

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JUNE 22, 2009**

AGENDA

9:00		A. Heath Onthank Awards Reception Conference Center Reception Area
9:30	Done	Presentations
10:00	Done	Presentation of the Volunteer Fire and Rescue Service Awards
10:10	Done	Presentation of A. Heath Onthank Awards
10:20	Done	Presentation of the Civil War Sesquicentennial Project
10:35	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:35	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Extension of Review Periods for 2232 Review Applications (Dranesville, Hunter Mill, Lee, Mount Vernon, and Springfield Districts)
2	Approved	Streets into the Secondary System (Dranesville, Lee, Mount Vernon, Providence, Springfield and Sully Districts)
3	Approved	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Langley Oaks Pond #1 Project (Dranesville District)
4	Approved	Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon a Portion of Southland Avenue (Mason District)
5	Approved	Installation of "No Parking Commercial Vehicles Over 12,000 Pounds" Signs on I-395/Edsall Road Off-Ramp to Bren Mar Drive (Mason District)
6	Approved	Authorization to Advertise a Public Hearing to Expand the Newgate Community Parking District (Sully District)
7	Approved	Approval of Traffic Calming Measures and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Mason, Hunter Mill, Sully and Lee Districts)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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ADMINISTRATIVE ITEMS

(continued)

- 8 **Approved** Supplemental Appropriation Resolution AS 09151 for the Office of Emergency Management to Accept a Department of Homeland Security Urban Area Security Initiative Sub-Grant Award from the District of Columbia Office of the Deputy Mayor for Public Safety and Justice Through the State Administrative Agency for the National Capital Region
- 9 **Approved** Authorization to Advertise a Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Single Family Detached Dwelling Grade

ACTION ITEMS

- 1 **Approved** Approval of Revisions to the Memorandum of Understanding Between the Fairfax County Board of Supervisors and the Reston Community Center (Hunter Mill District)
- 2 **Approved** Approval of Preliminary Bond Documents for Dulles Rail Tax District Financing and Authorization of Judicial Proceedings to Validate Bonds
- 3 **Approved** Approval of the Code of Operations and Composition of the Fairfax County Head Start/Early Head Start Policy Council
- 4 **Approved** Approval of Changes to the Fairfax County Purchasing Resolution
- 5 **Withdrawn** Approval of Revisions to Chapter 4 of the Personnel Regulations Required to Implement the Suspension of Pay Increases for FY2010

CONSIDERATION ITEMS

- 1 Supervisor Hyland - Delegate
Supervisor Gross – Alternate
Supervisor Hudgins – Alternate National Association of Counties' Annual Conference
- 2 **Deferred Decision** Approval of Amendment to the Memorandum of Understanding Between the Board of Supervisors and the Fairfax Partnership for Youth, Inc. (FPY)

INFORMATION ITEMS

- 1 **Noted** Green Building Certification - Crosspointe Fire Station, Foundations (Springfield District), and Burke Centre Library (Braddock District)
- 2 **Noted** Contract Award – Health Department Laboratory (Providence District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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**INFORMATION
ITEMS**

(continued)

3	Noted	Contract Award – Dental Services for Inmates in the Fairfax County Adult Detention Center
4	Noted	Contract Award – Clarks Branch Bridge at Riverbend Park (Dranesville District)
11:05	Done	Matters Presented by Board Members
11:55	Done	Closed Session

**PUBLIC
HEARINGS**

3:00	Approved	Board Decision on a Proposed Zoning Ordinance Amendment Re: Zoning Fee Schedule: New Fee for Deferrals of Public Hearings
3:30	Approved	Public Hearing on SEA 83-S-036 (Russell G. Hall) (Springfield District)
3:30	Approved	Public Hearing on AF 2008-SP-001 (Russell G. Hall) (Springfield District)
3:30	Approved	Public Hearing on AR 91-D-004-02 (Durward & Tarry Faries) (Dranesville District)
3:30	Public hearing deferred to 7/13/09 at 3:00 p.m.	Public Hearing on RZ 2008-PR-009 (INOVA Health Care Services) (Providence District)
3:30	Public hearing deferred to 7/13/09 at 3:00 p.m.	Public Hearing on SEA 80-P-078-15 (INOVA Health Care Services) (Providence District)
3:30	Public hearing deferred to 7/13/09 at 3:00 p.m.	Public Hearing on PCA 87-P-038-04 (INOVA Health Care Services) (Providence District)
3:30	Public hearing deferred to 7/13/09 at 3:00 p.m.	Public Hearing on SEA 85-L-059-06 (BSI Incorporated t/a Browne Academy) (Lee District)
3:30	Approved	Public Hearing on SE 2008-HM-024 (Trustees of the United Christian Parish of Reston) (Hunter Mill District)
3:30	Approved	Public Hearing on PRC A-502 (Trustees of the United Christian Parish of Reston) (Hunter Mill District)

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

(continued)

4:00	Approved	Public Hearing on SE 2008-BR-029 (7-Eleven, Inc., A Texas Corporation, Successor to the Southland Corporation) (Braddock District)
4:00	Approved	Public Hearing on PRC A-787 (7-Eleven, Inc., A Texas Corporation, Successor to the Southland Corporation) (Braddock District)
4:00	Public hearing deferred to 7/13/09 at 3:00 p.m.	Public Hearing on PCA 2006-SU-025 (Commonwealth Centre Investors, LLC and Commonwealth Centre Investors II, LLC) (Sully District)
4:00	Approved	Public Hearing on SE 2008-SU-040 (NOVA Retail Holdings Inc) (Sully District)
4:00	Approved	Public Hearing to Consider Adopting an Ordinance to Amend the Huntington Residential Permit Parking District, District 1B (Lee District)
4:00	Approved	Public Hearing to Consider Adopting an Ordinance Establishing the Huntington Garden Residential Permit Parking District, District 1E (Lee District)
4:00	Approved	Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law
4:30	Approved	Public Hearing on Spot Blight Abatement Ordinance for 5941 Colchester Road (Springfield District)
4:30	Approved	Public Hearing on Spot Blight Abatement Ordinance for 3282 Annandale Road (Mason District)
4:30	Approved	Public Hearing on Spot Blight Abatement Ordinance for 8620 Ox Road (Springfield District)
4:30	Decision deferred to 10/5/09 @ 4:00 p.m.	Public Hearing on Spot Blight Abatement Ordinance for 9915 Old Colchester Road (Mount Vernon District)
5:00	Held	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
June 22, 2009

9:30 a.m.

PRESENTATIONS:

1. CERTIFICATE – To recognize Tim Ruter for his placement in the Scripps National Spelling Bee. Requested by Supervisor Frey.
2. CERTIFICATE – To recognize Chesterbrook Residences, Inc., for receiving a Commonwealth Council on Aging 2009 Best Practices Award in the housing category. Requested by Chairman Bulova and Supervisors Foust, Herrity and Hudgins.
3. RESOLUTION – To recognize the Asian American History Project Task Force for organizing numerous people, organizations, businesses and government agencies that made the first naturalization ceremony held in the Fairfax County Government Center a success. Requested by Chairman Bulova.
4. RESOLUTION – To thank and congratulate United Community Ministries for its years of service and 40th anniversary. Requested by Supervisor McKay.
5. RESOLUTION – To thank and congratulate Good Shepherd Housing and Family Services for its years of service and 35th anniversary. Requested by Chairman Bulova and Supervisors McKay, Herrity and Hyland.

— more —

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6. CERTIFICATE – To recognize the Economic Development Authority for its work in the relocation of several major corporations to Fairfax County. Requested by Supervisors Herrity and Frey.

STAFF:

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

Board Agenda Item
June 22, 2009

10:00 a.m.

Presentation of the Volunteer Fire and Rescue Service Awards

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Timothy Fleming, Chair, Volunteer Fire Commission
Jeffrey Katz, Volunteer Liaison, Fire and Rescue Department

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Board Agenda Item
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10:10 a.m.

Presentation of the A. Heath Onthank Awards

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Honorable Rosemarie Annunziata, Chairman of the Civil Service Commission

John Byers, Onthank Award Committee Chairman

Sharon Bulova, Chairman, Board of Supervisors

Dr. Daniel Storck, Chairman, Fairfax County School Board

Anthony Griffin, County Executive

Dr. Richard Moniuszko, Deputy Superintendent, Fairfax County Schools

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Board Agenda Item
June 22, 2009

10:20 a.m.

Presentation of the Civil War Sesquicentennial Project

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Patrick Lennon, Visit Fairfax, Co-Chair of the Local Organizing Committee for Fairfax County
Elizabeth Crowell, Fairfax County Park Authority, Committee Member

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Board Agenda Item
June 22, 2009

10:35 a.m.

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

ENCLOSED DOCUMENTS:
Appointments to be Heard June 22, 2009

STAFF:
Nancy Vehrs, Clerk to the Board of Supervisors

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10:35 a.m.

Items Presented by the County Executive

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Board Agenda Item
June 22, 2009

ADMINISTRATIVE – 1

Extension of Review Periods for 2232 Review Applications (Dranesville, Hunter Mill, Lee, Mount Vernon, and Springfield Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications FS-S09-14, FS-L09-16, and FS-H09-17 to August 23, 2009; application 2232-S09-6 to August 28, 2009; applications 2232-V09-15 and FS-H09-22 to August 29, 2009; and application 2232-D08-19 to September 3, 2009.

TIMING:

Board action is required on June 22, 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 periods for applications 2232-D08-19, 2232-S09-6, 2232-V09-15, FS-S09-14, FS-L09-16, FS-H09-17, and FS-H09-22, which were accepted for review by the Department of Planning and Zoning between March 26, 2009, and April 6, 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.

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- 2232-D08-19 T-Mobile Northeast LLC
Antenna colocation on 10' extension to existing transmission pole
Near Georgetown Pike and Colonial Farm Road
Dranesville District
- 2232-S09-6 Cricket Communications
Replacement 120' monopole/light pole
6001 Union Mill Road (Centreville High School)
Springfield District
- 2232-V09-15 New Cingular Wireless PCS LLC
(formerly
FS-V09-18) Replacement 76' monopole/light pole
2500 Parkers Lane (Walt Whitman Middle School)
Mount Vernon District
- FS-S09-14 New Cingular Wireless PCS LLC
Antenna colocation on existing transmission pole
5460 Rockpointe Drive
Springfield District
- FS-L09-16 New Cingular Wireless PCS LLC
Rooftop antennas
8350 Richmond Highway (South County Government Center)
Lee District
- FS-H09-17 Cricket Communications
Rooftop antennas
2610 Reston Parkway (Fox Mill Fire Station)
Hunter Mill District
- FS-H09-22 Cricket Communications
Antenna colocation on existing transmission tower
1977 Hunter Mill Road
Hunter Mill District

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

FISCAL IMPACT:
None

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June 22, 2009

ENCLOSED DOCUMENTS:
None

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

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ADMINISTRATIVE – 2

Streets into the Secondary System (Dranesville, Lee, Mount Vernon, 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>
Sparger Street Property	Dranesville	Springhaven Garden Lane
Newington LC	Lee	Cinder Bed Road (Route 637) (Additional Right-of-Way (ROW) Only)
Highgrove Estates Section 2	Lee	Willowfield Way Penny Lane Deer Ridge Trail Meriwether Lane
Earl H. Curtis & Wife Subdivision Lots 4 & 5A	Mount Vernon	Lorton Road (Route 642) (Additional ROW Only)
Morgan at McLean LLC	Providence	Chain Bridge Road (Route 3547) (Additional ROW Only) Colonial Lane (Route 1074) (Additional ROW Only)
Hearthstone Village Oakton Section 1	Providence	Lynnhaven Place Hunter Mill Road (Route 674) (Additional ROW Only)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
The Horizon Bank of Virginia	Providence	Lee Highway (Route 29) (Additional ROW Only) Prosperity Avenue (Route 699) (Additional ROW Only) Hilltop Road (Route 744) (Additional ROW Only)
Remington Place & Trustees of New Hope Church Inc.	Springfield & Mount Vernon	Blu Steel Way
The Hunter Property	Sully	Walney Park Drive (Route 7704)

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 - 3

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

ISSUE:

Board authorization to advertise notice of a public hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Project 318/FX4000 (TR001) - Langley Oaks Pond #1, in Fund 318, Stormwater Management Program.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for August 3, 2009, commencing at 4:00 p.m.

TIMING:

Board action is requested on June 22, 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 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 requires the construction of a permanent access road, approximately 1,158 linear feet (48,826 square feet), for maintenance of the pond.

This project requires the acquisition of an access easement 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).

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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, in 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 - 4

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

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The Board should take action on June 22, 2009, to provide sufficient time to advertise the proposed 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.

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.

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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:

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

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June 22, 2009

ADMINISTRATIVE - 5

Installation of “No Parking Commercial Vehicles Over 12,000 Pounds” Signs on I-395/Edsall Road Off-Ramp to Bren Mar Drive (Mason District)

ISSUE:

Board approval for the County installation of “No Parking Commercial Vehicles Over 12,000 Pounds” signs along the gravel shoulder adjacent to the off-ramp from I-395/Edsall Road to Bren Mar Drive.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) restricting parking on the above-referenced street.

TIMING:

The County Executive further recommends that staff be directed to install these signs at the earliest possible date.

BACKGROUND:

The Mason District Supervisor’s Office has received a request for “No Parking Commercial Vehicles Over 12,000 Pounds” signs along the gravel shoulder adjacent to the off-ramp from I-395/Edsall Road along the “hairpin turn” to Bren Mar Drive. Residents are concerned that, among other things such as litter and debris left on the street, large trucks and trailers that are parked can damage the road and the shoulder. They also obstruct the sight distance and create a dangerous situation for motorists, cyclists and pedestrians.

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
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

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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 (1) and (3) referenced above, staff believes that parking commercial vehicles over 12,000 pounds along the gravel shoulder adjacent to the off-ramp from I-395/Edsall Road along the “hairpin turn” to Bren Mar Drive should be prohibited 24 hours a day.

FISCAL IMPACT:

The cost of installing the signs is estimated at \$300 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, FCDOT
Maria Turner, FCDOT
Hamid Majdi, FCDOT

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Expand the Newgate Community Parking District (Sully District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for July 13, 2009, at 5:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Newgate CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on June 22, 2009, to provide sufficient time for advertisement of the public hearing on July 13, 2009, at 5:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the CPD.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily

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

Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD. The proposed expansion of Newgate CPD shall encompass Awbrey Patent Drive from Stone Road to Rocky Run Drive (Attachment II).

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$200 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

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

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ADMINISTRATIVE - 7

Approval of Traffic Calming Measures and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Mason, Hunter Mill, Sully and Lee Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures on Hillcrest Place (Attachment I) consisting of the following:

- Two speed humps and one multi-way stop on Hillcrest Place (Mason District)

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

- Abbey Oak Drive (Hunter Mill District)
- Billingsgate Lane (Sully District)
- Wycombe Street (Sully District)
- McClelland Place (Lee District)

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

TIMING:

Board action is requested on June 22, 2009.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria for Hillcrest Place. Subsequently, petitions were gathered from each

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community evidencing support for further study. A task force was formed with each community to develop a traffic calming plan to reduce the speed of traffic. Once a plan was adopted and approved by staff and VDOT, the plan was submitted for approval to residents of the petition area in the community. On May 18, 2009, the Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced traffic calming plans.

The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On May 15, 2009, (Abbey Oak Drive), and on May 1, 2009, (Billingsgate Lane and Wycombe Street), and on May 6, 2009, (McClelland Place) the Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" signs.

FISCAL IMPACT:

The estimated cost of \$14,500 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Hillcrest Place
Attachment II: Board Resolution for "Watch for Children" Signs

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
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 – 8

Supplemental Appropriation Resolution AS 09151 for the Office of Emergency Management to Accept a Department of Homeland Security Urban Area Security Initiative Sub-Grant Award from the District of Columbia Office of the Deputy Mayor for Public Safety and Justice Through the State Administrative Agency for the National Capital Region

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09151 in the amount of \$142,850 for the Office of Emergency Management to accept a Department of Homeland Security (DHS) FY 2007 Urban Area Security Initiative (UASI) Sub-Grant Award from the State Administrative Agency (SAA). These funds are made available by DHS through the District of Columbia which is serving as the SAA. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. No Local Cash Match or in-kind match is required. The grant period for the FY 2007 sub-grant award is retroactive from July 1, 2007 through March 31, 2010.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 09151 in the amount of \$142,850 for the Office of Emergency Management to accept a Department of Homeland Security (DHS) FY 2007 Urban Area Security Initiative (UASI) Sub-Grant Award from the State Administrative Agency (SAA). In partnership with the Department of Public Works and Environmental Services (DPWES), these funds will be used to review, update and develop local emergency action plans and develop an emergency response program for high hazard dams within the County. This project will be implemented in accordance with the program guidance documents. No Local Cash or in-kind match is required.

TIMING:

Board approval is requested on June 22, 2009, as funding is available immediately.

BACKGROUND:

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

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is one of 12 jurisdictions that currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

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

Funded projects are typically regional in nature with benefits to multiple jurisdictions. In order to effectively implement these projects, a single jurisdiction is being identified to act as a recipient of a sub-grant award to handle all of the financial management, audit, procurement and payment provision of the sub-grant award and grant program.

FISCAL IMPACT:

Grant funding in the amount of \$142,850 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance dam safety through emergency action planning and the development of an emergency response program. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009. The Department of Homeland Security allows recovery of indirect costs on this grant. The Office of Emergency Management anticipates that the County will recover \$17,500 in indirect costs for this grant. No Local Cash Match or in-kind match is required.

CREATION OF NEW POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Award Documents

Attachment 2 – Supplemental Appropriation Resolution AS 09151

STAFF:

Robert Stalzer, Deputy County Executive

Michael Ryan, Deputy Coordinator, Office of Emergency Management

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ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Single Family Detached Dwelling Grade

ISSUE:

The proposed amendment is in response to a request from the Board that staff examine possible ways to address the impacts of building larger (taller) houses adjacent to smaller (shorter) houses in existing residential neighborhoods. The proposed amendment revises the current grade definition to stipulate that building height measurements for single family detached dwellings be made from the lower average ground level of either pre-existing or finished grade. The amendment also incorporates the changes to the variance standards that were adopted by the 2009 Virginia General Assembly by eliminating the requirement for a showing of hardship “approaching confiscation”.

RECOMMENDATION:

The County Executive recommends authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on June 22, 2009, to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on July 23, 2009, at 8:15 p.m., and for the proposed Board of Supervisors’ public hearing on September 14, 2009, at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2009 Priority 1 Zoning Ordinance Amendment Work Program and was initiated by a July 2007 Board request that staff examine possible ways to address massing and looming impacts of new construction in established residential neighborhoods. Over the past two years staff has studied this issue, which is characterized by larger new homes or additions to existing homes towering over existing, smaller sized, homes. This effort has been undertaken in coordination with stakeholders that were included in the process consisting of various citizen interest groups and representatives from the building industry. Staff has also discussed this issue with the Board’s Development Process Committee on four occasions over this two year period. In September of 2008, a proposed amendment to address looming was brought to the Board for authorization of public hearings, which

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included the establishment of a residential angle of bulk plane regulation and an adjustment to how grade was determined for single family detached dwellings. However, due to issues regarding the complexity and cost associated with the angle of bulk plane, the Board did not authorize the amendment and requested staff to pursue an alternative approach. In response to this request, in lieu of the angle of bulk plane, staff recommended a setback ratio regulation in conjunction with the grade approach and coordinated this with the stakeholders in a series of workshops. On March 16, 2009, staff briefed the Board's Development Process Committee regarding this alternative and stated that consensus was not reached on the setback ratio, but that general consensus was reached regarding the grade approach. At this meeting staff was directed to proceed with the Zoning Ordinance amendment proposal regarding how grade is measured and to coordinate a stakeholder workgroup to consider other methods to further address looming. To date the stakeholder workgroup has met twice out of a total of four scheduled meetings and staff will report its findings to the Board at the next Development Process Committee meeting scheduled for September 21, 2009.

The amendment proposes a revised method of measuring grade for single family detached dwellings, which is a component of how building height is measured, by establishing grade as the lower average ground level of the pre-development or finished elevations. This revision is to preclude a fairly common practice whereby a lot is artificially elevated with fill resulting in the construction of taller houses that technically comply with the maximum 35 foot height limit, since building height is currently measured from finished grade. However, in such circumstances the effective height of the dwelling is one that includes the combined height of the structure plus the height of the fill material.

There may be circumstances under which adherence to the proposed grade measurement may present a hardship on the owner. One example is a lot that is located in or within close proximity to a floodplain and the floodplain regulations require that the lowest floor level be a minimum of 18 inches above the floodplain. The proposed amendment would allow the Board in conjunction with a special exception for another use or a rezoning to approve a special exception for a modification of the grade requirement for a detached dwelling that is located within or in proximity to a floodplain and such dwelling must be elevated to meet all applicable floodplain regulations. The amendment would also allow the Board of Zoning Appeals (BZA) to approve the same grade modification as a special permit to address instances where no special approvals are being requested of the Board of Supervisors.

In addition to meeting the floodplain regulations, there are other examples of how a proposed grade revision could constrain the construction of a dwelling on a lot. One such example is a lot that sits in a low topographic position relative to abutting properties (house in a valley) where it may be appropriate to allow such a lot to be elevated to a point that is more compatible with adjacent properties and to avoid a

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“reverse looming” effect. Given the existence of various topographic and other site constraints that may present hardships that cause difficulties in developing properties, and given that a 2009 State Code change loosened the standards by which a variance can be granted by eliminating the requirement for showing a hardship as “approaching confiscation”, it is staff’s opinion that the use of a variance can now be a viable and an appropriate tool to obtain relief of the grade requirement. It is noted that as part of this amendment the variance standards are being revised to be consistent with the 2009 State Code change.

A new fee of \$885 is recommended for the above mentioned special exception and special permit applications and a new fee of \$885 is recommended for those seeking a variance for a grade modification as well as a modification to building height for single family detached dwellings. These fees are consistent with the fees for other types of residential special exception, special permit and variance application requests. It is noted that for advertisement purposes a fee range of no less than \$885 and no greater than \$7935 is set forth that would permit the Planning Commission and the Board to consider any fees within that range.

The proposed regulations are intended to provide a reasonable balance between protecting older homes from the impacts of infill development and the rights of property owners to build on and improve their property. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The amendment modifies the manner in which grade is calculated for single family detached dwellings by requiring that the lower of the pre-development or finished elevations be used. The amendment also introduces a new Group 9 special permit and a new Category 6 special exception to allow grade modifications of single family detached dwellings.

FISCAL IMPACT:

Although the methodology for measuring grade for single family detached dwellings will be changed with the proposed amendment, there should be minimal additional cost for the applicant to prepare plans or for the County to review the plans as pre-development and finished ground levels are currently required to be shown on grading plans.

The proposed amendment introduces a new Group 9 special permit, a new Category 6 special exception and a new variance application fee of \$885 to allow modifications of grade for single family detached dwellings. This is the same fee that will be effective on July 1, 2009 for residential minimum yard and fence height variances and special permit and special exception applications for minimum yard modifications. Since the new special exception is only applicable when in conjunction with a rezoning or another

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special exception, the higher fee will prevail as the applicant will not be charged double. As such, there will be minimal, if any, increase in revenue from the new special exception use. An increase in revenue due to the new special permit and variance fees will be dependent on the number of applications filed.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Jack Reale, Senior Assistant to the Zoning Administrator, DPZ

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ACTION - 1

Approval of Revisions to the Memorandum of Understanding Between the Fairfax County Board of Supervisors and the Reston Community Center (Hunter Mill District)

ISSUE:

The Reston Community Center (RCC) Board of Governors (BOG) proposes a change in the annual preference poll that is used to select candidates to fill open positions on the membership of the BOG. This change would be to permit both online and/or mail-in balloting. To provide for a secure process and accountability with integrity of the results, such a process would restrict participation to one ballot for each household and commercial property address. The RCC BOG also proposes revisions to the existing Memorandum of Understanding (MOU) to provide for such a change in the preference poll. In addition, the RCC BOG recommends amendments to MOU to reflect revisions in Virginia law and to reorganize the text to make it easier to use. A further revision eliminates term limits on Board of Governors officer positions.

RECOMMENDATION:

The County Executive recommends that the Board approve the revisions to the Memorandum of Understanding

TIMING:

Board action is requested on June 22, 2009, in order to facilitate providing changes to its Preference Poll process in time for the 2009 Preference Poll conducted from September to October.

BACKGROUND:

RCC's Board of Governors studied its governance with a panel appointed by the BOG during 2003-2004. Among the panel recommendations in 2004 was a recommendation to improve participation levels in the annual Preference Poll by using an online and mailed ballot system. Subsequently, the adoption of this process was deferred in the interest of establishing parameters that would assure the new process could be verifiable and would be accountable to the community as one that would not permit manipulation. In consideration of this, changes to the RCC MOU were deferred and the existing process, with participant eligibility defined in the MOU as anyone residing in the tax district over the age of 18 and commercial property address-holders.

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In 2007, as part of its community survey conducted by the University of Virginia Center for Survey Research, the question of preference poll voting was included and survey respondents were asked their preferences for a variety of approaches. The clear majority of responses indicated the community desired an online and mailed ballot approach even if it required restricting participation to one vote per household address or commercial address. Thus, the RCC BOG undertook revision of their MOU to effect this change and to eliminate term limits on Board officer positions. In working with the County Attorney to revise the MOU, several changes were incorporated beyond the two described to update the Virginia Code references in the MOU and to improve the document flow. It is this set of revisions presented for approval by the Board of Supervisors and incorporation into the Memorandum of Understanding between the Board of Supervisors and Reston Community Center. Approval now will permit the new process to be implemented in the 2009 Preference Poll.

FISCAL IMPACT:

In the first year of implementation of a new Preference Poll procedure, the net fiscal impact will be approximately \$5,000. This represents a one-time cost for establishment of the electronic voting structure and can be absorbed within the RCC's FY 2010 budget. In subsequent years cost savings associated with the implementation of this new Preference Poll procedure will be achieved.

ENCLOSED DOCUMENTS:

Attachment 1: The current RCC MOU
Attachment 2: The revised version of the MOU

STAFF:

Verdia L. Haywood, Deputy County Executive
Leila Gordon, Executive Director, Reston Community Center
Michael H. Long, Senior Assistant County Attorney

Board Agenda Item
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ACTION – 2

Approval of Preliminary Bond Documents for Dulles Rail Tax District Financing and Authorization of Judicial Proceedings to Validate Bonds

ISSUE:

Approval of preliminary financing documents to begin the process for financing the Dulles Rail project and authorizing judicial proceedings to validate bonds issued for such financing.

RECOMMENDATION:

The County Executive recommends approval of a Resolution which (i) approves the form and authorizes the execution of the Project Agreement which sets forth the agreement between the County, Fairfax County Economic Development Authority (EDA) and the Dulles Rail Phase I Transportation Improvement District Commission to finance the Dulles Rail project (ii) approves the form of the Trust Agreement which sets out the terms and conditions for the issuance and payment of bonds (Bonds) to be issued by the Fairfax County Economic Development Authority to finance a portion of the District Project, (iii); requests the Economic Development Authority to issue the Bonds (iv) authorizes the Office of the County Attorney, in conjunction with EDA Counsel and Bond Counsel to initiate proceedings to validate the Bonds among other items.

TIMING:

Board action is requested on June 22, 2009, in order to begin the legal processes for financing the County's share of the Dulles Rail project.

BACKGROUND:

The Dulles Rail project is underway. In accordance with the County's funding agreement with the Metropolitan Washington Airports Authority, the County, through the Dulles Rail Phase I Transportation Improvement Tax District, is obligated to begin making payments. The attached financing documents will establish the legal structure to allow the financing of the Tax District's \$400 million share to proceed. The attached Project Agreement between the Board of Supervisors, the Tax District and the Economic Development Authority will establish the obligations and mechanism for the County to assess and levy the tax rate, request EDA to issue the Bonds to provide financing for the Dulles Rail project, collect the revenues and provide the revenues to

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the District or to EDA on behalf of the District for the payment of for debt service on the Bonds. The Trust Agreement establishes EDA's obligation to the bond holders upon issuance of the Bonds. It has been determined that prior to the issuance of the Bonds by EDA there should be a juridical determination of the validity of the Bonds to ensure broad financial market acceptance of the Bonds. After such judicial proceedings are initiated and prior to the sale of the Bonds it is anticipated that later this year staff will return with final documents and requests for approval.

Board action is contingent upon favorable action by the Dulles Rail Phase I Transportation Improvement District Commission scheduled for June 22, 2009.

FISCAL IMPACT:

None at this time. Sufficient appropriation exists in FY 2010 to support anticipated debt service payments.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution of Approval
Attachment 2: Project Agreement
Attachment 3: Trust Agreement

STAFF:

Edward L. Long, Jr., Deputy County Executive
Leonard P. Wales, County Debt Manager

Board Agenda Item
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ACTION - 3

Approval of the Code of Operations and Composition of the Fairfax County Head Start/Early Head Start Policy Council

ISSUE:

Board approval of the Code of Operations and composition of the Fairfax County Head Start/Early Head Start Policy Council, per new federal regulations.

RECOMMENDATION:

The County Executive recommends that the Board approve the Fairfax County Head Start/Early Head Start Policy Council Code of Operations and the composition of Policy Council, as outlined in the Code.

TIMING:

The Board should act on this recommendation as soon as possible to ensure compliance with federal regulations.

BACKGROUND:

The Board of Supervisors is the federal grantee for the Fairfax County Head Start/Early Head Start program and has delegated responsibility for administering the program to the Department of Family Services, Office for Children (OFC). In compliance with 45 CFR 1304.50 (a) (1) (i), OFC has established and maintained a Policy Council to provide a formal structure of shared governance through which parents can participate in policy making and other decisions about the program. Recent changes in federal regulations (45 CFR 1304.50 (d) (1) (vi)) require that the Board of Supervisors, as the County's governing body, approve the Policy Council's Code of Operations and the composition of the Policy Council, as outlined in the Code.

The Policy Council Code of Operations was developed based on the federal Head Start Performance Standards on program governance (45 CFR 1304.50) and has been approved by the Policy Council. Article III, Sections 1 and 2 of the Code of Operations require that the Policy Council consist of four representatives and two alternates from each of the three programs that comprise the Fairfax County Head Start/Early Head Start program - Greater Mount Vernon Community Head Start, Fairfax County Public Schools, and Higher Horizons Day Care Center - and two community representatives who must be residents of or employed in Fairfax County. Community representatives

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may include representation from other child care programs, neighborhood community groups, higher education institutions, program boards, or community or professional organizations that have a concern for children and families in the Head Start/Early Head Start program and can contribute to the development of the program. All program options (i.e., center-based, home-based, family child care) must be represented on the Policy Council. Members are elected to the Policy Council at the program level by their respective policy or parent committee.

This composition helps ensure equal representation for all programs and that at least 51 percent of Policy Council members are parents of currently enrolled children, as required by 45 CFR 1304.50 (b) (2).

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Fairfax County Head Start/Early Head Start Policy Council Code of Operations

STAFF:

Verdia L. Haywood, Deputy County Executive
Nannette M. Bowler, Director, Department of Family Services
Anne-Marie Twohie, Acting Director, Office for Children
Megan Lebowitz, Policy Council Chairperson

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ACTION - 4

Approval of Changes to the Fairfax County Purchasing Resolution

ISSUE:

Board approval of changes to the Fairfax County Purchasing Resolution.

RECOMMENDATION:

The County Executive recommends that the Board approve the changes to the Fairfax County Purchasing Resolution outlined below, to become effective on July 1, 2009. These proposed changes incorporate modifications resulting from legislation enacted during the 2009 session of the Virginia General Assembly and other administrative changes recommended by staff.

TIMING:

Routine.

BACKGROUND:

The Board of Supervisors adopted the current version of the Fairfax County Purchasing Resolution on June 30, 2008. During the 2009 session of the General Assembly, 15 bills were approved relating to procurement and/or contracts. Three of these bills modified a mandatory section of the Virginia Public Procurement Act (VPPA). The remaining bills affected state agencies only or did not have any impact on Fairfax County. Staff recommends four administrative amendments to the Purchasing Resolution:

Code Changes

1. House Bill 2615, Code of Virginia §2.2-4303, increases the amount from \$30,000 to \$50,000 for single or term contracts for professional services not requiring competitive negotiation. This bill changes a mandatory section of the Virginia Public Procurement Act.
2. Senate Bill 1203, Code of Virginia §2.2-4301, requires offerors to be informed of any ranking criteria that will be used by the County in addition to the review of professional competence. This bill changes a mandatory section of the Virginia Public Procurement Act.
3. Senate Bill 834, Code of Virginia §2.2-4301, provides that a contract for architectural or professional engineering services relating to construction projects negotiated by a local public body for multiple projects may be renewable for up to four additional one-year terms at the option of the public body. Under current law such contracts are renewable for up to two additional one-year terms. This bill changes a mandatory section of the Virginia Public Procurement Act.

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Administrative Changes

1. Establish the Fairfax County Sheriff as the purchasing agent in all matters involving the commissary and nonappropriated funds received from inmates based on authority provided in Code of Virginia §53.1-127.1. This is an existing exemption that was not previously identified in the Fairfax County Purchasing Resolution.
2. Add an exception to the requirement for competitive procurement for the procurement of single or term contracts for certain goods and services that are not expected to exceed \$50,000. (ref. Code of Virginia §2.2-4303.5G).
3. Delete the text referring to the requirement that the Commonwealth of Virginia's Design-Build/Construction-Management Review Board approve a proposed Request for Proposal for design-build or construction-management contracts. In August 2008, the Design-Build/Construction-Management Review Board made a one-time determination that the County has the personnel, procedures, and expertise to enter into a contract for construction on a fixed-price or not-to-exceed design-build or construction management basis, in accordance with Code of Virginia §2.2-4308.
4. Provide that the County may accept the donation of services as well as goods; approval of the procedures for accepting such donations are unchanged.

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

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I - Index of Changes

Attachment II - Revised Fairfax County Purchasing Resolution

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

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ACTION - 5

Approval of Revisions to Chapter 4 of the Personnel Regulations Required to Implement the Suspension of Pay Increases for FY2010

ISSUE:

Changes are proposed to Chapter 4 of the Personnel Regulations to implement the suspension of pay increases as approved in the FY2010 Adopted Budget.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed revisions to Chapter 4 of the Personnel Regulations.

TIMING:

Immediate. The suspension of pay increases is effective in pay period 14, which began June 20, 2009.

BACKGROUND:

As part of the FY2010 Adopted Budget, the Board of Supervisors suspended pay increases for all employees for the fiscal year. This suspension of pay increases was one of a number of difficult decisions required to meet the significant fiscal challenges faced by the county for FY2010. The proposed revisions address longevity increases for public safety employees, the pro-rated performance pay increase associated with promotions and the outstanding performance award. The other sections regarding pay for performance and public safety step increases already provide the necessary flexibility and did not require revision.

In accordance with the Merit System Ordinance, the Civil Service Commission held a public hearing on June 11, 2009. The Commission's comments are summarized in Attachment 2.

FISCAL IMPACT:

The General Fund impact of the suspension of pay increases in FY 2010 is reflected in the FY 2010 Adopted Budget Plan.

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ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Chapter 4 of the Personnel Regulations
Attachment 2: Comments from the Civil Service Commission

STAFF:

Edward L. Long, Jr., Deputy County Executive
Susan Woodruff, Director, Department of Human Resources
Edward Rose, Sr. Senior Assistant County Attorney

Board Agenda Item
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CONSIDERATION – 1

National Association of Counties' Annual Conference

ISSUE:

Board designation of a voting and alternate delegate to represent the County at the National Association of Counties' (NACo) Annual Conference.

TIMING:

NACo has requested notification of Board action by July 3, 2009.

BACKGROUND:

NACo's 74th Annual Conference will be held in Davidson County, Tennessee on July 24-28, 2009. The NACo staff is preparing credentials for that conference, and the County has been requested to notify NACo of the names of the County's voting delegate and alternate voting delegate.

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant County Executive

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CONSIDERATION – 2

Approval of Amendment to the Memorandum of Understanding Between the Board of Supervisors and the Fairfax Partnership for Youth, Inc. (FPY)

ISSUE:

Consideration of proposed Amendment to the Memorandum of Understanding between the Board of Supervisors and the Fairfax Partnership for Youth, Inc. (FPY).

TIMING:

Board consideration is requested on June 22, 2009.

BACKGROUND:

The Fairfax Partnership for Youth, Inc. (FPY) was created in May 1997, as a non-profit organization by members of the Fairfax County Community Initiative to Reduce Youth Violence Steering Committee. FPY was formed in order to bring public and private sectors together to develop shared visions and plans for coordinating efforts to reduce youth violence and promote positive youth development. In January 1998, a Memorandum of Understanding (MOU) was executed between the Board of Supervisors and FPY for the purpose of defining the relationship between the parties. The MOU precludes County employees from serving as officers or employees of FPY or voting members of the FPY Board of Directors.

The attached proposed Amendment to the MOU will allow County employees to serve as officers of FPY and as voting members of the FPY Board of Directors. In the alternative, the MOU may, at the Board's option, be modified to permit County employees to serve as officers of FPY and members of the FPY Board of Directors, provided that County employees shall not be voting members of the FPY Board of Directors. Modification of the MOU requires approval by the Board and FPY.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Amendment to MOU

Attachment 2 – MOU Between the Board of Supervisors and the Fairfax Partnership for Youth, Inc.

STAFF:

Anthony H. Griffin, County Executive

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INFORMATION - 1

Green Building Certification - Crosspointe Fire Station, Foundations (Springfield District), and Burke Centre Library (Braddock District)

Three Fairfax County building projects developed as part of the Capital Improvement Program (CIP) have recently achieved formal green building certifications under the U.S. Green Building Councils Leadership in Energy and Environmental Design (LEED) and the Green Globe Initiative Rating Systems: Crosspointe Fire Station, LEED Gold, Burke Library, LEED Silver, and Foundations (formerly known as Girls Probation House) two Green Globes. All three projects were managed by the Department of Public Works and Environmental Services (DPWES). The achievement of formal LEED and Green Globe certifications, as well as the previous LEED certification for Fairfax Center Fire Station and Green Globe certification for the Katharine K. Hanley Family Shelter, is indicative of DPWES' environmental stewardship role, and is a significant milestone in the implementation of the County's Sustainable Development Policy.

The Crosspointe Fire Station is one of the two pilot projects developed under the DPWES' original Sustainable Design Program and is the first project for the County to attain the Gold Level of LEED certification. The 14,800 square-foot fire station was completed in 2007 with operations beginning in July 2007. The project incorporates a number of sustainable features such as energy efficient systems to provide energy savings of approximately \$11,000 per year and low flow fixtures and controls to reduce potable water use by approximately 40%. The facility incorporates both rapidly renewable materials including bamboo and cork flooring as well as numerous recycled products.

The Burke Centre Library is the first library in Virginia to achieve LEED Silver certification. The 17,000 square-foot library opened to the public in June 2008. The project incorporates energy efficient heating, cooling, lighting, and building envelope systems and natural lighting, to reduce energy consumption by approximately 30%, resulting in energy savings of approximately \$10,000 per year. It also includes low flow plumbing fixtures to reduce water usage by approximately 40%. Selection of products and materials with recycled content, low volatile organic compounds, and a green housekeeping program contribute to a healthy indoor environment.

The Foundations was the second County facility designed and constructed under the Green Building Initiative Green Globe certification rating system. Foundations was able to achieve a two Green Globes rating. The approximately 12,000 square-foot facility

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was completed in late 2008 and occupied in January 2009. Green Building features include an energy efficiency design with estimated energy savings of approximately \$4,800 per year, water reduction features to reduce water consumption by approximately 30%, and pollution reduction strategies.

DPWES is continuing to pursue LEED certification for all current CIP building projects, as appropriate under the Board's Sustainable Development Policy. DPWES is working on 23 building projects in addition to the five projects already certified under the Sustainable Development Policy.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

Robert A. Stalzer, Deputy County Executive

Ronald Mastin, Chief, Fire and Rescue Department

Edwin S. Clay III, Director, Fairfax County Library Administration

James Dedes, Director, Court Services, Juvenile and Domestic Relations Court

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

Howard J. Guba, Deputy Director, DPWES

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INFORMATION - 2

Contract Award – Health Department Laboratory (Providence District)

A total of 12 contractors were prequalified to bid on the project for the construction of Project 009520, Health Department Laboratory, in Fund 303, County Construction. Seven sealed bids were received and opened on Wednesday, May 13, 2009, for the renovation of the 14,000 square foot Belle Willard Building located at 10310 Layton Hall Drive in Fairfax City. This project is included in the FY 2010 - FY 2014 Adopted Capital Improvement Program.

The solicitation was structured with a base bid and three alternates. Alternate No. 1) Furnish and install Filterra Stormwater Filtration unit, Alternate No. 2) Indoor Air Quality Testing for LEED credit, and Alternate 3) Milling and Repaving of the Parking Lot. Based upon available funding and evaluation of bids, the Department of Public Works and Environmental Services determined that all three alternates would be accepted.

The lowest responsive and responsible bidder is Rand Construction Corporation. The firm's bid consisting of Base Bid and Alternates 1, 2, and 3, of \$3,773,133 is \$779,109 or 17.1% below the Engineer's Estimate of \$4,552,242. The second lowest bid consisting of Base Bid and Alternates 1, 2, and 3 of \$3,827,570 is \$54,437 or 1.4% above the lowest bid. The highest bid of \$4,548,000 is \$774,867 or 20.5% above the low bid.

Rand Construction Corporation has satisfactorily completed several laboratory projects in the Washington, D.C. Metropolitan area and is considered a responsible bidder. The contractor's experience in this type of work and competitive bidding environment is reflected in the lowest competitive, responsive and responsible bid.

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

This bid may be withdrawn after June 27, 2009.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Rand Construction Corporation in the amount of \$3,773,133.

FISCAL IMPACT:

Funding in the amount of \$5,709,411 is necessary to award this contract and to fund the associated contingency and other project costs. Funding in the amount of \$5,977,803 is currently available in Project 009520, Health Department Laboratory, in Fund 303, County Construction.

Board Agenda Item
June 22, 2009

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

INFORMATION - 3

Contract Award – Dental Services for Inmates in the Fairfax County Adult Detention Center

The Fairfax County Sheriff's Office is required to provide comprehensive preliminary, primary and continuing health and medical services to all inmates while housed in the Fairfax County Adult Detention Center and Pre-Release Center. State and national accrediting agencies require that all inmates have access to the full range and scope of health and medical care services for all chronic and acute health care needs.

- On February 9, 2009, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP09-110959-11) for dental services for inmates housed in the Adult Detention Center (ADC) of the Office of the Sheriff. The requirement contained in the RFP and evaluation criteria allowed the County to make a single vendor award for this service.

Tasks requested for the contract included:

- Dental care be provided to the inmates housed in the Adult Detention Center for up to 16 hours per week;
- Emergent and urgent dental care will be provided to the inmate population on site whenever possible;
- All dental supplies required to provide these services will be provided by the contractor;
- All capital dental equipment is the property for Fairfax County and will be maintained in good order by the sheriff's office;
- All inmates will have a dental screening every 12 months from the time of their incarcerations
- Staff education regarding dental care upon request from the Health Services Administrator.

Two firms submitted a response to the RFP before the closing date of March 20, 2009. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. In addition, informal discussions were held with both vendors on April 17, 2009. Upon completion of the final evaluation of the proposals, the SAC negotiated with the top ranked offeror. The contract is a one year contract with three renewals.

The SAC unanimously recommend the award of the contract to Dentrust Dental Virginia, P.C. located in Warrington, Pennsylvania. The company has submitted all required licenses and insurance information that would allow for them to provide dental services in the Commonwealth of Virginia.

Board Agenda Item
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Fairfax County Business Professional and Occupational Licenses (BPOL) was required from this vendor and is on file. The vendor did submit certification indicating that the company had never been suspended, debarred, proposed debarment, or declared ineligible for award of contracts from the United States federal government procurement or non-procurement programs.

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award the contract to Dentrust Dental Virginia, P.C. The total estimated annual amount of this contract is \$94,172 for year one and year two; year three will be \$96,055; and year four will be \$97,977.

FISCAL IMPACT:

There is no additional fiscal impact to the Fairfax County Sheriff's Office associated with this action as baseline funds are included in the FY 2010 Adopted Budget Plan to cover the cost of the dental services that will be covered by this contract.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors for RFP09-110959-11

STAFF:

Edward Long, Deputy County Executive

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

Stan Berry, Sheriff, Office of the Sheriff

Board Agenda Item
June 22, 2009

INFORMATION – 4

Contract Award – Clarks Branch Bridge at Riverbend Park (Dranesville District)

Six sealed bids for the construction of a pedestrian and equestrian bridge over Clarks Branch in Riverbend Park were received and opened on May 6, 2009. Funds for this project are available in Project 475508, Park Development, Fund 370, Park Authority Bond Construction.

This project is included in the FY 2010 – 2014 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Harbor Dredge and Dock. Their total bid of \$224,450 is \$160,896, or 41.7 percent below the engineer's estimate of \$385,346. The second lowest bid of \$283,053 is \$58,603, or 26.1 percent above the low bid. The highest bid of \$493,285 is \$268,835, or 119.8 percent above the low bid.

Harbor Dredge and Dock has proposed a construction method for the bridge installation that results in a considerable cost savings over the method priced in the engineer's estimate. This accounts for roughly half of the difference between the engineer's estimate and the low bid. The work is to be completed within 90 calendar days of Notice to Proceed.

Based on their construction experience, financial capability, and size, Harbor Dredge and Dock has been determined to be a responsible contractor and is a Small Business Enterprise. Harbor Dredge and Dock holds an active Virginia Class A Contractors License.

The Department of Tax Administration has verified that Harbor Dredge and Dock has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

On June 10, 2009, the Fairfax County Park Authority Board approved the contract award.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Harbor Dredge and Dock in the amount of \$224,450.

Board Agenda Item
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FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$269,340 is necessary to award this contract and to fund the associated contingency, administrative and other project-related costs. Funds are currently appropriated in the amount of \$269,340 in Project 475508, Park Development, Fund 370, Park Authority Bond Construction, to award this contract and to fund the associated contingency, administrative and other project-related costs.

ENCLOSED DOCUMENTS:

Attachment 1: Bid Results
Attachment 2: Scope of Work
Attachment 3: Cost Estimate
Attachment 4: Site Map

STAFF:

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

Board Agenda Item
June 22, 2009

11:05 a.m.

Matters Presented by Board Members

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Board Agenda Item
June 22, 2009

11:55 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. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen and Angelique Vereen*, Record No. 081863 (Sup. Ct. Va.) (Lee District)
 - 2. *FFW Enterprises v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL-2008-0013918 (Fx. Co. Cir. Ct.) (Providence District)
 - 3. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Case No. CL-2008-0004469 (Fx. Co. Cir. Ct.)
 - 4. *Jill Borak, et al. v. Nancy Rodrigues, et al.*, Case No. 3:08cv00809 (U.S.D.C., E.D. Va)
 - 5. *Target Corp. v. Board of Supervisors, et al.*, Case No. CL-2009-0006783 (Fx. Co. Cir. Ct.) (Countywide)
 - 6. *Costco Wholesale Corp. v. Board of Supervisors, et al.*, Case No. CL-2009-0006761 (Fx. Co. Cir. Ct.) (Springfield and Sully Districts)
 - 7. *Light Global Mission Church v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2008-0016274 (Fx. Co. Cir. Ct.) (Sully District)
 - 8. *Tyler Sutherland v. William E. Baitinger*, Case No. CL-2008-0013204 (Fx. Co. Cir. Ct.)
 - 9. *Nahom F. Beyene v. J. W. Andrea*, Case No. 1:08cv1321 (U.S.D.C., E.D. Va.)

Board Agenda Item
June 22, 2009

10. *Lenir Richardson v. Zips Dry Cleaners and Officer Corrigan (sic)*, Case No. CL-2007-0011466 (Fx. Co. Cir. Ct.)
11. *Lenir Richardson v. Masyra Sadig, et al.*, Case No. CL-2008-0008758 (Fx. Co. Cir. Ct.)
12. *Irene Richardson and Lenir Richardson v. Andrew Lee Richardson, et al.*, Case No. CL-2007-0007994 (Fx. Co. Cir. Ct.)
13. *In re Grievance of Rangeen Albarzanchi*, No. 0916 (Fx. Co. Civil Serv. Comm'n)
14. *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)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David Strohl and Pamela L. Strohl*, Case No. CL-2008-0016691 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph L. Williams*, Case No. CL-2007-0012566 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
18. *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)
19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susan W. Butler*, Case No. CL-2008-0015767 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian K. Fleck and Terri R. Fleck*, Case No. CL-2007-0011235 (Fx. Co. Cir. Ct.) (Providence District)

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21. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tito Vallejos, Case No. CL-2009-0004251 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Green Door Investments, LLC, Little Count, LLC, Little Eye, LLC, and A.K. Foods, Inc., Case No. CL-2008-0011749 (Fx. Co. Cir. Ct.) (Providence District)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gerald M. Bowen, Case No. CL-2009-0001835 (Fx. Co. Cir. Ct.) (Sully District)*
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mauricio E. Villegas, Case No. CL-2009-0001974 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
25. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Porfirio H. R. Bonilla and Gloria Alvarez Diaz, Case No. CL-2009-0003062 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)*
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gloria J. Mickey, Case No. CL-2009-0004025 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas R. Ohner and Mildred H. Ohner, Case No. CL-2008-0013675 (Fx. Co. Cir. Ct.) (Providence District)*
28. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Walter Maranon and Nelly M. Maranon, Case No. CL-2009-0003972 (Fx. Co. Cir. Ct.) (Mason District)*
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Santos Funes and Dilia Diaz, Case No. CL-2008-0016139 (Fx. Co. Cir. Ct.) (Lee District)*
30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory Miklasiewicz, Case No. CL-2008-0016330 (Fx. Co. Cir. Ct.) (Braddock District)*

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31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manote Auandee, Sandra Auandee, and Amnart Tic Auandee, Case No. CL-2009-0007328 (Fx. Co. Cir. Ct.) (Mason District)*
32. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Henry Baynes and Maria Smith, Case No. CL-2009-0007425 (Fx. Co. Cir. Ct.) (Mason District)*
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ernesto Edwin Perez, Case No. CL-2009-0007635 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene A. Velasquez and Tomasa Velasquez, Case No. CL-2009-0007700 (Fx. Co. Cir. Ct.) (Lee District)*
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilber E. Majana and Saira E. Majana, Case No. CL-2009-0007699 (Fx. Co. Cir. Ct.) (Lee District)*
36. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. John T. Valentini, Case No. CL-2009-0007781 (Fx. Co. Cir. Ct.) (Dranesville District)*
37. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Francisco P. Machado and Emiliana Estrada, Case No. CL-2009-0007912 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)*
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Seung Ik Seo and Myung Soon Han, Case No. CL-2009-0008136 (Fx. Co. Cir. Ct.) (Springfield District)*
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eduardo Ramirez, Case No. CL-2009-0008217 (Fx. Co. Cir. Ct.) (Hunter Mill District) (Strike Team Case)*
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tom Hu, Case No. CL-2009-0000541 (Fx. Co. Cir. Ct.) (Lee District)*

Board Agenda Item
June 22, 2009

41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Apolonia G. Fuentes*, Case No. CL-2009-0008361 (Fx. Co. Cir. Ct.) (Providence District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Case No. 08-0035310 (Fx. Co. Gen. Dist. Ct.) (Providence District)
43. *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)
44. *Fort Hunt Plumbing, Inc. v. National Capital Homes, Inc.*, Case No. CL-2008-0006531 (Fx. Co. Cir. Ct.) (Mount Vernon District)

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Board Agenda Item
June 22, 2009



3:00 p.m.

Board Decision on a Proposed Zoning Ordinance Amendment Re: Zoning Fee Schedule:
New Fee for Deferrals of Public Hearings

ISSUE:

The proposed Zoning Ordinance Amendment would establish a new fee for deferrals of Board of Supervisors and Planning Commission public hearings which occur after legal advertising due to affidavit errors, including those involving disclosures, omissions, and failures to reaffirm affidavits in accordance with the *Reaffirmation of Affidavit Policy* adopted by the Board of Supervisors and Planning Commission. The amendment proposes a base fee of \$250.00 plus the actual cost of advertising, not to exceed \$1,000.00. The deferral of public hearings as a result of affidavit errors rarely occurs at the Board of Zoning Appeals; therefore, a fee is not proposed to be applicable to public hearings held before the Board of Zoning Appeals at this time.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 11, 2009, the Planning Commission voted to recommend approval of the establishment of the new fee for the deferral of Board of Supervisors' and Planning Commission public hearings caused by affidavit errors, as follows:

Amend Article 18, Administration, Amendments, Violations and Penalties, Part 1, Administration, Sect. 18-106, Application and Zoning Compliance Letter Fees, to add a new Paragraph 10 to read as follows:

10. Public hearing deferrals after public notice has been given under Sect. 18-110 and which are related solely to affidavit errors:

Planning Commission: \$250 plus cost of actual advertising, not to exceed \$1000
Board of Supervisors: \$250 plus cost of actual advertising, not to exceed \$1000

This amendment shall become effective on July 1, 2009, at 12:01 a.m.

RECOMMENDATION:

The County Executive recommends approval of the proposed Zoning Ordinance amendment as recommended by the Planning Commission.

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June 22, 2009

TIMING:

Board of Supervisors authorization to advertise – February 9, 2009; Planning Commission public hearing – March 12, 2009, with decision deferred to March 25, 2009, and again deferred to June 11, 2009; Board of Supervisors' public hearing – March 30, 2009, with decision deferred to June 22, 2009, at 3:00 p.m.

BACKGROUND:

On March 25, 2009, the Planning Commission voted to recommend to the Board of Supervisors (Board) that it approve a Zoning Ordinance amendment to increase zoning fees, but recommended that the Board of Supervisors refer the specific issue of establishing a deferral fee for applicant-requested deferrals of public hearings that occur following the legal advertisement to the Land Use Process Committee of the Planning Commission for further evaluation prior to action by the Board on that component of the Zoning Ordinance amendment.

On April 27, 2009, the Board adopted a Zoning Ordinance amendment to increase zoning fees and to establish several new fees effective July 1, 2009. However, at that time the Board also voted to defer action on the deferral fee component of the zoning fee amendment until June 22, 2009, in order to allow the Planning Commission more time to develop a recommendation on the deferral fee issue. The Planning Commission Land Use Process Committee met with staff and has determined that it is appropriate to establish a fee for the deferral of public hearings that are caused solely by problems with the required affidavit. The affidavit problems that most often cause deferral of a Planning Commission public hearing are circumstances where the applicant does not file the required *Reaffirmation of Affidavit* form with the County Attorney's office in a timely manner. The requirement stipulates that the affidavit reaffirmation form be filed, on or before, 22 business days prior to the scheduled public hearing. The affidavit problems that most often cause the deferral of a Board public hearing are errors or omissions related to the disclosure of contributions. Affidavit issues rarely, if at all, cause the deferral of BZA public hearings.

The new fee as recommended by the Planning Commission would be limited to those deferrals which occur after advertisement and which are caused by affidavits, including applicant errors/omissions on affidavits and/or the failure of the applicant to meet the reaffirmation policy adopted by the Planning Commission. The recommended fee would include a base fee of \$250 (Department of Planning & Zoning personnel costs associated with advertising, notice, posting, and distribution) plus the actual cost of the advertisement, with a total fee not to exceed \$1,000.

The Planning Commission further recommended that staff evaluate and report back to the Planning Commission on the new deferral fee within a year of its implementation.

Board Agenda Item
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REGULATORY IMPACT:

The proposed amendment does not revise the regulations or requirements for land development; however, the proposed amendment would increase the costs to applicants who fail to meet the standards for affidavits required for Board and Planning Commission public hearings.

FISCAL IMPACT:

It is difficult to estimate the fiscal impact of the new deferral fee, given the wide range in the advertising costs associated with individual applications and the lack of historical data regarding the number of deferrals which would qualify for a fee. It is anticipated that additional revenue of approximately \$20,000 may be generated assuming 40 deferrals (25 percent of all deferrals) are charged a fee based on the \$250 base fee plus additional advertising cost of \$250.

ENCLOSED DOCUMENTS:

Attachment 1: Reaffirmation Procedure for Affidavits

Attachment 2: Planning Commission Verbatim

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

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

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Board Agenda Item
June 22, 2009

3:30 p.m.

Public Hearing on SEA 83-S-036 (Russell G. Hall) to Amend SE 83-S-036 Previously Approved for a Telecommunications Facility to Permit Reduction in Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 15.84 Acres Zoned R-C and WS, Springfield District

and

Public Hearing on AF 2008-SP-001 (Russell G. Hall) Local A&F District Appl. Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 20.65 Acres Zoned R-C and WS, Springfield District

The application property is located at 12510 Yates Ford Road, Tax Map 85-2 ((1)) 33 and 38.

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 SEA 83-S-036, subject to the Development Conditions dated June 3, 2009, and
- Approval of AF 2008-SP-001 to amend Appendix F of the Fairfax County Code to establish the Hall Local Agricultural and Forestal District, subject to the Ordinance Provisions listed in Appendix 1 of the staff report dated May 27, 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

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Board Agenda Item
June 22, 2009

3:30 p.m.

Public Hearing on AR 91-D-004-02 (Durward & Tarry Faries) Local A&F District Renewal Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 33.74 Acres Zoned R-E, Dranesville District

The application property is located at 8407, 8501 Georgetown Pike and 8548, 8570 Old Dominion Drive, Tax Map 20-1 ((1)) 33Z, 34Z, 35Z, 36Z, 58Z and 77Z.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 11, 2009, the Planning Commission unanimously voted (Commissioners Alcorn and Hall absent from the meeting) to recommend that the Board of Supervisors approve AR 91-D-004-02 and amend Append F of the Fairfax County Code to renew the Orchard Spring Nursery Local Agricultural and Forestal District, subject to the Ordinance Provisions dated May 26, 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
June 22, 2009

3:30 p.m.

Public Hearing on RZ 2008-PR-009 (INOVA Health Care Services) to Rezone from R-1 and R-12 to C-3 to Permit an Expansion of Existing Medical Care Facilities (Hospital and Accessory Uses) and Public Uses with an Overall Floor Area Ratio of 0.8, Located on Approximately 65.46 Acres, Providence District

and

Public Hearing on SEA 80-P-078-15 (INOVA Health Care Services) to Amend SE 80-P-078 Previously Approved for Medical Care Facilities (Hospital and Accessory Uses) and Increase in Building Height to Permit Increase in Land Area, Building Additions, Site Modifications and Associated Modifications to Site Design and Development Conditions, Located on Approximately 65.46 Acres Proposed to be Zoned C-3, Providence District

and

Public Hearing on PCA 87-P-038-04 (INOVA Health Care Services) to Amend the Proffers for RZ 87 P-038 as Amended Previously Approved for an Assisted Living Facility and Office Uses to Permit Commercial Development and Public Uses and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.7, Located on Approximately 16.14 Acres Zoned C-3, Providence District.

Public hearing on INOVA Health Care Services (RZ 2008-PR-009, SEA 80-P-078-15, and PCA 87-P-038-04) are TO BE DEFERRED to July 13, 2009, at 3:00 p.m.

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Board Agenda Item
June 22, 2009

3:30 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.

**Public hearing on BSI Incorporated t/a Browne Academy SEA 85-L-059-06 is
TO BE DEFERRED to July 13, 2009, at 3:00 p.m.**

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Board Agenda Item
June 22, 2009

3:30 p.m.

Public Hearing on SE 2008-HM-024 (Trustees of the United Christian Parish of Reston) to Permit an Existing Church with Child Care Center and Nursery School with a Maximum Daily Enrollment of 135 Children to Permit a Building Expansion and Increase in Seats Within the Church up to 350, Located on Approximately 4.26 Acres Zoned PRC, Hunter Mill District

and

Public Hearing on PRC A-502 (Trustees of the United Christian Parish of Reston) to Approve the PRC Plan Associated with RZ A-502 to Permit the Expansion of an Existing Church with a Childcare Center and Nursery School, on Approximately 4.26 Acres Zoned PRC, Hunter Mill District

The application property at 11506 and 11508 North Shore Drive, Tax Map 17-2 ((1)) 6 and 13.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 11, 2009, the Planning Commission voted 8-0-2 (Commissioners Harsel and Murphy abstaining; Commissioners Alcorn and Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-HM-024, subject to the Development Conditions dated June 11, 2009;
- Approval of PRC A-502, subject to the Development Conditions dated May 14, 2009;
- Modification of the transitional screening requirements along the northern, southern, and eastern property lines to that shown on the SE Plat and the PRC Plan; and
- Waiver of the barrier requirements along the northern, southern, and eastern property lines to that shown on the SE Plat and the PRC Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
June 22, 2009

4:00 p.m.

Public Hearing on SE 2008-BR-029 (7-Eleven, Inc., A Texas Corporation, Successor to the Southland Corporation) to Permit a Service Station and Quick-Service Food Store in a Highway Corridor Overlay District, Located on Approximately 43,289 Square Feet Zoned PRC and HC, Braddock District

and

Public Hearing on PRC A-787 (7-Eleven, Inc., A Texas Corporation, Successor to the Southland Corporation) to Approve the PRC Plan Associated with DPA A-787 to Permit a Service Station/Quick Service Food Store, Located on Approximately 43,289 Square Feet Zoned PRC and HC, Braddock District

The application property is located at 6221 Rolling Road, Tax Map 79-3 ((8)) 5A3

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 14, 2009, the Planning Commission voted 10-0-1 (Commissioner Litzenberger abstaining; Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors approve SE 2008-BR-029 and PRC A-787, subject to the Development Conditions dated May 12, 2009.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
June 22, 2009

4:00 p.m.

Public Hearing on PCA 2006-SU-025 (Commonwealth Centre Investors, LLC and Commonwealth Centre Investors II, LLC) to Amend the Proffers for RZ 2006-SU-025 Previously Approved for Mixed Use Development to Permit Site Modifications with an Overall Floor Area Ratio of 0.32, Located on Approximately 100.81 Acres Zoned PDC and WS, Sully District

The application property is located in the north quadrant of the intersection of Sully Road and Westfields Boulevard, Tax Map 44-1 ((1)) 6, 6B, 6C, 6D and 6E.

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 PCA 2006-SU-025, subject to the execution of proffers consistent with those dated May 20, 2009; and
- Reaffirmation of the waiver of the service drive requirement along Sully Road (Rt. 28).

The Planning Commission also voted unanimously (Commissioners Alcorn and Hall absent from the meeting) to approve FDP A 2006-SU-025, subject to the Development Conditions dated May 28, 2009, and subject also to Board approval of PCA 2006-SU-025.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
June 22, 2009

4:00 p.m.

Public Hearing on SE 2008-SU-040 (NOVA Retail Holdings, Inc.) to Permit a Fast Food Restaurant, Located on Approximately 22,500 Square Feet Zoned I-5, Sully District

The application property is located at 14631 Lee Highway Tax Map 54-3 ((30)) (B) 101.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 6, 2009, the Planning Commission voted 11-0-1 (Commissioner Murphy abstaining) to recommend that the Board of Supervisors approve SE 2008-SU-040, subject to the Development Conditions dated May 6, 2009.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
June 22, 2009

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance to Amend the Huntington Residential Permit Parking District, District 1B (Lee District)

ISSUE:

Public hearing to amend Appendix G, of *The Code of the County of Fairfax*, to remove a portion of Fairhaven Avenue from the Huntington Residential Permit Parking District (RPPD), District 1B (Jefferson Manor).

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to remove a portion of Fairhaven Avenue from RPPD 1B.

TIMING:

On June 1, 2009, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on June 22, 2009, at 4:00 p.m.

BACKGROUND:

In March 2009 the Jefferson Manor community contacted staff at the Lee District offices regarding modification of RPPD 1B. Subsequent discussions with that community and the owners of the Huntington Garden Apartments resulted in a request on March 30, 2009, from the Huntington Garden Apartments to remove a portion of Fairhaven Avenue from the RPPD 1B with the intent of establishing a separate RPPD. The proposed District removal includes the following street block: Fairhaven Avenue west side only, from the western boundary of 2807 Fairhaven Avenue to the southern boundary of 2851 Fairhaven Avenue (Attachment II). A separate Board Agenda Item has been concurrently prepared specifically to request the establishment of this portion of Fairhaven Avenue as RPPD District 1E (Huntington Garden).

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to remove a portion of Fairhaven Avenue from RPPD 1B.

Board Agenda Item
June 22, 2009

FISCAL IMPACT:

The cost of printing notices and letters, and altering the RPPD signs is approximately \$200. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*
Attachment II: Map Depicting Proposed Limits of RPPD 1B Removal

STAFF:

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

Board Agenda Item
June 22, 2009

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Establishing the Huntington Garden Residential Permit Parking District, District 1E (Lee District)

ISSUE:

Public hearing to amend Appendix G, of *The Code of the County of Fairfax*, to establish the Residential Permit Parking District (RPPD), District 1E (Huntington Garden).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax*, to establish RPPD, District 1E.

TIMING:

On June 1, 2009, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on June 22, 2009, at 4:00 p.m.

BACKGROUND:

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

Board Agenda Item
June 22, 2009

Petitions requesting establishment of the RPPD were received on April 3, 2009. The proposed District establishment includes the following street block: Fairhaven Avenue west side only (Route 1604) from the western boundary of 2807 Fairhaven Avenue to the southern boundary of 2851 Fairhaven Avenue (Attachment II).

More than 75 percent of the land abutting each block of the proposed District establishment is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on April 3, 2009, thereby satisfying Code fee requirements.

A separate Board Agenda Item has been concurrently prepared specifically to request the removal of a portion of Fairhaven Avenue within RPPD 1B (Jefferson Manor). If the proposed Code change to Appendix G-1B, Section (b), (2), is adopted on June 22, 2009, it is recommended that the Board adopt the proposed amendment (Attachment I) to establish RPPD 1E. It is further recommended that the parking restrictions be in effect 6:00 a.m. to 8:00 p.m. Monday through Friday.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$450. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*

Attachment II: Map Depicting Proposed Limits of RPPD 1E

STAFF:

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

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

Selby Thannikary, FCDOT

Maria Turner, FCDOT

Hamid Majdi, FCDOT

Board Agenda Item
June 22, 2009

4:00 p.m.

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

ISSUE:

Public hearing to amend Chapter 82, Motor Vehicles and Traffic. These amendments adopt actions of the 2009 General Assembly into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

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

TIMING:

Board of Supervisors authorized the advertisement of a public hearing on the proposed amendments on June 1, 2009; Board of Supervisors' public hearing scheduled for June 22, 2009, at 4:00 p.m. If approved, the provisions of these amendments will become effective July 1, 2009.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2009 General Assembly. A summary of all changes, which become effective July 1, 2009, is provided in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic
Attachment 2 - Summary of 2009 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic

STAFF:

Colonel David M. Rohrer, Chief of Police

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Board Agenda Item
June 22, 2009

4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 5941 Colchester Road (Springfield District)

ISSUE:

Public hearing to adopt a Spot Blight Abatement Ordinance for 5941 Colchester Road, Fairfax, VA 22030 (Tax Map No. 066-4-((06))-0001C)(Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 5941 Colchester Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On May 18, 2009, the Board authorized advertisement of this public hearing to be held Monday, June 22, 2009, at 4:30 P.M.

BACKGROUND:

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

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

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

Board Agenda Item
June 22, 2009

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

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

The property located at 5941 Colchester Road was referred to the Blight Abatement Program (BAP) on December 17, 2007. Located on the subject property is an extensively fire damaged, one story dwelling. There are also several accessory structures; two of which are in partial collapse and the others in disrepair. Large piles of trash and debris are strewn about the property.

The residential structure was constructed in 1957 according to Fairfax County Tax Records. The dwelling has been vacant since September 29, 2007, when it caught fire. The fire report estimated the damage at approximately \$61,620 dollars. Due to the extensive fire damage the dwelling is not economically feasible to repair and needs to be demolished. Staff also recommends the removal of the accessory structures as part of the demolition effort due to their condition.

On March 25, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. After receipt of the Notice the owner advised that he bought the property to demolish the fire damaged house but later found out that he could not finance the project. BAP staff continue to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community. In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007).

State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on June 4, 2009, and June 11, 2009.

Although the County will continue to seek cooperation from the owners to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va.

Board Agenda Item
June 22, 2009

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

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of May 21, 2009, is \$ 220,156. It is estimated that the cost of demolition of the structures will be approximately \$30,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 5941 Colchester Road (Springfield District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeff Blackford, Operations Section Chief, Enhanced Code Enforcement Strike Team, DPWES
Captain K.R. McClellan, Deputy Chief Operations/Logistics, Enhanced Code Enforcement Strike Team, Sheriff's Office

Christina M. Sadar, Blight Abatement Program Coordinator, Enhanced Code Enforcement Strike Team, HCD

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Board Agenda Item
June 22, 2009

4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 3282 Annandale Road (Mason District)

ISSUE:

Public hearing to adopt a Spot Blight Abatement Ordinance for 3282 Annandale Road, Falls Church, VA 22042 (Tax Map No. 060-1-((33))-0001)(Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 3282 Annandale Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On May 18, 2009, the Board authorized advertisement of this public hearing to be held Monday, June 22, 2009, at 4:30 p.m.

BACKGROUND:

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

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

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

Board Agenda Item
June 22, 2009

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

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

The property located at 3282 Annandale Road was referred to the Blight Abatement Program (BAP) on April 1, 2008. Located on the subject property is a single family dwelling with a full basement that was constructed in 1944, according to Fairfax County Tax Records. In 2005, a second story was added to the existing single-story dwelling but the project was abandoned in 2006. The property now contains an unfinished construction project. The property owners advised BAP staff after receiving Notice that their contractor failed to finish the work as outlined in the contract and they did not have the finances to finish the construction.

On March 25, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. To date staff has not received a plan from the owners for the construction project. BAP staff continue to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on June 4, 2009, and June 11, 2009.

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

Board Agenda Item
June 22, 2009

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

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of May 21, 2009, is \$220,156. It is estimated that the cost of demolition of the structure will be approximately \$30,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photograph

Attachment 2: Ordinance for 3282 Annandale Road (Mason District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeff Blackford, Operations Section Chief, Enhanced Code Enforcement Strike Team, DPWES

Captain K.R. McClellan, Deputy Chief Operations/Logistics, Enhanced Code Enforcement Strike Team, Sheriff's Office

Christina M. Sadar, Blight Abatement Program Coordinator, Enhanced Code Enforcement Strike Team, HCD

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Board Agenda Item
June 22, 2009

4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 8620 Ox Road (Springfield District)

ISSUE:

Public hearing to adopt a Spot Blight Abatement Ordinance for 8620 Ox Road, Fairfax Station, VA 22039 (Tax Map No. 097-3-((01))-0012) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 8620 Ox Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On May 18, 2009, the Board authorized advertisement of this public hearing to be held Monday, June 22, 2009, at 4:30 p.m.

BACKGROUND:

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

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

Board Agenda Item
June 22, 2009

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

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

Located on the subject property are several concrete slabs and the basement foundation remains of the former fire damaged, single family structure. The structure was torn down after the owner received certified Notice of the Neighborhood Enhancement Task Force (NETF) preliminary blight determination on March 25, 2009. The former fire damaged, single family structure was demolished without a valid demolition permit and the contractor neglected to remove the rest of the structure. The basement remains pose an entrapment hazard and these remains need to be removed and the site stabilized properly. BAP staff have been in communication with the owner's attorney since the partial demolition trying to get him to fully abate the violation on the property.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007).

State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on June 4, 2009, and June 11, 2009. Although the County will continue to seek cooperation from the owner to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the Property owner of the Board's action, the County will proceed with demolition of the structure. The County is also asking that the Board of Supervisors direct the Department of Public Works and Environmental Services staff to provide for an expedited processing of the items necessary for the demolition permit. This action will reduce the time it takes for the review of the grading plan and other items that are part of the permit process. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A

Board Agenda Item
June 22, 2009

lien will be placed on the Property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of May 21, 2009, is \$ 220,156. It is estimated that the cost of demolition of the structure will be approximately \$12,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 8620 Ox Road (Springfield District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeff Blackford, Operations Section Chief, Enhanced Code Enforcement Strike Team, DPWES
Captain K.R. McClellan, Deputy Chief Operations/Logistics, Enhanced Code Enforcement Strike Team, Sheriff's Office

Christina M. Sadar, Blight Abatement Program Coordinator, Enhanced Code Enforcement Strike Team, HCD

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Board Agenda Item
June 22, 2009

4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 9915 Old Colchester Road (Mount Vernon District)

ISSUE:

Public hearing to adopt a Spot Blight Abatement Ordinance for 9915 Old Colchester Road, Lorton, VA 22079 (Tax Map No. 114-1-((01))-0015 (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board adopt an ordinance to declare 9915 Old Colchester Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On May 18, 2009, the Board authorized advertisement of this public hearing to be held Monday, June 22, 2009, at 4:30 p.m.

BACKGROUND:

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

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

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

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

The property located at 9915 Old Colchester Road was referred to the Blight Abatement Program (BAP) on December 21, 2006. Located on the subject property is an abandoned construction project. In conversations with the owner she relayed that her intentions were to restore the 150 year old structure which has been vacant since 2006, however she ran out of the finances to finish the project. The structure is not in an historic district and in its current state is not economically feasible to repair and needs to be demolished.

On March 5, 2008, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. On April 2, 2008, a blight abatement plan was received by BAP staff. The owner's plan was to have the exterior of the house completed by July 2008. To date this work has not been completed and all work on the property has stopped. BAP staff continue to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (Supp. 2007). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on June 4, 2009, and June 11, 2009.

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

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

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of May 21, 2009, is \$220,156. It is estimated that the cost of demolition of the structure will be approximately \$12,000. It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the Property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs
Attachment 2: Ordinance for 9915 Old Colchester Road (Mount Vernon District)
Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Jeff Blackford, Operations Section Chief, Enhanced Code Enforcement Strike Team, DPWES
Captain K.R. McClellan, Deputy Chief Operations/Logistics, Enhanced Code Enforcement Strike Team, Sheriff's Office
Christina M. Sadar, Blight Abatement Program Coordinator, Enhanced Code Enforcement Strike Team, HCD

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5:00 p.m.

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

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