lee District)

ISSUE:

The Base Realignment and Closure (BRAC) Area Plans Review (APR) nomination proposes to amend the Comprehensive Plan guidance for parcels 90-2 ((1)) 57E, 57F, 57G, and 57H in Sub-Unit D-2 of the Franconia-Springfield Transit Station Area. The site is currently planned for industrial use up to .35 FAR, with an option for biotech or research and development uses up to .50 FAR. Nomination 08-IV-1FS proposes to amend the Plan to allow office and support retail uses up to 1.0 FAR.

Staff recommends an alternative to the nomination to add an option for office use up to .50 FAR. The staff analysis and recommendation are found in the Staff Report, Attachment I. The Task Force recommendation is found in Attachment II.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 15, 2009, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors adopt an alternative to the nomination, consistent with the Staff recommendation. The text would allow an option for office use up to .50 FAR on the subject parcels. The Planning Commission verbatim is found in Attachment III. The proposed Plan text recommended by the Planning Commission is found in Attachment IV.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation for BRAC APR item 08-IV-1FS, as shown in Attachment IV.

TIMING:

Planning Commission public hearing - June 24, 2009
Planning Commission mark-up session – July 15, 2009
Board of Supervisors' public hearing – August 3, 2009

BACKGROUND:

In 2007, the Board of Supervisors authorized a special APR process to review and evaluate recommendations contained in the Comprehensive Plan for activity centers in the southern

Board Agenda Item
August 3, 2009

part of the County that could be impacted by the relocation of Department of Defense jobs to Fort Belvoir as a result of BRAC decisions.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for BRAC APR Item 08-IV-1FS

Attachment II: BRAC APR Task Force Report for BRAC APR Item 08-IV-1FS

Attachment III: Planning Commission Verbatim, July 15, 2009

Attachment IV: Plan Text Recommended by the Planning Commission, July 15, 2009

STAFF:

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

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

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

Lindsay A. Mason, Planner III, Policy and Plan Development Branch, PD, DPZ

Board Agenda Item
August 3, 2009

5:00 p.m.

Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-2FS, Located on Springfield Center Drive, East of the GSA Parr Warehouse (Lee District)

ISSUE:

The Base Realignment and Closure (BRAC) Area Plans Review (APR) nomination proposes to amend the Comprehensive Plan guidance for parcels 90-2 ((1)) 58D and 90-4 ((1)) 11B in Sub-Unit D-2 of the Franconia-Springfield Transit Station Area. The site is currently planned for industrial use up to .35 FAR, with an option for biotech or research and development uses up to .50 FAR. Nomination 08-IV-2FS proposes to amend the Plan to allow office and support retail uses up to 2.0 FAR.

The staff analysis and recommendation are found in the Staff Report, Attachment I. Staff recommended adopting the nomination with additional conditions. The BRAC APR Task Force recommendation is found in Attachment II.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 15, 2009, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors adopt an alternative to the nomination, consistent with the Staff recommendation. The Planning Commission verbatim is found in Attachment III. The proposed Plan text recommended by the Planning Commission is found in Attachment IV. The text would allow an option for office use up to 2.0 FAR, with additional conditions. These conditions include accommodating the extension of Frontier Drive to Springfield Center Drive; encouraging the use of transit through pedestrian amenities and good site design; providing recreational opportunities for employees on the site; adhering to the guidelines for Transit Oriented Development; and providing integrated open space and urban park amenities.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation for BRAC APR item 08-IV-2FS, as shown in Attachment IV.

TIMING:

Planning Commission public hearing - June 24, 2009
Planning Commission mark-up session – July 15, 2009
Board of Supervisors' public hearing – August 3, 2009

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August 3, 2009

BACKGROUND:

In 2007, the Board of Supervisors authorized a special APR process to review and evaluate recommendations contained in the Comprehensive Plan for activity centers in the southern part of the County that could be impacted by the relocation of Department of Defense jobs to Fort Belvoir as a result of BRAC decisions.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for BRAC APR Item 08-IV-2FS

Attachment II: BRAC APR Task Force Report for BRAC APR Item 08-IV-2FS

Attachment III: Planning Commission Verbatim, July 15, 2009

Attachment IV: Plan Text Recommended by the Planning Commission, July 15, 2009

STAFF:

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

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

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

Lindsay A. Mason, Planner III, Policy and Plan Development Branch, PD, DPZ

Board Agenda Item
August 3, 2009

5:00 p.m.

Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-4FS, Located on the North-Side of Old Keene Mill Road, West of Amherst Avenue (Lee District)

ISSUE:

Base Realignment and Closure (BRAC) Area Plans Review (APR) nomination 08-IV-4FS proposes to amend the Comprehensive Plan for the subject area to recommend hotel use up to an intensity of 1.5 FAR. The hotel would provide accommodations for civilian employees and contractors relocated during the Base Realignment and Closure (BRAC) proceedings that are proximate to Fort Belvoir, the Engineer Proving Grounds, and the surrounding areas. The hotel would have 156 rooms. The staff analysis and recommendation are found in Attachment I. The BRAC APR Task Force recommendation is found in Attachment II.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 15, 2009, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors adopt the nomination for hotel use up to an intensity of 1.5 FAR on the subject property with conditions, such as inter-parcel access and a pedestrian connection across Old Keene Mill Road. The Planning Commission verbatim is found in Attachment III. The proposed Comprehensive Plan text recommended by the Planning Commission is found in Attachment IV.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission proposed text for BRAC APR item 08-IV-4FS as shown in Attachment IV.

TIMING:

Planning Commission public hearing- June 24, 2009
Planning Commission mark-up session- July 15, 2009
Board of Supervisors' public hearing- August 3, 2009

BACKGROUND:

In 2007, the Board of Supervisors authorized a special APR process to review and evaluate recommendations contained in the Comprehensive Plan for activity centers in

Board Agenda Item
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the southern part of the County that could be impacted by the relocation of Department of Defense jobs to Fort Belvoir as a result of BRAC decisions.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for BRAC APR item 08-IV-4FS

Attachment II: BRAC APR Task Force Report for BRAC APR Item 08-IV-4FS

Attachment III: Planning Commission Verbatim, July 15, 2009

Attachment IV: Comprehensive Plan Text Recommended by Planning Commission, July 15, 2009

STAFF:

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

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

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

Meghan D. Van Dam, Planner III, Policy and Plan Development Branch, PD, DPZ

Board Agenda Item
August 3, 2009

5:00 p.m.

Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-10S, Located West of Beulah Street, North of the Franconia-Springfield Parkway, and South of Walker Lane (Lee District)

ISSUE:

Base Realignment and Closure (BRAC) Area Plans Review (APR) nomination 08-IV-10S proposes to amend the Comprehensive Plan guidance for Tax Map Parcels 91-1((4)) 1 through 11 inclusive, 13 through 25 inclusive; 91-1((4)) 500, 501 located in Walker Lane/Lewin Park Area. The site is currently planned for residential use at 1 to 2 dwelling units per acre (du/ac). As an option, the site may develop as office and support retail uses at an intensity up to .55 FAR with an option for a child care center with consolidation and other conditions. The nomination proposes to amend this option to allow for office or office and hotel uses at an intensity up to 1.5 FAR.

The staff analysis and recommendation are found in the Staff Report, Attachment I. The BRAC APR Task Force recommendation is found in Attachment II.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 15, 2009, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors adopt a Planning Commission alternative for office or office and hotel uses at an intensity up to 1.5 FAR. The Planning Commission alternative incorporates the BRAC APR Task Force conditions relating to building height, restrictions on vehicular access, right-of-way dedication, and substantial and logical parcel consolidation, with conditions related to the provision of usable open space, buildings designed to meet the criteria for LEED Silver green building certification, and contributions to a road fund. The Planning Commission verbatim is found in Attachment III. The proposed Plan text recommended by the Planning Commission is found in Attachment IV.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission alternative as shown in Attachment IV. The conditions related to limiting heights of buildings and parking structures, tapering, minimizing front yard setbacks and surface parking along internal roads, and implementing a Transportation Demand Management (TDM) program address the major issues raised by staff.

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August 3, 2009

TIMING:

Planning Commission public hearing – June 17, 2009
Planning Commission mark-up session – July 15, 2009
Board of Supervisors' public hearing – August 3, 2009

BACKGROUND:

In 2007, the Board of Supervisors authorized a special APR process to review and evaluate recommendations contained in the Comprehensive Plan for activity centers in the southern part of the County that could be impacted by the relocation of Department of Defense jobs to Fort Belvoir as a result of BRAC decisions.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for BRAC APR 08-IV-10S
Attachment II: BRAC APR Task Force Report for BRAC APR 08-IV-10S
Attachment III: Planning Commission Verbatim, July 15, 2009
Attachment IV: Plan Text Recommended by the Planning Commission, July 15, 2009

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred R. Selden, Director, Planning Division (PD), DPZ
Marianne R. Gardner, Chief, Policy and Plan Development Branch, PD, DPZ
Jennifer C. Lai, Planner II, Policy and Plan Development Branch, PD, DPZ

Board Agenda Item
August 3, 2009

5:00 p.m.

Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-3MV, Located on the Northwest Corner of Huntington Avenue and Metroview Drive (Mount Vernon District)

ISSUE:

The Base Realignment and Closure (BRAC) Area Plans Review (APR) nomination proposes to amend the Comprehensive Plan guidance for parcel 83-1 ((1)) 34C in Land Unit G of the Huntington Community Planning Sector. The site is currently planned for office use up to .30 FAR. Nomination 08-IV-3MV proposes to amend the Plan to allow mixed use development up to 3.0 FAR with residential, office, and restaurant/retail uses.

The staff analysis and recommendation are found in the Staff Report, Attachment I. The BRAC APR Task Force recommendation is found in Attachment II. Staff recommended adopting the nomination with additional modifications, including expanding the Transit Development Area to include the subject property.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 15, 2009, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors adopt an alternative to the nomination, consistent with the recommendations from the Task Force and Staff. The Planning Commission verbatim is found in Attachment III. The proposed Plan text recommended by the Planning Commission is found in Attachment IV. The amendment allows mixed use development at 2.0-3.0 FAR, with residential component limited to approximately 50 percent of the development, and expands the Transit Development Area to include the subject property. The recommended text also adds development conditions, including those related to transit oriented site design, affordable and workforce housing, parks and recreation, environmental site and building design, and communications antenna screening.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation for BRAC APR item 08-IV-3MV, as shown in Attachment IV.

TIMING:

Planning Commission public hearing - June 17, 2009
Planning Commission mark-up session – July 15, 2009
Board of Supervisors' public hearing – August 3, 2009

Board Agenda Item
August 3, 2009

BACKGROUND:

In 2007, the Board of Supervisors authorized a special APR process to review and evaluate recommendations contained in the Comprehensive Plan for activity centers in the southern part of the County that could be impacted by the relocation of Department of Defense jobs to Fort Belvoir as a result of BRAC decisions.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for BRAC APR Item 08-IV-3MV

Attachment II: BRAC APR Task Force Report for BRAC APR Item 08-IV-3MV

Attachment III: Planning Commission Verbatim and Recommendation, July 15, 2009

Attachment IV: Plan Text Recommended by the Planning Commission, July 15, 2009

STAFF:

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

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

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

Lindsay A. Mason, Planner III, Policy and Plan Development Branch, PD, DPZ

Board Agenda Item
August 3, 2009

5:00 p.m.

Public Hearing on Proposed Base Realignment and Closure (BRAC) Area Plans Review (APR) Item 08-IV-9S, Located South of Backlick Road and the Fairfax County Parkway, Between Telegraph Road and Cinder Bed Road (Mount Vernon District)

ISSUE:

Base Realignment and Closure (BRAC) Area Plans Review (APR) nomination 08-IV-9S proposes to amend the Comprehensive Plan guidance for Tax Map Parcels 99-4 ((8)) 1, 2, 3B, 4, 5; 108-1 ((12)) 6, 7; 108-1 ((1)) 4 located in the I-95 Corridor Industrial Area. Approximately 56 acres of the site is a former landfill that is planned for private recreation and industrial use. The balance of the site, 62 acres, is Environmental Quality Corridor (EQC) and Resource Protection Area (RPA) acreage planned for private open space and public parks. Nomination 08-IV-9S proposes to add an option for office and industrial use at an intensity up to .33 FAR on the 56 acres currently planned for industrial and private recreation uses.

The staff analysis and recommendation are included in the Staff Report, Attachment I. The BRAC APR Task Force recommendation is found in Attachment II.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 15, 2009, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors adopt a Planning Commission alternative for office and industrial use at an intensity up to .20 FAR on the 56 acres currently planned for industrial and private recreation uses. The remaining 62 acres would continue to be planned for private open space and public parks. The Planning Commission also recommended incorporating the BRAC APR Task Force conditions relating to protecting the EQC and limiting building heights if necessary to accommodate activities on Davison Army Airfield, with additional conditions related to prohibiting outdoor storage and heavy industrial uses, the provision of an active recreation facility, and primary access via Telegraph Road. The Planning Commission verbatim is found in Attachment III. The proposed Plan text recommended by the Planning Commission is found in Attachment IV.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission alternative as shown in Attachment IV.

Board Agenda Item
August 3, 2009

TIMING:

Planning Commission public hearing – June 17, 2009
Planning Commission mark-up session – July 15, 2009
Board of Supervisors' public hearing – August 3, 2009

BACKGROUND:

In 2007, the Board of Supervisors authorized a special APR process to review and evaluate recommendations contained in the Comprehensive Plan for activity centers in the southern part of the County that could be impacted by the relocation of Department of Defense jobs to Fort Belvoir as a result of BRAC decisions.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for BRAC APR 08-IV-9S
Attachment II: BRAC APR Task Force Report for BRAC APR 08-IV-9S
Attachment III: Planning Commission Verbatim, July 15, 2009
Attachment IV: Plan Text Recommended by the Planning Commission, July 15, 2009

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred R. Selden, Director, Planning Division (PD), DPZ
Marianne R. Gardner, Chief, Policy and Plan Development Branch, PD, DPZ
Jennifer C. Lai, Planner II, Policy and Plan Development Branch, PD, DPZ

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August 3, 2009

5:30 p.m.

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

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