

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
APRIL 27, 2009**

**AGENDA**

9:30	<b>Done</b>	Presentations
10:00	<b>Approved</b>	Board Decision on a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees
10:00	<b>Adopted</b>	Board Adoption of FY 2010 Budget Plan
10:30	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:30	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Designation of Plans Examiner Status Under the Expedited Land Development Review Program
2	<b>Approved</b>	Extension of Review Period for 2232 Review Application (Hunter Mill District)
3	<b>Approved</b>	Streets into the Secondary System (Dranesville, Hunter Mill, Lee, Mason, Providence, and Springfield Districts)
4	<b>Approved</b>	Addition of a Segment of Fullerton Road to the Secondary System of State Highways (Mount Vernon District)
5	<b>Approved</b>	Additional Time to Establish the Use for Special Exception SE 2003-SP-035, Robert N. Deangelis; Ronald A. and Leta G. Deangelis; George Hinnant, Trustee (Springfield District)
6	<b>Approved</b>	Authorization to Advertise a Public Hearing for the Leasing of County-Owned Property at 7936 Telegraph Road to Cricket Communications, Inc. (Lee District)
7	<b>Approved</b>	Authorization to Advertise a Public Hearing for the Leasing of County-Owned Property at 9220 Old Keene Mill Road to Cricket Communications, Inc. (Springfield District)
8	<b>Approved</b>	Additional Time to Commence Construction for Special Exception SE 01-V-005, William A. Kinder (Mount Vernon District)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
APRIL 27, 2009**

**ADMINISTRATIVE  
ITEMS**

(continued)

- |    |                 |  |
|----|-----------------|--|
| 9  | <b>Approved</b> | Additional Time to Commence Construction for Special Exception SE 2005-LE-028, Piney Run Development, LLC (Lee District)   |
| 10 | <b>Approved</b> | Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept Funding from the 2008 State Homeland Security Grant Through the United States Department of Homeland Security, Administered by the Virginia Department of Emergency Management |

**ACTION ITEMS**

- |   |                                 |   |
|---|---------------------------------|---|
| 1 | <b>Approved</b>                 | Appointment of Member to the Fairfax County Solid Waste Authority   |
| 2 | <b>Approved<br/>w/amendment</b> | Endorsement of Design Plans to Widen Lee Jackson Memorial Highway (Route 50) from Sully Road (Route 28) to Poland Road in Loudoun County (Sully District) |
| 3 | <b>Approved</b>                 | Approval of Proposed Consolidated Plan One-Year Action Plan for FY 2010   |

**INFORMATION  
ITEMS**

- |   |              |  |
|---|--------------|--|
| 1 | <b>Noted</b> | Contract Award – Annual Contract for Underground Utility Designating and Locating Services   |
| 2 | <b>Noted</b> | Notification of Grant from ICMA  |
| 3 | <b>Noted</b> | Contract Award - Lake Fairfax Park Core Area Picnic Shelters (Hunter Mill District)  |
| 4 | <b>Noted</b> | Contract Award – Great Falls Nike Park – Stormwater Management Pond Renovation (Dranesville District)  |
| 5 | <b>Noted</b> | Quarterly Status Report on the Board’s Second Four-Year Transportation Program   |
| 6 | <b>Noted</b> | Contract Award - Planning and Advisory Consultant Services Pertaining to Community Development Authorities (CDA), Tax Increment Financing (TIF) Components, and/or Other Public Financial Tools and Services |

**FAIRFAX COUNTY  
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**INFORMATION  
ITEMS**

continued

7	<b>Noted</b>	Planning Commission Action on Application 2232-M09-3, Fairfax County Park Authority, Mason District
11:00	<b>Done</b>	Matters Presented by Board Members
11:50	<b>Done</b>	Closed Session

**PUBLIC  
HEARINGS**

3:00	<b>Approved</b>	Board Decision on the Creation of a Community Development Authority for the Mosaic - Merrifield Town Center Development (Providence District)
3:30	<b>Approved</b>	Public Hearing on Amendments to The Code of the County of Fairfax, Virginia, Articles 2, 3 and 7 of Chapter 3 Regarding Changes to Allow Surviving Spouses of Deceased Members to Continue Receiving Benefits When They Remarry - for the Uniformed, Police Officers and Employees' Retirement Systems
3:30	<b>Approved</b>	Public Hearing on Amendments to The Code of the County of Fairfax, Virginia, Articles 2 and 3 of Chapter 3 Regarding Changes in Service Credit for Military Leave Without Pay for the Uniformed and Employees' Retirement Systems
3:30	<b>Public hearing deferred to 5/18/09 at 4:00 p.m.</b>	Public Hearing on RZ 2007-LE-007 (Franconia Two LP) (Lee District)
3:30	<b>Public hearing deferred to 5/18/09 at 3:30 p.m.</b>	Public Hearing on SE 2008-DR-037 (Mark and Lyn McFadden) (Dranesville District)
4:00	<b>Approved</b>	Public Hearing on PRC 86-C-121 (Oracle USA, Inc.) (Hunter Mill District)
4:00	<b>Public hearing deferred to 6/1/09 at 3:30 p.m.</b>	Public Hearing on RZ 2008-SP-012 (11-7 Associates, LLC) (Springfield District)
4:00	<b>Approved</b>	Public Hearing to Establish the St. John Community Parking District (Lee District)
4:00	<b>Approved</b>	Public Hearing to Establish the Robin Glen Community Parking District (Providence District)

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

4:00	<b>Approved</b>	Public Hearing on a Proposal to Prohibit Through Truck Traffic on Courthouse Road as Part of the Residential Traffic Administration Program (Providence District)
4:30	<b>Approved</b>	Public Hearing on SE 2008-SU-032 (LB Franklin Farm LLC) (Sully District)
4:30	<b>Approved</b>	Public Hearing on PCA 80-L-004 (Loisdale Road, LLC) (Lee District)
4:30	<b>Approved</b>	Public Hearing on PCA-C-491-02 (T&M Mclean Venture LLC) (Dranesville District)
5:00	<b>No speakers</b>	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



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

**Monday**  
**April 27, 2009**

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9:30 a.m.

PRESENTATIONS

1. RESOLUTION – To congratulate the Fairfax County Volunteers in Police Services program for its 10th anniversary. Requested by Chairman Bulova.
2. PROCLAMATION – To designate May 2009 as Parents Who Host Lose the Most Month in Fairfax County. Requested by Chairman Bulova.
3. CERTIFICATE – To recognize Jamie Chang for winning the Outstanding Interpretation Award at the Virginia State PTA Reflections Contest. Requested by Supervisor Frey.
4. PROCLAMATION – To designate May 2009 as Foster Care and Foster Family Recognition Month in Fairfax County. Requested by Chairman Bulova.
5. PROCLAMATION – To designate May 2009 as Lyme Disease Awareness Month in Fairfax County. Requested by Supervisor Herrity.
6. PROCLAMATION – To designate May 2009 as Asian/Pacific American Heritage Month in Fairfax County. Requested by Chairman Bulova.
7. PROCLAMATION – To designate April 2009 as Donate Life Month in Fairfax County. Requested by Supervisor Gross.

STAFF:

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

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Board Agenda Item  
April 27, 2009

10:00 a.m.

Board Decision on a Proposed Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees

ISSUE:

Board of Supervisors' decision regarding the adoption of a proposed sewer ordinance amendment is needed to be consistent with the Wastewater Management Program's, "Revenue Sufficiency and Rate Analysis" (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these sewer rate revisions are as follows:

1. To establish the Sewer Service rates for FY 2009 through FY 2013
2. To establish the Availability Fee rates for FY 2009 through FY 2013
3. To maintain a 5-year (FY 2009 - FY 2013) sewer rate schedule; FY 2008 rates will be deleted and new FY 2013 rates will be added
4. To introduce a new \$5.00 per bill "Base Charge" effective FY 2010

Although the sewer rate schedule in the sewer ordinance is multi-year, all sewer rates are reviewed, adjusted as necessary, and adopted annually to ensure sewer rates are accurately priced. A \$5.00 per bill "Base Charge" is recommended effective July 1, 2009, to partially recover fixed expenses for billing, wastewater collection, engineering, planning, and administration. As used by other jurisdictions, PRMG is recommending use of a base charge to improve the recovery of fixed costs.

The revised, 5-year rate schedule for the Sewer Service Charge per 1,000 gallons, with previously adopted rates in parentheses, is as follows:

**PROPOSED SEWER SERVICE CHARGE RATE SCHEDULE**

<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
\$4.10	\$4.50 (\$4.50)	\$5.27 (\$4.94)	\$6.17(\$5.42)	\$7.03

Sewer service charge rates are increasing as debt and capital expenses rise in anticipation of construction of additional treatment facilities to meet more stringent nitrogen removal requirements imposed by the State as a result of "Chesapeake 2000" Agreement. Signatories to the Agreement besides the State of Virginia include the States of Maryland and Pennsylvania, the District of Columbia, the United States Environmental Protection Agency (USEPA), and the Chesapeake Bay Commission.

The revised, 5-year rate schedule for the Availability Fees for a single-family residence, with previously adopted rates in parentheses, is as follows:

**PROPOSED AVAILABILITY FEE RATE SCHEDULE**

<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
\$6,896	\$7,310 (\$7,310)	\$7,750 (\$7,750)	\$7,750 (\$8,215)	\$7,750

Availability charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2003 International Plumbing Code (Chapter 7, Section 709), times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises.

**RECOMMENDATION:**

The County Executive recommends that the Board of Supervisors adopt the proposed sewer ordinance amendment as set forth in Attachment I.

**TIMING:**

The public hearing was held on March 30, 2009 at 3:00 p.m. and decision was deferred to April 27<sup>th</sup>, coincident with adoption of the FY 2010 Budget Plan. FY 2010 sewer rates will become effective on July 1, 2009.

**BACKGROUND:**

In February 2009, the Wastewater Management Program and PRMG completed the Rate Study. Minimum fund balances or "reserves" are maintained to fund major capital expenditures such as the addition of nitrogen removal facilities at wastewater treatment plants and to comply with bond resolution requirements. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment I).

A forecasted, 4-year rate schedule (FY 2010 - FY 2013) is recommended for the County's Sewer Service Charge. The Sewer Service Charge is based on the volume of water used by a sewer customer and is billed quarterly to offset the operations, maintenance, debt, and capital costs allocated to "existing customers." For FY 2009 and FY 2010, 9.75 percent annual rate increases were adopted. For FY 2010, a \$5.00 per bill Base Charge is being recommended. For FY 2011 and FY 2012, annual service charge increases of 17 percent are being proposed and for FY 2013, an annual sewer service charge increase of 14 percent is being proposed. The rate increases will provide for inflation and the cost of constructing nitrogen removal facilities at wastewater treatment plants to comply with new discharge requirements imposed by the State and the Chesapeake Bay Program. These rate increases are consistent with this year's Rate Study recommendations.

The County's Sewer Service Charges and Availability Fees remain very competitive on a local basis. Below are average annual water and sewer service billings and Availability Fees per Single Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions. Rates are effective as of January 2009 (FY 2009). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's sewer service rate to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

**Comparison of Average Service Charges and Availability Fees for SFREs**

Jurisdiction	Average Annual Water and Sewer Service Billing	Average Annual Sewer Service Billing (a)	Sewer Availability Fees (b)
Fairfax County (c)	\$ 479	\$ 312	\$ 6,896
Loudoun County (c)	498	284	6,945
WSSC (d)	717	404	2,850
Stafford County (e)	625	402	6,135
DCWASA (d)	738	429	----
Prince William County (d)	772	507	9,000
City of Alexandria (c)	848	561	7,091
Arlington County (d)	895	610	1,976

(a) Each jurisdiction's sewer service rate is applied to the average usage as specified.  
 (b) Each jurisdiction's Availability Fee is per SFRE; the Sewer Availability Fee for Arlington assumes 26 fixture units (FU's) per SFRE at a cost of \$76/FU.  
 (c) These jurisdictions use a winter quarter billing method for residential customers, eliminating billing of water usage such as lawn irrigation, which does not enter the sewer system. The average winter quarter usage of 19,000 gallons is based on an analysis of Fairfax Water's annual usage report.  
 (d) Average billed usage of 21,200 gallons is based on Fairfax Water's annual usage reports.  
 (e) Stafford County uses a modified winter six month period billing method for residential customers. The average winter quarterly usage is 20,200 gallons based on an analysis of Fairfax Water's annual usage reports.

Similarly, with regard to Availability Fees and commercial fixture unit rates, a four-year rate schedule is proposed. Availability Fees are one-time "tap fees" paid by sewer customers to connect to the system. The revenue from Availability Fees is used to offset the costs of expanding major treatment facilities. FY 2009 through FY 2011 rates are indexed at 6.0 percent. Indexing recognizes the time value of money being used now to construct capacity for future customers. The FY 2012 and FY 2013 rates will be held equal to the FY 2011 rate pending a more detailed pricing analysis planned later this year.

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FISCAL IMPACT:

In FY 2010, assuming a typical water usage per household of 19,000 gallons/quarter (or 76,000 gallons/year) and a \$5 quarterly billing charge (or \$20 per year), the average homeowner's sewer bill will be approximately \$362 per year, which is an increase of \$50.40 over the FY 2009 sewer bill. Because of construction requirements for building nitrogen removal facilities and for renovating aging infrastructure, the annual cost impact of the FY 2011 to FY 2013 rate increases for a typical homeowner will be approximately an additional \$58 to \$68 a year as follows:

Fiscal Year	Base Charge \$/Quarterly Billing	Service Charge (\$/1,000 gallons)	Annual Bill (\$)	Increase, \$ (% Increase)
2009	-	\$4.10 (9.63%)	\$311.60	\$27.36 (9.63%)
2010	\$5.00	\$4.50 (9.76%)	\$362.00	\$50.40 (16.17%)
2011	\$5.00	\$5.27 (17.11%)	\$420.52	\$58.52 (16.17%)
2012	\$5.00	\$6.17 (17.08%)	\$488.92	\$68.40 (16.27%)
2013	\$5.00	\$7.03 (13.94%)	\$554.28	\$65.36 (13.37%)

In perspective, when calculating monthly and quarterly cost increases for FY 2010 through FY 2013, the cost impact to a typical homeowner will be approximately an additional \$4.20 to \$5.70 monthly or \$12.60 to \$17.10 quarterly as follows:

Fiscal Year	Monthly Bill (\$)	Increase (\$)	Quarterly Bill (\$)	Increase (\$)
2009	\$25.97	\$2.28	\$77.90	\$6.84
2010	\$30.17	\$4.20	\$90.50	\$12.60
2011	\$35.04	\$4.87	\$105.13	\$14.63
2012	\$40.74	\$5.70	\$122.23	\$17.10
2013	\$46.19	\$5.45	\$138.57	\$16.34

The new Total Nitrogen (TN) removal requirements began affecting sewer rates in FY 2007. As shown in the following chart, the cumulative cost impact to a typical homeowner's annual bill for additional total nitrogen (TN) removal and related construction will be about \$163 per year by FY 2013.

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Fiscal Year	Annual Bill, \$ (% Increase) w/o TN cost Effects in rates	Annual Bill, \$ (% Increase) w/TN cost Effects in rates	Increase, \$ TN cost effects
2006	\$249 (2.5%)	\$249 (2.50%)	0
2007	\$256 (2.5%)	\$266 (6.71%)	\$10
2008	\$263 (3.0%)	\$284 (6.86%)	\$21
2009	\$274 (4.0%)	\$312 (9.63%)	\$38
2010	\$302 (3.0% + \$20)	\$362 (16.18%)	\$60
2011	\$331 (3.0% + \$20)	\$421 (16.16%)	\$90
2012	\$361 (3.0% + \$20)	\$489 (16.26%)	\$128
2013	\$391 (3.0% + \$20)	\$554 (13.37%)	\$163

In FY 2010, approximately \$7 million in additional Sewer Service Charge revenues will be generated from the Sewer Service Charge increase and adoption of the new Base Charge. Regarding Availability Fee revenues, approximately \$0.5 million in additional Availability Fee revenue will be generated annually with the 6.0 percent rate increases in availability fees.

Revenues from the collection of Sewer Service Charges, Base Charges, and Availability Fees, are recorded in Fund 400, Sewer Revenue Fund.

**ENCLOSED DOCUMENTS:**

Attachment I - The Proposed Amendment to Article 67.1-10 (Charges) of the *Code of the County of Fairfax*

Staff Report prepared by the Department of Public Works and Environmental Services and PRMG's "Rate Study" were previously distributed to the Board; copies are available at the Office of the Clerk to the Board

**STAFF:**

Robert A. Stalzer, Deputy County Executive

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

Randolph W. Bartlett, Deputy Director, DPWES

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10:00 a.m.

Board Adoption of the FY 2010 Budget Plan

ENCLOSED DOCUMENTS:

April 23, 2009 Memorandum to the Board of Supervisors from Anthony H. Griffin, County Executive, regarding adoption of the FY 2010 Budget Plan. Attachments to the memorandum include the following:

Attachment I – Board revenue and expenditure adjustments approved at the Budget Mark-up on April 20, 2009 and the Add-on package dated April 13, 2009

Attachment II - Resolution Adopting Tax Rates for FY 2010

Attachment III - FY 2010 Appropriation Resolution for County Agencies/Funds

Attachment IV - FY 2010 Appropriation Resolution for School Board Funds

Attachment V - FY 2010 Fiscal Planning Resolution

Attachment VI - FY 2010 General Fund Statement; FY 2010 General Fund Expenditures by Agency; FY 2010 Expenditures by Fund, Appropriated; and FY 2010 Expenditures by Fund, Non-Appropriated

(All attachments are to be delivered under separate cover)

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

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

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Board Agenda Item  
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10:30 a.m.

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

ENCLOSED DOCUMENTS:  
Appointments to be Heard April 27, 2009

STAFF:  
Nancy Vehrs, Clerk to the Board of Supervisors

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10:30 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE - 1

Designation of Plans Examiner Status Under the Expedited Land Development Review Program

ISSUE:

The Board of Supervisors' action to designate four individuals as Plans Examiners to participate in the Expedited Land Development Review Program.

RECOMMENDATION:

The County Executive recommends that the Board take the following action:

- Designate the following four individuals, identified with their registration numbers, as Plans Examiners:

Karen L. Steen	283
Anthony R. Verdi, Jr.	284
Lucelle Marie Sacdalan Espine	285
Ajay K. Sharma	286

TIMING:

Routine.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia*, (The Code) establishing a Plans Examiner Program under the auspices of an Advisory Plans Examiner Board (APEB). The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Land Development Services, Department of Public Works and Environmental Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After review of their

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applications and credentials, the APEB has found that the four candidates listed above satisfy these requirements. This finding was documented in a letter dated February 19, 2009, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Sharon Bulova.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter dated February 19, 2009, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

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 (LDS), DPWES

Michelle Brickner, Assistant Director, LDS, DPWES

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ADMINISTRATIVE – 2

Extension of Review Period for 2232 Review Application (Hunter Mill District)

ISSUE:

Extension of the review period for specific 2232 Review application 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 period for application FS-H09-8 to June 29, 2009.

TIMING:

Board action is required on April 27, 2009, to extend the review period of the application noted above before its expiration.

BACKGROUND:

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

The Board should extend the review period for the following application, which was accepted for review by the Department of Planning and Zoning on January 30, 2009:

FS-H09-8	Cricket Communications Antenna colocation on existing transmission tower 9620 Verdict Drive Hunter Mill District
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This application is for a telecommunications facility. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning

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Commission to act on this application by no more than sixty additional days. The need for this extension may not be necessary, and is not intended to set a date for final action.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

Board Agenda Item  
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ADMINISTRATIVE - 3

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

ISSUE:

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

RECOMMENDATION:

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

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Chadwick Property	Dranesville	Branton Lane (Route 8399)
Tyson's Estates and Ankerdale Section 2 Lot 42	Hunter Mill	Ashgrove Meadows Way Teets Lane
Highgrove Estates Section 1	Lee	Willowfield Way Franconia Road (Route 644) (Additional Right-of-Way (ROW) Only)
Bicentennial Post No. 1976 The American Legion Department of Virginia	Mason	Maple Place (Route 758) (Additional ROW Only)
Toyota Motor Sales & Crown Real Properties	Providence	Leesburg Pike (Route 7) (Additional ROW Only)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Random Hills Road Phase II	Springfield	Random Hills Road (Route 7230) (Additional ROW Only)

TIMING:  
Routine.

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

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment 1 - Street Acceptance Form

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

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ADMINISTRATIVE - 4

Addition of a Segment of Fullerton Road to the Secondary System of State Highways  
(Mount Vernon District)

ISSUE:

Board adoption of the attached resolution requesting that a segment of Fullerton Road be added to the Secondary System of State Highways (Secondary System).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) requesting that the subject segment of roadway be added to the Secondary System.

TIMING:

The Board is requested to adopt the resolution on April 27, 2009.

BACKGROUND:

This request to add a segment of Fullerton Road is being made at the request of the Virginia Department of Transportation (VDOT). The subject roadway was reconstructed to provide a permanent vehicular connection at Rolling Road. The request to add this segment of Fullerton Road is intended to assist VDOT in finalizing its administrative requirements following completion of construction of a highway project. The addition of the subject segment of roadway will formally initiate VDOT maintenance responsibility for the new segment of road. Further, the action taken to add the subject roadway assists VDOT in revising its maintenance mileage logs that are used to determine levels of State maintenance funding within Fairfax County.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Resolution

Attachment II: Chart of streets to be added

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

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michael A. Davis, FCDOT

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ADMINISTRATIVE - 5

Additional Time to Establish the Use for Special Exception SE 2003-SP-035, Robert N. Deangelis; Ronald A. and Leta G. Deangelis; George Hinnant, Trustee (Springfield District)

ISSUE:

Board consideration of additional time to establish the use for SE 2003-SP-035, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty months additional time for SE 2003-SP-035 to June 26, 2010.

TIMING:

Routine

BACKGROUND:

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

On June 26, 2006, the Board of Supervisors approved Special Exception SE 2003-SP-035 subject to development conditions. The special exception application was filed in the name of Robert N. Deangelis; Ronald A. and Leta G. Deangelis; and George Hinnant, Trustee, to permit a plant nursery and uses in a floodplain, pursuant to Section 3-104, 3-204 and 2-904 of the Fairfax County Zoning Ordinance, on the property located at 9401 Burke Road, Tax Map 78-4 ((1)) 17A, 17B and 17C (see the Locator Map in Attachment 1). SE 2003-SP-035 was approved to permit a plant nursery and uses in a floodplain, to resolve outstanding violations on the site and to legitimize the previous expansion of the existing plant nursery. The SE was approved with a condition that the use be established within eighteen months of the approval date unless the Board grants additional time. The expiration date was December 26, 2007. The development conditions are included as part of the Clerk to the Board's letter in Attachment 2.

On October 30, 2007, Department of Planning and Zoning (DPZ) received a letter dated October 26, 2007, from William C. Thomas, Jr. requesting eighteen months additional time to establish the approved use. The request for additional time was received prior to the date on

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which the approval would have expired; therefore, the special exception amendment will not expire pending the Board's action on the request for additional time. On February 12, 2009, the applicant amended the original letter to request 30 months additional time rather than 18 months (see letters Attachment 3). The submission of this request to the Board was delayed by the time required for staff to verify the resolution of outstanding Zoning Ordinance violations on the site. Mr. Thomas states that the property owner is working with the staff of the Springfield District Supervisor's office, DPWES and Zoning Enforcement to address issues regarding the proposed site improvements to comply with the requirements of the regulations of the floodplain study for the property (#8450-FP-001-1) and the site plan for construction of the proposed improvements. DPWES staff has verified on March 4, 2009, that progress has been made in finalizing the floodplain study.

Staff has reviewed Special Exception SE 2003-SP-035 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a plant nursery and uses in a floodplain. Further, staff knows of no change in land use circumstances that affect the compliance of SE 2003-SP-035 with the special exception standards applicable to this use or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2003-SP-035 are still appropriate and remain in full force and effect. Staff believes that approval of the request for thirty months additional time is in the public interest and recommends that it be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of June 26, 2010.

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated June 30, 2006, to William C. Thomas, Jr., agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letters dated October 26, 2007, and February 12, 2009, from William C. Thomas, Jr.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

Pamela Nee, Chief, Environment and Development Review Branch, PD, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE- 6

Authorization to Advertise a Public Hearing for the Leasing of County-Owned Property at 7936 Telegraph Road to Cricket Communications, Inc. (Lee District)

ISSUE:

Board authorization to advertise a public hearing for the leasing of County-owned property at 7936 Telegraph Road to Cricket Communications, Inc., for the purpose of installing a telecommunications base station.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Board action is requested on April 27, 2009, to provide sufficient time to advertise the proposed public hearing on May 18, 2009, at 4:00 pm.

BACKGROUND:

The Board of Supervisors is the owner of real property located at 7936 Telegraph Road and identified as Tax Map Number 100-1 ((1)) 16. Cricket Communications proposes to collocate on an existing APC monopole located on County-owned property. The telecommunications facility will consist of six cylindrical antennas mounted on an existing monopole and three equipment cabinets installed within an existing equipment compound near the ground base of the pole. The total area for the telecommunications facility will be approximately 150'square feet.

The proposed telecommunications base station is a vital component of Cricket's area-wide wireless telecommunications network. Cricket is a new entrant in this market and as such is just beginning to build out its network in the Baltimore/Washington/Northern Virginia area. Cricket has no coverage in the area surrounding the existing wireless communications facility and by collocating on the existing communications facility Cricket will be able to begin providing coverage. Also, the proposed telecommunications facility will have less visual impact on nearby residential properties than a new monopole or other structure located elsewhere in the vicinity.

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On Wednesday, December 10, 2008, the Planning Commission voted unanimously that the telecommunications facility collocating proposed by Cricket Communications, Inc. and located at 7936 Telegraph Road (Tax Map 100-1 ((1)) 16), is in conformance with the recommendations of the Comprehensive Plan and should be considered a “feature shown”, pursuant to Section 15.2-2232 of the Code of Virginia, as amended.

Staff recommends, subject to the County completing lease negotiations with Cricket Communications, Inc., that the Board enter into a ground lease with Cricket Communications, Inc., which will permit the installation of a new telecommunication base station at 7936 Telegraph Road on an existing APC monopole. The proposed lease will have an initial term of five years with 3 five year options.

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

FISCAL IMPACT:

The proposed ground lease will generate \$21,600 the first year with a 3% annual increase in revenue for the County of Fairfax.

ENCLOSED DOCUMENTS:

Attachment A – Tax Map

STAFF:

Edward L. Long, Jr., Deputy County Executive

Jose A. Comayagua, Jr., Director, Facilities Management Department

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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing for the Leasing of County-Owned Property at 9220 Old Keene Mill Road to Cricket Communications, Inc. (Springfield District)

ISSUE:

Board authorization to advertise a public hearing for the leasing of County-owned property at 9220 Old Keene Mill Road (Tax Map No. 88-2 ((1)) 4), to Cricket Communications, Inc., for the purpose of installing a telecommunications base station.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Board action is requested on April 27, 2009, to provide sufficient time to advertise the proposed public hearing on May 18, 2009 at 4:00 pm.

BACKGROUND:

The Board of Supervisors is the owner of real property located at 9220 Old Keene Mill Road and identified as Tax Map Number 88-2 ((1)) 4. Cricket Communications proposes to construct a telecommunications facility on an existing Virginia Dominion Power electrical transmission pole located on County-owned property. The telecommunications facility will consist of six cylindrical antennas mounted on top of the Dominion electric transmission pole and two equipment cabinets installed near the ground base of the transmission tower and surrounded by a new board-on-board fence. The total area on the ground for the telecommunications facility will be approximately 150 square feet. Cricket will enter into an agreement with Dominion Virginia Power for its required usage of the transmission power pole and also enter into an agreement with the Fairfax County Board of Supervisors for the required ground area needed for its ground equipment. Dominion Virginia Power concurs with the proposal to enter into an agreement with Cricket Communications.

The proposed telecommunications base station is a vital component of Cricket's area-wide wireless telecommunications network. Cricket is a new entrant in this market and as such is just beginning to build out its network in the Baltimore/Washington/Northern Virginia area. Cricket has no coverage in the area surrounding the existing wireless

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communications facility and by collocating on the existing communications facility Cricket will be able to begin providing coverage. Also, the proposed telecommunications facility will have less visual impact on nearby residential properties than a new monopole or other structure located elsewhere in the vicinity.

On Thursday, March 12, 2009, the Planning Commission voted 9-0-1 (Commissioner Sergeant abstaining; Commissioners Hall and Harsel absent from the meeting) that the telecommunications collocating proposed by Cricket Communications Inc., located within a utility easement south of Old Keene Mill Road, is in substantial conformance with the recommendations of the Comprehensive Plan and should be considered a "feature shown", pursuant to Section 15.2-2232 of the Code of Virginia, as amended.

Staff recommends, subject to the County completing lease negotiations with Cricket Communications, Inc., that the Board enter into a ground lease with Cricket Communications, Inc., which will permit the installation of a new telecommunication base station at 9220 Old Keene Mill Road. The proposed lease will have an initial term of five years with 3 five year options.

Pursuant to section 15.2-1800 of the County of Virginia a public hearing is required prior to the leasing of County-owned property.

FISCAL IMPACT:

Upon lease commencement, the County will receive \$21,600 in lease payments for the first year with a 3% annual increase in revenue for each year thereafter.

ENCLOSED DOCUMENTS:

Attachment A – Tax Map

STAFF:

Edward L. Long, Jr., Deputy County Executive

Jose A. Comayagua, Jr., Director, Facilities Management Department

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ADMINISTRATIVE - 8

Additional Time to Commence Construction for Special Exception SE 01-V-005, William A. Kinder (Mount Vernon District)

ISSUE:

Board consideration of additional time to commence construction for SE 01-V-005 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen months additional time for SE 01-V-005 to January 26, 2010.

TIMING:

Routine

BACKGROUND:

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

On July 26, 2004, the Board of Supervisors approved Special Exception SE 01-V-005, subject to development conditions. The special exception application was filed in the name of William A. Kinder to permit uses in a floodplain, pursuant to Sect. 2-904 of the Ordinance, and to permit retaining walls, terraces, and other structures to remain in the floodplain at 7905, 7907, and 7909 Candlewood Drive, which are identified as Tax Map 102-1 ((21)) 1, 2, and 3 (see the Locator Map in Attachment 1). On July 26, 2004, the Board of Supervisors also approved Chesapeake Bay Exception #026328 under Section 111-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO) permitting encroachments into the Resource Protection Area (RPA) depicted on the Special Exception Plat, subject to development conditions. The special exception and Chesapeake Bay Exception were filed by Mr. Kinder to resolve a violation that resulted from the illegal construction of structures in

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the floodplain and the RPA. SE 01-V-005 was approved with a condition that construction shall commence within eighteen months of the approval date, unless the Board grants additional time. The development conditions for SE 01-V-005 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On June 5, 2006 the Board of Supervisors approved 12 months additional time to commence construction for SE 01-V-005. The request for additional time cited unforeseen complexities and difficulties beyond the applicant's control. Approval of the Rough Grading Plan (RGP), which was originally submitted in November, 2004, required numerous technical engineering revisions. Further, several items, including authorizations from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and Virginia Marine Resources Commission and acceptance of a Conditional Letter of Map Revision (CLOMR) by the Federal Emergency Management Agency (FEMA), also needed to be obtained. The expiration date was January 26, 2007 (see Attachment 3). On November 19, 2007, the Board of Supervisors approved 18 months additional time to commence construction for SE 01-V-005. The expiration date was July 26, 2008. Copies of the above letters are contained in Attachment 3.

On July 24, 2008, the Department of Planning & Zoning received a letter dated July 23, 2008, from Lynne J. Strobel, agent for the applicant, requesting eighteen months additional time to commence construction for SE 01-V-005 (see Attachment 4). The request was received prior to the date on which the approval would have expired; therefore, the special exception will not expire pending the Board's action on the request for additional time. For several months following the request for additional time the applicant's progress was stalled due to difficulties encountered in negotiating easement agreements. Subsequently, on February 19, 2009, a supplemental letter to update the status of the site work was received in the Department of Planning & Zoning. The February 12, 2009, supplemental letter updates the status of the items needed to fulfill the requirements of the development conditions. The letter states that recent activity includes a meeting with representatives of the applicant with the Office of the County Attorney and the Park Authority to discuss the Hold Harmless Agreements and a required easement from the Park Authority, which had delayed the project for several months. As a result of the meeting, revised easement language and a revised easement plat have been submitted to the Park Authority and County Attorney for review and approval. The reviews are still pending. Recordation of all easements and execution of the Hold Harmless Agreements with the County Attorney must occur prior to approval of the RGP and the issuance of building permits for the proposed retaining walls. Ms. Strobel states that the applicant is continuing to work diligently with County representatives to implement the special exception and anticipates approval of the RGP shortly after the recordation of the Park Authority easement and execution of the Hold Harmless Agreements. Ms. Strobel reports that the applicant has now obtained a Nationwide Permit 13 from the US Army Corps of Engineers; however, authorizations from the Virginia Department of Environmental Quality

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and Virginia Marine Resources Commission are still required. The process for obtaining these authorizations will take approximately three months from the date of approval of the RGP. The applicant must also obtain acceptance of a Conditional Letter of Map Revision (CLOMR) by the Federal Emergency Management Agency.

Staff has reviewed Special Exception SE 01-V-005 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a residential use in a floodplain and to permit retaining walls, terraces, and other structures to remain in the floodplain. Further, staff knows of no change in land use circumstances which affect the compliance of SE 01-V-005 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 01-V-005 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that eighteen months additional time be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of January 26, 2010.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 12, 2004, to James P. Downey, agent for the applicant, from Patti M. Hicks, Deputy Clerk to the Board of Supervisors,

Attachment 3: Letter dated June 8, 2006, from Nancy Vehrs, Clerk to the Board of Supervisors, to James P. Downey, agent for the applicant; Letter dated November 19, 2007, from Nancy Vehrs, Clerk to the Board of Supervisors, to Lynne J. Strobel, agent for the applicant

Attachment 4: Letter dated July 23, 2008, from Lynne J. Strobel, agent for the applicant; Letter dated February 12, 2009, from Lynne J. Strobel, agent for the applicant

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Fred Selden, Director, Planning Division, DPZ

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

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 9

Additional Time to Commence Construction for Special Exception SE 2005-LE-028, Piney Run Development, LLC (Lee District)

ISSUE:

Board consideration of additional time to commence construction for SE 2005-LE-028 pursuant to the provisions of Sect. 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months additional time for SE 2005-LE-028 to January 10, 2011.

TIMING:

Routine

BACKGROUND:

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

On July 10, 2006, the Board of Supervisors approved Special Exception SE 2005-LE-028, subject to development conditions. The special exception application was filed in the name of Piney Run Development, LLC, to permit an independent living facility. The Special Exception was approved concurrently with RZ 2006-LE-003, subject to proffers, to rezone 35.91 acres from the R-1 District to the R-1 District to permit an independent living facility, pursuant to SE 2002-LE-028. The property is located north of Telegraph Road and west of Piney Run at Tax Map 100-1 ((1)) 23A pt., 24 and 25 (see Locator Map in Attachment 1).

SE 2005-LE-028 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date unless the Board granted additional time. The SE Plat and development conditions for SE 2005-LE-028 and the proffers and development plan for RZ 2006-LE-003 are included as part of the Clerk to the Board's letter contained in Attachment 2.

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On December 31, 2008, the Department of Planning and Zoning received a letter dated December 31, 2008, from Lynne J. Strobel, agent for the applicant, requesting twenty-four months additional time to commence construction. The request was received prior to the date on which the approval would have expired; therefore, the special exception will not expire pending the Board's action on the request for additional time. Ms. Strobel states that a site plan (3365-SP-007-1) was submitted to the Department of Public Works and Environmental Services (DPWES), but was disapproved and has not yet been re-submitted. According to DPWES, the site plan was submitted on July 11, 2008, and returned disapproved on October 9, 2008. Ms. Strobel states that the primary reason that the site plan has not been re-submitted is the fact that the applicant's business partner elected not to participate further in the development process. Legal and financial issues had to be resolved to determine how the project could proceed to construction. She states that the second factor that has caused the applicant to not re-submit the site plan is the fact that the independent living facility is envisioned to be a "for-sale" development, for which financing is extremely difficult to secure at this time. The letter states that these factors were not foreseen at the time of the original approval.

Staff has reviewed Special Exception SE 2005-LE-028 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for an independent living facility. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2005-LE-028 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2005-LE-028 are still appropriate and remain in full force and effect. Staff believes that the request for additional time is in the public interest and recommends that twenty-four months additional time be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of January 10, 2011.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated July 13, 2006, to Lynne J. Strobel, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors. Letter dated July 13, 2006, to Lynne J. Strobel, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated December 31, 2008, from Lynne J. Strobel, agent for the applicant, to Eileen M. McLane, Zoning Administrator

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Fred Selden, Director, Planning Division, DPZ

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

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 10

Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept Funding from the 2008 State Homeland Security Grant Through the United States Department of Homeland Security, Administered by the Virginia Department of Emergency Management

ISSUE:

Board approval for the Fairfax County Fire and Rescue Department (FRD) to apply for and accept funding, if received, from the 2008 State Homeland Security Grant Program, administered by the Virginia Department of Emergency Management (VDEM) in the amount of \$100,000. The program period is retroactive from September 2008 through March 1, 2011. There is no Local Cash Match requirement. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fire and Rescue Department to apply for and accept funding, if received, from the VDEM FY 2008 State Homeland Security Grant Program in the amount of \$100,000 for rescue team equipment, training and exercises.

TIMING:

Board approval is requested on April 27, 2009. Applications were due April 13, 2009; however, due to the timing of Board Meetings, VDEM has allowed Fairfax County a waiver and will accept the application once Board approval is granted.

BACKGROUND:

The mission of the Department of Homeland Security (DHS) is to enhance the ability of state, local, and tribal governments to prepare, prevent, respond to, and recover from terrorist attacks and other disasters. The Homeland Security Grant Program (HSGP) is a primary funding mechanism for building and sustaining national preparedness capabilities.

This core assistance program provides states with funds to build capabilities at the local level through planning, organization, equipment, training, and exercise activities. SHSGP also supports the implementation of State Homeland Security strategies and key

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elements of the national preparedness architecture, including the National Preparedness Guidelines, the National Incident Management System and the National Response Framework.

VDEM was awarded \$700,000 to support the seven Virginia Regional Technical Rescue Operations Teams (T.R.O.T.) under the Homeland Security Grant Program. As the Division VII regional T.R.O.T., Fairfax has been invited to apply for \$100,000 to support:

- Equipment - \$71,428: Funding will support the purchase of T.R.O.T. equipment for both operational response and training.
- Training - \$14,286: To perform technical rescue operations, team members must meet the minimum requirements of National Fire Protection Agency (NFPA) 1670 and 1006. Funding will be directed towards training new members and recertifying current team members in accordance with NFPA standards.
- Exercises - \$14,286: The team is required to hold annual training exercises to maintain proficiency and national certification. Funding will be used to continue Lorton training site development where full team exercises are currently held.

FISCAL IMPACT:

If awarded, the Fire and Rescue Department will receive \$100,000 for rescue team equipment, training and exercises. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated awards in FY 2009. There is no Local Cash Match requirement. This grant does not allow for the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive  
Chief Ronald L. Mastin, Fire and Rescue Department  
Assistant Chief Daryl L. Louder, Fire and Rescue Department  
Assistant Chief John J. Caussin, Jr., Fire and Rescue Department

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ACTION - 1

Appointment of Member to the Fairfax County Solid Waste Authority

ISSUE:

As a result of a special election, a new Board member was elected from the Braddock District. The Board of Supervisors must appoint this new member to the Fairfax County Solid Waste Authority.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors appoint John C. Cook, Supervisor, Braddock District, to the Fairfax County Solid Waste Authority.

TIMING:

Routine.

BACKGROUND:

As the result of a special election, John C. Cook is the new supervisor from the Braddock District.

Per the Solid Waste Authority By-laws, the Authority is comprised of the Members of the Board of Supervisors. Supervisor Cook must, therefore, be appointed to the Fairfax County Solid Waste Authority by the Board.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

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  
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, DPWES

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## ACTION - 2

### Endorsement of Design Plans to Widen Lee Jackson Memorial Highway (Route 50) from Sully Road (Route 28) to Poland Road in Loudoun County (Sully District)

#### ISSUE:

Board endorsement of the Virginia Department of Transportation (VDOT) design plans to widen Lee Jackson Memorial Highway (Route 50) from four lanes to six lanes from Sully Road (Route 28) in Fairfax County to Poland Road in Loudoun County.

#### RECOMMENDATION:

The County Executive recommends that the Board endorse the VDOT design plans to widen Lee Jackson Memorial Highway (Route 50) from Sully Road (Route 28) to Poland Road in Loudoun County, including widening to six lanes with turn lanes as needed, a 10-foot shared use path on both sides, a 14-foot wide curb lane in each direction, stormwater management, and upgraded bridges over Cub Run and Cain Branch, generally as presented at the February 26, 2009, public hearing, with the following modifications:

- Consider additional options that would provide access from Route 28 southbound exiting traffic onto Route 50 westbound to allow left turns onto Lee Road. For example, consider a signalized ramp for left-turn vehicles to Lee Road only, from southbound Route 28 to westbound Route 50.
- Investigate improvements to the Lee Road culvert at Schneider's Branch and pavement widening, to alleviate the existing bottleneck.
- Extend the 10-foot shared use paths on both sides of Route 50, to end at the eastern project limits, just east of the Route 50/Route 28 loop ramps.
- Consider landscaping to minimize the visual impact of the road widening on adjacent property owners.

#### TIMING:

The Board should take action on this matter as soon as possible to allow VDOT to proceed with final approval by the Chief Engineer.

#### BACKGROUND:

Route 50 from Route 28 to the Loudoun County line is shown on the County's Comprehensive Plan as a six-lane facility. Existing Route 50 within the project limits is a four-lane urban major arterial roadway, which creates a bottleneck between the existing six-lane segments of the road to the east and west of the proposed project limits. The Countywide Trails Plan shows a major paved trail on both the north and south sides of

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Route 50 between Lee Road and the Loudoun County line. In addition, the Countywide Trails Plan shows an on-road bicycle route along the corridor in both directions.

VDOT and County staff have coordinated the design plans with the Fairfax County Park Authority, Schools, Police, Fire and Rescue, local business owners, and other groups. The plans were presented at a Design Public Hearing held on February 26, 2009, at VDOT's office in Chantilly. A copy of the public hearing brochure is attached. VDOT has determined that this project will not significantly impact streams, wetlands, endangered species, or natural, cultural or historic resources. This project meets the criteria for a Categorical Exclusion and will not result in significant impacts.

Public Hearing Comments

A Public Hearing was held on February 26, 2009, from 6 pm to 9 pm. Approximately 100 people attended the public hearing, and total of 192 written and oral comments were submitted. Of the comments received, 168 supported the project, and 8 were opposed.

The following represents a summary of the major issues for the Fairfax County portion of the project, as expressed at the public hearing:

- Consider additional options that would provide access from Route 28 southbound exiting traffic onto Route 50 westbound for allowing left turns onto Lee Road.
- Consider the impact of an increase in U-turn traffic at the intersection located west of Lee Road, due to the left turn movement restriction at Lee Road and concern that these U-turns will be unsafe. Several comments were received regarding the unsafe U-Turn for large trucks at this intersection.
- Improve the Lee Road culvert at Schneider's Branch, to alleviate the existing bottleneck and provide alternative access to businesses.
- Several comments requested changes to the bicycle and pedestrian facilities, including extending the shared-use paths beyond Route 28, and providing a full crossing at Avion Parkway.
- Retain the access to and from Route 50 at Airline Road in front of the 7-11 convenience store.
- Consider providing an acceleration and deceleration lane for right in-right out properties on the south side of Route 50.

Project Cost and Schedule

The current estimated project cost is \$75 million, which includes \$4 million for preliminary design, \$20 million of right-of-way acquisition and utility relocation, and \$51 million for construction. This design/build project is fully funded for design, right-of-way, and construction in the VDOT Six Year Improvement Program (SYIP). The latest schedule is:

Design	Currently Underway
Advertise Request for Proposals (RFP)	March 2009
Notice to Proceed Issued	October 2009

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Begin Right-of-Way Acquisition	2010
Begin Utility Relocation	2010
Advertise for Construction	2010

Sidewalks and Trails

A 10-foot multi-purpose trail will be provided along both sides of Route 50, and a 14-foot wide curb lane will be provided in both directions, in accordance with the County's Non-Motorized Transportation Plan.

FISCAL IMPACT:

No County funds are required. This project is fully funded through the state SYIP.

ENCLOSED DOCUMENTS:

Attachment I: Location and Design Public Hearing Brochure

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Karyn Moreland, Chief, Capital Projects Section, FCDOT  
Kinnari Radadiya, Capital Projects Section, FCDOT

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ACTION - 3

Approval of Proposed Consolidated Plan One-Year Action Plan for FY 2010

ISSUE:

Final action by the Fairfax County Board of Supervisors on the *Proposed Consolidated Plan One-Year Action Plan for FY 2010* as issued by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (1) adopt the *Proposed Consolidated Plan One-Year Action Plan for FY 2010* as issued by the CCFAC with funding allocations outlined below; and (2) authorize signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by the U.S. Department of Housing and Urban Development (HUD) by May 14, 2009.

TIMING:

Board action is requested on April 27, 2009, in order to maintain the schedule for the Consolidated Plan process, which is included as Appendix C in the enclosed *Proposed Consolidated Plan One-Year Action Plan for FY 2010* (Attachment 1), and to ensure timely submission of the Plan to HUD.

BACKGROUND:

The *Proposed One-Year Action Plan for FY 2010* has been issued by the CCFAC for approval by the Board of Supervisors. The *Proposed Consolidated Plan One-Year Action Plan for FY 2010* contains the proposed uses of funding for programs to be implemented in the fifth year of the Five-Year Consolidated Plan for FY 2006-2010. An annual action plan is required by the U.S. Department of Housing and Urban Development (HUD) for four federal programs. These programs include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

The U.S. Department of Housing and Urban Development (HUD) requires the submission of this document as part of the planning and application aspects of the four federal programs from which Fairfax County receives annual funding allocations:

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CDBG, HOME, ESG, and HOPWA. In addition, the document describes the Continuum of Care for homeless services and programs in the Fairfax community, and the Consolidated Community Funding Pool (CCFP). *The Proposed Consolidated Plan One-Year Action Plan for FY 2010* will include the second year of the two-year FY 2009-2010 funding cycle for the Consolidated Community Funding Pool (CCFP). The CCFP was established by the Board and provides funding to community based nonprofit organizations through a competitive solicitation process.

*The Proposed Consolidated Plan One-Year Action Plan for FY 2010* also includes the public and private resources available for housing and community development activities, and the CCFP funding priorities adopted by the Board. In accordance with federal requirements, the *Proposed Consolidated Plan One-Year Action Plan for FY 2010* contains several certifications, including drug-free workplace, affirmatively furthering fair housing, and lobbying restrictions, which will be signed by the County Executive following Board approval of the Plan.

Federal regulations issued by HUD governing the Consolidated Plan require jurisdictions to complete an analysis of impediments to fair housing choice. In June 1997, the Board of Supervisors adopted the Fairfax County Fair Housing Analysis of Impediments. The Fairfax County Board of Supervisors adopted a Fair Housing Plan on July 26, 1999, to address impediments to fair housing choice within Fairfax County. The Board designated the Fairfax County Human Rights Commission as the agency responsible for implementation and oversight of fair housing activities initiated by Fairfax County.

Fairfax County's Human Right's Commission amended the County's Analysis of Impediments (AI). The amended AI was adopted by the Fairfax County Board of Supervisors on July 23, 2007. The One-Year Action Plan for FY 2010 includes follow-up activities to be conducted to address impediments to fair housing identified in the AI.

Funding levels incorporated in the One-Year Action Plan for FY 2010 are based on anticipated federal allocations for FY 2010. Total entitlement funding anticipated of \$10,100,219 has been recommended in this item: for CDBG – Fund 142 (\$5,928,982), HOME – Fund 145 (\$2,448,682), ESG (\$265,518), and HOPWA (\$180,000 estimated) and are based on the funding levels of FY 2009 until HUD notification of FY 2010 grant awards. Once the final allocation figures are received by HUD, adjustments will be made accordingly to comply with all administration spending limits and the public service cap. If the final funding award is greater than anticipated, a pro rata adjustment will be made across projects. The total funding includes reallocated funds of prior year monies of \$1,277,037.

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The proposed use of funds identified in the One-Year Action Plan for FY 2010 is summarized below. A description for each activity is provided in the attached Draft Proposed Consolidated Plan One-Year Action Plan for FY 2010.

	<b><u>FY 2010</u></b> <b><u>Grant</u></b>	<b><u>Reallocated</u></b> <b><u>Prior Year</u></b> <b><u>Funds</u></b>	<b><u>Total</u></b>
<b><u>CDBG Funds</u></b>			
Payments on Section 108 Loans	\$1,226,415		\$1,226,415
Home Repair for the Elderly Program	\$ 127,373	\$ 168,888	\$ 296,261
Relocation Program			
/Homeownership Initiatives	\$ 297,739		\$ 297,739
Homeownership Program	\$ 315,320		\$ 315,320
Fair Housing	\$ 57,512		\$ 57,512
Planning (Programs and Compliance)	\$ 629,497		\$ 629,497
General Administration	\$ 835,236	\$ 52,000	\$ 887,236
Affordable Housing Fund			
(Consolidated Community Funding Pool)	\$1,113,445		\$1,113,445
Targeted Public Services - CCFP			
(@maximum 15% of CDBG grant)	\$ 889,347		\$ 889,347
Senior/Disabled/Homeless Housing	\$ 300,000	\$ 200,000	\$ 500,000
Housing First Single			
Room Occupancy (SRO)		\$ 350,000	\$ 350,000
Neighborhood Revitalization			
Neighborhood Outreach	\$ 137,098		\$ 137,098
Rehabilitation of FCRHA Properties		<u>\$ 211,059</u>	<u>\$ 211,059</u>
<b>TOTAL</b>	<b><u>\$5,928,982</u></b>	<b><u>\$ 981,947</u></b>	<b><u>\$6,910,929</u></b>

**HOME Funds**

Silver Lining Initiative			
{Formerly Homebuyer Equity			
Loan Program (HELP)}	\$1,215,667		\$1,215,667
Tenant Based Rental Assistance			
(TBRA) Homeless	\$ 275,000	\$ 217,090	\$ 492,090
TBRA - Partnership for Permanent			
Housing and Homeless	\$ 327,764		\$ 327,764
CHDO Set-Aside	\$ 367,302		\$ 367,302
HOME Administration	\$ 144,940	\$ 78,000	\$ 222,940

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	<b><u>FY 2010 Grant</u></b>	<b><u>Reallocated Prior Year Funds</u></b>	<b><u>Total</u></b>
Rehabilitation of FCRHA Properties	\$ 78,000		\$ 78,000
Fair Housing	\$ 21,928		\$ 21,928
American Dream Down Payment Initiative	<u>\$ 18,081</u>		<u>\$ 18,081</u>
<b>TOTAL</b>	<b><u>\$2,448,682</u></b>	<b><u>\$ 295,090</u></b>	<b><u>\$ 2,743,772</u></b>

Based on program income projected in the FY 2009 One Year Action Plan, \$310,070 in CDBG program income and \$52,211 in HOME program income is estimated for FY 2010.

**Other Funding**

The Neighborhood Stabilization Program (NSP) is a new program and was authorized under Title III of Division B of the Housing and Economic Recovery Act, 2008 (HERA) to provide emergency assistance funds for redevelopment of abandoned and foreclosed homes and residential properties. The Consolidated Plan One-Year Action Plan for FY 2009 was amended to include the new NSP and will be implemented over the remainder of FY 2009 and FY 2010.

The NSP funds of \$2,807,300 awarded in FY 2009 would be used through FY 2010 to fund homeownership and nonprofit purchase of foreclosed homes for rental housing. The use of NSP fund allocations is summarized below:

<b><u>NSP Funds</u></b>	<b>SUBTOTALS</b>
Silver Lining Initiative (Formerly Homebuyer Equity Loan Program (HELP))	\$ 1,526,570
Silver Lining Plus (Nonprofit Rental Purchase Program)	\$ 1,000,000
General Administration	<u>\$ 280,730</u>
<b>TOTAL</b>	<b><u>\$ 2,807,300</u></b>
 <b>Emergency Shelter Grant (ESG)</b>	 <b>\$ 265,518</b>

**Housing Opportunities for Persons with AIDS (HOPWA) - Estimated \$ 180,000**

This is the eleventh year that the CCFP has been included in the Consolidated Plan One-Year Action Plan. Beginning with FY 2000, the former Community Funding Pool and the CDBG Affordable Housing funds and Targeted Public Services funds were merged into a single Consolidated Community Funding Pool. The CCFP consolidates the solicitation and award processes by establishing a single application process with a

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common set of funding priorities and proposal evaluation criteria for programs of community based nonprofit organizations.

The funding available through the CCFP is allocated bi-annually through a competitive Request for Proposals process. The County Executive appoints a Selection Advisory Committee of citizens to review and rank applications received and make funding recommendations to the Board, which makes the final project funding awards. The One-Year Action Plan for FY 2010 will cover the second year of projects for the two-year funding cycle (FY 2009 – 2010).

The following are estimated amounts that will be available for the CCFP for FY 2010:

CDBG Affordable Housing Funds	\$ 1,113,445
CDBG Targeted Public Services Funds	\$ 889,347
*Federal and State Community Services and Block Grant (CSBG) Funds	\$ 390,157
*County General Funds	<u>\$ 8,580,530</u>
<b>Total Proposed CCFP Funding:</b>	<b>\$10,973,479</b>

\*These amounts are combined into one County General Funds figure in the proposed FY 2010 County budget and will be revised subject to the final federal entitlement amounts for the CSBG program and the appropriation of local General Funds by the Board for FY 2010.

The One-Year Action Plan for FY 2010 was circulated for review and comment by citizens, service providers and other interested parties during the formal public comment period which ended on April 9, 2009. Following the public hearing on March 30, 2009 and the public comment period, the CCFAC considered all comments received on the *Proposed Consolidated Plan One-Year Action Plan for FY 2010*, and forwarded its recommendation to the Board for final action on April 27, 2009.

**FISCAL IMPACT:**

Funding levels incorporated in the One-Year Action Plan for FY 2010 are based on anticipated federal allocations for FY 2010. Total entitlement funding anticipated of \$10,100,219 has been recommended in this item: for CDBG – Fund 142 (\$5,928,982), HOME – Fund 145 (\$2,448,682), ESG (\$265,518), and HOPWA (\$180,000 estimated) and are based on the funding levels of FY 2009 until HUD notification of FY 2010 grant awards. Once the final allocation figures are received by HUD, adjustments will be made accordingly to comply with all administration spending limits and the public service cap. If all final funding award is greater than anticipated, a pro rata adjustment will be made across projects. The total funding includes reallocated funds of prior year monies of \$1,277,037.

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NSP Fund 142 (\$2,807,300) awards were announced by HUD on January 30, 2009 and the County executed its grants agreement with HUD, effective March 18, 2009. Funding for the HOPWA Program is estimated and actual funding will depend on the final allocation made available to Northern Virginia jurisdictions through the Northern Virginia Regional Commission and the District of Columbia, recipient of the funds. The CSBG and County General Funds for the CCFP are based on the proposed FY 2010 County budget and will be revised subject to the final federal entitlement amounts for the CSBG program and the appropriation of local General Funds by the Board for FY 2010.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Consolidated Plan One-Year Action Plan for FY 2010  
(Available online at <http://www.fairfaxcounty.gov/rha/consplan/fy2010consplan1yr.pdf>)  
(Separate from package)

STAFF:

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

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## INFORMATION - 1

### Contract Award – Annual Contract for Underground Utility Designating and Locating Services

The Department of Public Works and Environmental Services (DPWES) is responsible for the design of approved capital improvement projects such as sidewalks, trails, roads, sanitary sewer facilities, and storm drainage improvements. As part of this implementation process, it is essential to determine an accurate horizontal and vertical location of existing utilities in a project area.

It is recommended that the County enter into a contractual agreement with the firm of So-Deep, Inc. to provide underground utility designating and locating services for authorized projects. This contract will be for an initial 12-month period. At the option of the County, this contract may be renewed for two additional 12-month periods.

The firm of So-Deep, Inc. was selected in accordance with the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that So-Deep, Inc. has the appropriate Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, DPWES will proceed to award this contract to So-Deep, Inc. for a not-to-exceed amount of \$2,000,000.

#### FISCAL IMPACT:

The contract upset limit is \$2,000,000. Since this is a task order based contract, individual task orders will not exceed \$1,000,000. Funding will be available from the appropriate project for which the engineering services are required. The amount of funding and the funding source will be determined prior to authorizing each task order. DPWES will authorize individual task orders for specific projects as they are required.

#### ENCLOSED DOCUMENTS:

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

#### STAFF:

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

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## INFORMATION - 2

### Notification of Grant from ICMA

Fairfax County is one of nine local governments nationwide to win a Public Library Innovation Grant from ICMA. The grant of \$34,450 will allow Fairfax County Public Library to continue offering its award-winning Changing Lives Through Literature program in partnership with the Virginia Department of Corrections and the Fairfax County Juvenile and Domestic Relations District Court Services. Changing Lives Through Literature offers an alternative to formal court action or is a requirement as part of the Recidivist Prevention Program for Fairfax County offenders that uses the power of literature to transform lives through reading and group discussion. Literature and discussions are effective, proven tools for reducing recidivism at minimum cost. During the process, offenders develop better verbal and listening skills, undergo self-reflection and learn how to become better citizens. Fairfax County will build a broader and stronger network to sustain and expand this program and promote public libraries as important tools in stemming criminal recidivism. Changing Lives Through Literature operates in eight states and the United Kingdom. It began in 1991 at the University of Massachusetts Dartmouth. Nine local governments were selected for the Innovation grants out of 515 applications received by ICMA.

### ENCLOSED DOCUMENTS:

Attachment 1: ICMA grant notification letter

### STAFF:

David J. Molchany, Deputy County Executive

Edwin "S" Clay III, Library Director, Fairfax County Public Library (FCPL)

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## INFORMATION - 3

### Contract Award - Lake Fairfax Park Core Area Picnic Shelters (Hunter Mill District)

Sixteen (16) sealed bids for the construction of four (4) picnic shelters and related improvements at Lake Fairfax Park, in Project 475508, Park Development, Fund 370, Park Authority Bond Construction, were received and opened on Thursday, March 12, 2009, as detailed in Attachment 1.

This project is included in the FY 2009 – 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Hammerhead Construction of Virginia, Inc., of Dulles, Virginia. Their bid of \$389,900 is \$147,584, or 27% below the Park Authority's cost estimate of \$537,484. The second lowest bid of \$429,777 is \$39,877, or 10% above the low bid, and the highest bid of \$709,000 is \$319,100, or 82% above the low bid.

Based on their financial capability and construction experience, Hammerhead Construction of Virginia, Inc. is considered to be a responsible contractor and holds a Virginia Class A Contractor's License.

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

On April 22, 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 Hammerhead Construction of Virginia, Inc. in the amount of \$389,900.

#### FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$499,082 is necessary to award this contract and to fund the associated contingency, administrative costs and other project-related costs. Funds are currently appropriated in the amount of \$416,140 in Project 475804, Building Renovation and Expansion; and in the amount of \$82,942 in Project 475508, Park Development, both in Fund 370, Park Authority Bond Construction, to award this contract and to fund the associated contingency, administrative costs and other project-related costs.

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ENCLOSED DOCUMENTS:

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

STAFF:

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

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#### INFORMATION – 4

##### Contract Award – Great Falls Nike Park – Stormwater Management Pond Renovation (Dranesville District)

Ten (10) sealed bids for the renovation of the stormwater management pond at Great Falls Nike Park, in Project 475508, Park Development, in Fund 370, Park Authority Bond Construction, were received and opened on March 19, 2009, as summarized as detailed in Attachment 1.

The project is included in the FY 2009 – 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Madigan Construction, Inc. of Leesburg, Virginia. Their bid of \$349,900 is \$100,100, or 22.2% below the Park Authority's pre-bid estimate of \$450,000. The second lowest bid of \$394,525 is \$44,625, or 12.7% above the low bid, and the highest bid of \$639,469 is \$289,569, or 82.8% above the low bid.

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

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

On April 22, 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 Madigan Construction, Inc. in the amount of \$349,900.

##### FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$435,400 is necessary to award this contract and to fund the associated contingency, administrative costs and other project related costs. Funds are currently appropriated in the amount of \$435,400 in Project 475508, Park Development, in Fund 370, Park Authority Bond Construction to award this contract and to fund the associated contingency, administrative costs and other project related costs.

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ENCLOSED DOCUMENTS:

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

STAFF:

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

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## INFORMATION - 5

### Quarterly Status Report on the Board's Second Four-Year Transportation Program

On October 15, 2007, the Board of Supervisors approved their Second Four-Year Transportation Program for FY 2008 through FY 2011. Supported by the \$110 million Transportation Bond approved by voters in November 2007, the Second Four-Year Plan is multi-modal and includes projects for major roadways, pedestrian and spot improvements, and transit. The Plan also includes innovative project design and delivery and programs designed to serve special populations. In addition to the 2007 Transportation Bond Projects, the Second Four-Year Plan also includes a number of projects funded through partnerships with State, Federal, and Regional agencies. The Second Four-Year Transportation Plan is designed to enhance mobility, promote safety, and create choices for the commuting public. The Plan seeks to follow an ambitious schedule to implement these projects and programs within a four-year timeframe.

This report has been compiled by Fairfax County Department of Transportation (FCDOT) staff in consultation with their implementation partners in the Department of Public Works and Environmental Services (DPWES) and the Virginia Department of Transportation (VDOT) Northern Virginia District.

Staff provides a status update every quarter for the Four-Year Program, and an annual report in the winter on all active transportation projects. The status reports are posted on the FCDOT website following the Board's review.

#### ENCLOSED DOCUMENTS:

Attachment 1: March 2009 Status Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program for FY 2008 Through FY 2011

#### 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  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT  
Brent Payne, Capital Projects Section, FCDOT

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INFORMATION - 6

Contract Award - Planning and Advisory Consultant Services Pertaining to Community Development Authorities (CDA), Tax Increment Financing (TIF) Components, and/or Other Public Financial Tools and Services

The County is undertaking planning studies in several of its planned activity centers, including Annandale, Baileys Crossroads/Seven Corners, Lake Anne, Springfield and Tysons Corner, so that these areas are planned appropriately to accommodate future growth in a way that best utilizes available land and assists in the revitalization, redevelopment and reinvestment of our older commercial areas and transit station areas into mixed use activity centers. In addition to completing, adopting and implementing the recommendations of these studies, will be Comprehensive Plan amendments for other commercial areas such as the Richmond Highway Corridor, Laurel Hill, and McLean.

As the complexity and intensity of revitalization and reinvestment activities have expanded, the County will benefit from augmenting its professional staff with experts in the field of public funding mechanisms to further the public policy and service delivery goals of the Board of Supervisors.

On January 6, 2009, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP09-107003-31) for the provision of planning and advisory consultant services pertaining to Community Development Authorities (CDA), with or without Tax Increment Financing (TIF) components, and/or other public financial tools and services.

Tasks required to be performed under this contract are to include:

- perform various analytical, negotiation, and management activities related to developing, modeling, creating, and evaluating project financing plans, including those associated with CDAs and TIFs, and/or other public financing tools and services;
- provide on-going management services for entities such as CDAs that may be created;
- conduct analyses of business and project issues and activities related to advising and assisting the County in developing proposals;
- provide analysis and evaluation of proposals as to how they align with the Board approved 16 Principles for Public Investment in Support of Commercial Redevelopment;
- provide, in conjunction with the County's existing financial and legal advisors, financial risk and cost benefit analyses of proposed TIF, CDA and/or other proposals and/or programs; and
- Provide advice on the appropriate form of public financing to achieve public goals.

The solicitation notice was sent to approximately 450 firms, and 5 firms responded with a

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proposal by the closing date of February 10, 2009. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposals, the SAC negotiated with the top ranked offerors and recommended contract award to Jones Lang LaSalle Americas, Inc. and MuniCap, Inc. Each of these firms is willing to work collaboratively with the County and other consultants to fulfill the services of the contract. They are also expected to provide positive and verifiable value added to the results of the County's business negotiations. Two firms have been selected to ensure the County can select the firm that is best suited to the individual task.

Jones Lang LaSalle Americas, Inc. (JLL) was formed in 1999 by the merger of two leading real estate services organizations – LaSalle Partners (est. 1968) and Jones Lang Wooten (est. 1783). JLL is one of the top real estate services and money management firms. The organization provides comprehensive integrated real estate advisory services on local, regional and global levels to owners, occupiers and investors. JLL is an industry leader in investment property and corporate real estate management services.

MuniCap, Inc. is a Maryland closed corporate (sole owner) and was formed in 2002, although it has been in operation since 1997 as a sole proprietorship and as the Washington area office of a California based firm. MuniCap, Inc. is a public financial consulting firm that specializes in the public finance aspects of urban renewal, economic development and public private partnerships, most often utilizing programs such as Tax Increment Financing (TIF) and Community Development Authorities (CDA). MuniCap, Inc. has extensive experience in conducting fiscal analyses for proposed TIFs and CDAs.

The Department of Tax Administration has verified that Jones Lang LaSalle Americas, Inc. and MuniCap, Inc. does not have and are not required to have a Fairfax County Business, Professional and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award two contracts. One to Jones Lang LaSalle Americas, Inc. and one to MuniCap, Inc. The contracts are each for a period of three (3) years, with four (4) one year renewal options. The total estimated amount of this contract is expected to fall within a range of \$60,000.00 to \$100,000.00 per year, depending upon need.

**FISCAL IMPACT:**

Work conducted under this contract will be the responsibility of the user agency and funded from its appropriations. The ultimate fiscal impact will be dependant on County needs, as well as the length of time that the contracts are in place. It should also be noted that the Board adopted Process for the Evaluation of Requests for Public Investment in Support of Commercial Redevelopment requires that the developer reimburse the County for the County's costs associated with the review and analysis of proposals that seek a public investment commitment.

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ENCLOSED DOCUMENTS:  
Attachment 1 - List of Offerors

STAFF:  
Edward L. Long, Jr., Deputy County Executive  
Cathy A. Muse, Director, Department of Purchasing and Supply Management  
Barbara Byron, Director, Office of Community Revitalization & Reinvestment  
Leonard P. Wales, County Debt Manager

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INFORMATION - 7

Planning Commission Action on Application 2232-M09-3, Fairfax County Park Authority,  
Mason District

On Wednesday, April 15, 2009, the Planning Commission voted unanimously (Commissioner Murphy absent from the meeting) to approve 2232-M09-3.

The Commission noted that the application, as amended, met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia.

Application 2232-M09-3 sought approval by the Fairfax County Park Authority to establish a 13.6 acre resource-based park (John C. and Margaret K. White Gardens) to provide passive recreation opportunities and facilities. The acquisition will preserve the horticultural gardens created by the Whites over the last 50 years. Upon expiration of the life estate, the site will become a public garden park. The property is located at 3301 Hawthorne Lane, Falls Church, at the end of Princess Anne Lane, east of its intersection with Holloman Road on Tax Map 60-2 ((1)) 20, 21, 22.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 4/15/09 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

David B. Marshall, Assistant Director, Planning Division, DPZ

Barbara J. Lipka, Executive Director, Planning Commission Office

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11:00 a.m.

Matters Presented by Board Members

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11:50 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. *Board of Supervisors of Fairfax County, Virginia v. Burke & Herbert Bank & Trust Company*, Case No. CL-2008-0009338 (Fx. Co. Cir. Ct.) (Mason District)
  - 2. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
  - 3. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Case No. CL-2008-0004469 (Fx. Co. Cir. Ct.)
  - 4. *Elizabeth Paoli Case, Minor #1, Valerie Martin, James Martin, Minor #2, Sarah Marin-Barrera, Carlos Mann Barrera, Minor #3, Kim Case, and Doug Pease v. The Commonwealth of Virginia, The County of Fairfax, Virginia, Michael Elliot, Michael Smith, Marc Birmingham, Ken Williams, G.E. Harvey, Unnamed State Police Officers and Unnamed Fairfax County Police Officers*, Case No. 1:08-cv-810 LMB/JFA (E.D. Va.); *Samuel Ray Case, Minor #1 and Minor #2 v. The Commonwealth of Virginia, The County of Fairfax, Virginia, Michael Elliot, Michael Smith, Marc Birmingham, Ken Williams, G.E. Harvey, Unnamed State Police Officers, and Unnamed Fairfax County Police Officers*, Case No. 1:08-cv-811 LMB/JFA (E.D. Va.)

5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen and Angelique Vereen*, Record No. 081863 (Sup. Ct. Va.) (Lee District)
6. *Glencourse Cluster Association v. Fairfax County* (Fx. Co. Bd. of Building Code Appeals) (Hunter Mill District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Forrest J. Hatcher, Sr., and Marva K. Hatcher*, Case No. CL-2008-0003912 (Fx. Co. Cir. Ct.) (Providence District)
8. *Allen Schutz v. Fairfax County Redevelopment and Housing Authority*, Case No. CL-2009-0003655 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rose Mary King*, Case No. CL-2008-0012699 (Fx. Co. Cir. Ct.) (Mason District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. W. Martin Eakes and Helen A. Eakes*, Case No. CL-2008-0016980 (Fx. Co. Cir. Ct.) (Mason District)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel D. Liang*, Case No. CL-2008-0016553 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alberto Luis*, Case No. CL-2008-0003764 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Mariano Lopez Perez*, Case No. CL-2008-0015613 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fidel M. Zoleta and Emilia M. Zoleta*, Case No. CL-2008-0006904 (Fx. Co. Cir. Ct.) (Lee District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. William F. Flores*, Case No. CL-2008-0007755 (Fx. Co. Cir. Ct.) (Sully District)

16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Efrain Abreu Jurado*, Case No. CL-2008-0009341 (Fx. Co. Cir. Ct.) (Springfield District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lucia O. Palacio*, Case No. CL-2008-0005849 (Fx. Co. Cir. Ct.) (Providence District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ominex, Inc., and Belleview SC Co., LLC*, Case No. CL-2008-0016278 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2009-0001067 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sumera A. Shaozab*, Case No. CL-2008-0013830 (Fx. Co. Cir. Ct.) (Providence District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ana Hernandez and Jose A. Hernandez*, Case No. CL-2008-0016868 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juvenal Meneses*, Case No. CL-2009-0002075 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tua Anh Ngo and Ngocnga T. Nguyen*, Case No. CL-2008-0016331 (Fx. Co. Cir. Ct.) (Providence District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nida Hassan and Tahir Hassan*, Case No. CL-2008-0008404 (Fx. Co. Cir. Ct.) (Braddock District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Juan C. Justiniano*, Case No. CL-2008-0015614 (Fx. Co. Cir. Ct.) (Lee District)

27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Andrade*, Case No. CL-2008-0016277 (Fx. Co. Cir. Ct.) (Sully District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Prospect at Evergreen, LLC*, Case No. CL-2008-0016977 (Fx. Co. Cir. Ct.) (Mason District)
29. *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)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Felix Rojas and Rosemary Rojas*, Case No. CL-2009-0005209 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
31. *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)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria T. Cortez and Selvin Valdez*, Case No. CL-2008-0016980 (Fx. Co. Cir. Ct.) (Lee District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yolanda Ramirez and Hernan Tambo*, Case No. CL-2009-0003974 (Fx. Co. Cir. Ct.) (Braddock District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rising Sun Properties, LLC*, Case No. CL-2009-0004026 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eusebio Rocha and Johnny Rocha*, Case No. CL-2009-0004027 (Fx. Co. Cir. Ct.) (Mason District)
36. *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)

37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dayton E. Biser*, Case No. CL-2009-0004209 (Fx. Co. Cir. Ct.) (Braddock District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Weiwen Gu, Lin Qi, Weijiang Gu, and Jimei Xiao*, Case No. CL-2009-0004250 (Fx. Co. Cir. Ct.) (Hunter Mill District) (Strike Team Case)
39. *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)
40. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Phillip Ha*, Case No. CL-2009-0004297 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Islamic Foundation of North America, Inc.*, Case No. CL-2009-0004498 (Fx. Co. Cir. Ct.) (Lee District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mouhammad A. Kassar, Amine M. Kassar, and Samy A. Kassar*, Case No. CL-2009-0004611 (Fx. Co. Cir. Ct.) (Lee District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. FCW, LLC*, Case No. CL-2009-0004760 (Fx. Co. Cir. Ct.) (Providence District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gary C. Smith, Trustee of the Smith Living Trust, and Carolyn W. Smith, Trustee of the Smith Living Trust*, Case No. CL-2009-0004848 (Fx. Co. Cir. Ct.) (Dranesville District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Giannina Perez*, Case No. CL-2009-0004927 (Fx. Co. Cir. Ct.) (Braddock District)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Angel A. Contreras*, Case No. CL-2009-0005034 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)

47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teodoro Rojas, Rosa Amanda Rojas, and Mario T. Rojas*, Case No. CL-2009-0005033 (Fx. Co. Cir. Ct.) (Lee District)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luis F. Becerra Barba*, Case No. CL-2009-0005210 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marguerite A. Thoburn*, Case No. 09-0006935 (Fx. Co. Gen. Dist. Ct.) (Providence District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Margaret Carey*, Case No. 09-0007026 (Fx. Co. Gen. Dist. Ct.) (Sully District)
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Margaret Gardner*, Case No. 09-0007025 (Fx. Co. Gen. Dist. Ct.) (Providence District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Jones*, Case No. 09-0007023 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hyo S. Kim*, Case No. 09-0007022 (Fx. Co. Gen. Dist. Ct.) (Sully District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Evelyn Doku*, Case No. 09-0007024 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Case No. 08-0035310 (Fx. Co. Gen. Dist. Ct.) (Providence District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cesia C. Rivera*, Case No. 08-0024757 (Fx. Co. Gen. Dist. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. Cesia C. Rivera*, Case No. 09-0005176 (Fx. Co. Gen. Dist. Ct.) (Lee District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dirar Khatib*, Case No. 08-0031565 (Fx. Co. Gen. Dist. Ct.) (Lee District)

58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sortiris P. Ioannou*, Case No. 08-0027339 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan C. Cadima*, Case No. 09-0002346 (Fx. Co. Gen. Dist. Ct.) (Mason District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter Paul Mitrano*, Case No. 08-0029359 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
61. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Ferrufino and Emma Salazar*, Case Nos. 09-0007962 and 09-0007963 (Fx. Co. Gen. Dist. Ct.) (Mason District)

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April 27, 2009

3:00 p.m.

Board Decision on the Creation of a Community Development Authority for the Mosaic - Merrifield Town Center Development (Providence District)

ISSUE:

On February 11, 2009, a petition was submitted to the Board requesting that the Board create a Community Development Authority (CDA) for the proposed Mosaic project in Merrifield, as provided by Article 6 of Chapter 51 of Title 15.2 of the Code of Virginia, as amended (the Petition). A public hearing to consider whether the Board should adopt an ordinance creating the CDA as requested by the Petition was held on March 30, 2009.

RECOMMENDATION:

The County Executive recommends that the Board adopt a new Appendix P to the Code of Fairfax pursuant to the attached Ordinance to create the Mosaic District Community Development Authority in accordance with Article 6 of Chapter 51 of Title 15.2 of the Code of Virginia.

TIMING:

Routine.

BACKGROUND:

On March 30, 2009, the Board of Supervisors held a public hearing on the Creation of a Community Development Authority for the Mosaic - Merrifield Town Center Development (Providence). As required by Va. Code Ann. section 15.2-5156, after the hearing, a copy of the proposed ordinance was mailed to the petitioning landowners, who have 30 days to decide whether to withdraw their petition, or who can elect to waive the 30 day period. If after 30 days the petition is still supported by the 51% minimum requirement, or after the 30 day period has been waived, the Board can adopt the ordinance or resolution and create the CDA. The two property owners, Edens & Avant and NAI have both submitted a letter waiving the 30 day requirement, the former on April 3, 2009, and the latter on April 8, 2009.

By law the Board may create a CDA if petitioned to do so by the owners of at least 51% of the land area or assessed value of land proposed to be included in the requested CDA. The Petition was submitted by entities collectively purporting to own all of the real property within the proposed CDA, as well as by entities claiming to have a contract right to purchase some of that property from one of the petitioning owners.

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On July 21, 2008, the Board of Supervisors adopted 16 Principles for Public Investment in Support of Commercial Redevelopment (“Principles”) in order to provide policy guidance related to requests for public investment in designated redevelopment, revitalization and other strategic areas of the County and endorsed a process whereby such requests would be evaluated.

The County has various funding methods available that can be used to assist commercial investment. One mechanism by which public investment may be requested is through the establishment of a CDA, which can be established to provide a broad range of infrastructure and services. A CDA is established by petition to the Board from a majority (51%) of land owners within a proposed area, and is governed by appointees of the Board of Supervisors. The 51% can be based on either land area or assessed value. A CDA is a flexible tool that can be funded by ad valorem special taxes or special assessments, as negotiated with petitioners; it typically covers relatively small area (i.e., a single shopping mall; a downtown redevelopment area; a mixed use housing development; single or small group of owners); and, no general fund or debt impact is intended, unless the CDA is coupled with tax increment financing.

Pursuant to Article 6 of Title 15.2 of the Code of Virginia, prior to accepting any petitions for the creation of a CDA, the Board must act to assume the power to consider such request. The Board held a public hearing on September 8, 2008, after which the Board adopted an ordinance by which the County assumed the power to consider petitions for the establishment of CDAs.

On October 15, 2007, The Board of Supervisors approved RZ 2005-PR-041, a request by Edens & Avant to rezone 31.31 acres of land to the PDC and PRM Districts in order to develop the portion of Merrifield designated as the town center in the Comprehensive Plan. The site is located south of Lee Highway/Rt. 29, west of Yates Way, east of Eskridge Road and north of the Luther Jackson Middle School. The project was approved for approximately 1000 dwelling units, a multi-plex theatre, 125,000 square feet of office space, 500,000 square feet of other non-residential uses and a 150 room hotel. Among the improvements are two parks, the realignment and widening of Eskridge Road, the widening of Lee Highway, improvements to the Lee Highway/Gallows Road intersection and construction of a grid of streets. Virtually all parking will be provided in structures.

Early in 2007, Edens & Avant requested that the County consider the establishment of a CDA and to permit the CDA to issue bonds in order to assist in the funding of the public infrastructure associated with the project. The petition submitted by Edens & Avant is Attachment 1. County staff and the County’s consultants – MuniCap, Inc. and Public Financial Management (PFM) – have evaluated the information submitted by Edens & Avant and negotiated terms and conditions of a CDA with them that are contained in the

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Memorandum of Understanding (MOU) which is an attachment to the Petition in Attachment 1. In summary, Edens & Avant proposes to:

- establish a CDA for the site under a Memorandum of Understanding (MOU) with the County. The CDA would include only this one site, and thus meets the test of 51% of the land or assessed value within a proposed CDA area.
- fund a 30 million dollar portion of the public facilities to be constructed on the site through a 30 year bond to be issued by the CDA whose debt service will be paid by a self assessment.
- fund a 42 million dollar portion of the public facilities to be constructed on the site (road improvements, parks, and a small portion of the parking garage) through a 22 year bond also issued through the CDA whose debt service will be paid through incremental real estate tax revenues. Liability for the debt service will be secured by the CDA, not the County.

In the evaluation of the proposal, the “but for” test was utilized. This test consists of an evaluation as to whether the project would or would not occur without the assistance. In this instance, the evaluation concluded that the project, without assistance, would generate a rate of return (approximately 5%) that is too low for the project to proceed; with the bonds, the rate of return is projected to be approximately 6%, still a low number.

The project’s finances were evaluated to determine how much assistance in the form of bonds should be considered. Three factors were looked at – how much is necessary to make the project feasible; how much can the County afford while still receiving an adequate return on the project; and, what can the projected revenues support. In this instance, the last constraint was the controlling factor. In reaching the conclusion that a 42 million dollar, 22 year bond was appropriate, the fundamental analysis consisted of determining the base value, which is the pre-rezoning 2007 assessed value (approximately 38 million dollars) and subtracting that from the projected assessed value after development (approximately 483 million dollars), resulting in an incremental assessed value of approximately 445 million dollars. Projections are then made as to yearly real property revenues above the base value, less debt service for the bond, which results in an increase in real property taxes of approximately \$966,000 per year. When revenues from other sources, such as BPOL and personal property, are added, annual net County revenues amount to approximately \$7.2 million per year, which, when additional operating expenses are subtracted, leaves a net surplus to the County of approximately \$4.8 million per year, or \$248 million over a 30 year period. Other tangible impacts, such as added employment and wages, and intangible benefits, including the creation of the town center and the impetus for additional development in Merrifield, provide additional benefits as a result of the creation of the CDA with the ability to issue the bonds as described previously.

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It is staff's evaluation that the proposal for a CDA with bond financing complies with the Board's 16 Principles for Public Investment in Support of Commercial Redevelopment.

On September 10, 2008, the Community Revitalization and Reinvestment Advisory Board considered the proposal and approved unanimously the following statement:

"The Committee supports the formation of the proposed Community Development Authority (CDA) for Merrifield and finds that the Tax Increment Financing (TIF) plan proposed for this CDA is consistent with the principles supported by the CRRAG and approved by the Board of Supervisors. The CRRAG commends the developer and staff for the hard work that got us here today and the thoroughness of the presentations."

This item was presented to the Board's Revitalization and Reinvestment Committee on November 17, 2008.

If the Board elects to create the CDA, it will also need to appoint a Board of Directors of the CDA. It is recommended that a 5 person Board be created, and that its membership consist of: the Providence District Supervisor, another member of the Board of Supervisors, the Director of the Fairfax County Office of Community Revitalization and Reinvestment, a representative of the landowners and a representative from the community. A list of proposed appointees will be presented to the Board for its consideration at a future date.

FISCAL IMPACT:

The creation of the CDA will have no fiscal impact. Prior to the issuance of any bonds, the staff will return to the Board for additional approvals.

ENCLOSED DOCUMENTS:

Attachment 1: CDA Petition submitted by Edens & Avant, which includes the proposed MOU as Exhibit E were previously distributed to the Board; copies are available at the Office of the Clerk to the Board

Attachment 2: Proposed CDA Ordinance

STAFF:

Anthony H. Griffin, County Executive

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment

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

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3:30 p.m.

Public Hearing on Amendments to The Code of the County of Fairfax, Virginia, Articles 2, 3 and 7 of Chapter 3 Regarding Changes to Allow Surviving Spouses of Deceased Members to Continue Receiving Benefits When They Remarry - for the Uniformed, Police Officers and Employees' Retirement Systems

ISSUE:

Board approval of Amendments to Articles 2, 3 and 7 of Chapter 3, County Employees. These changes to the Uniformed, Police Officers and Employees' Retirement Systems allow the surviving spouses of deceased members to continue receiving benefits when they subsequently remarry.

RECOMMENDATION:

The County Executive recommends that the Board approve the amendments to the Uniformed, Police Officers and Employees' Retirement Systems.

TIMING:

Board action is requested on April 27, 2009. The Public Hearing was authorized on February 23, 2009.

BACKGROUND:

The ordinances of the three Fairfax County Retirement Systems provide designated benefits to surviving spouses of members. These benefits terminate under certain circumstances, as follows:

1. Police Officers Retirement System
  - a. The surviving spouse of a member who dies before or during retirement is entitled to receive a flat rate per month, which is increased annually by the lesser of four percent (4%) or the increase in the Consumers Price Index. Currently, this flat monthly rate is \$2,010.54. This benefit ceases upon the spouse's remarriage (at any age).
  - b. The surviving spouse of a member killed while in the performance of official duties may elect to receive a benefit of sixty-six and two-thirds percent (66 2/3%) of the member's current salary in lieu of the benefit explained in I.A above. This benefit ceases upon the spouse's remarriage (at any age).
2. Employees' and Uniformed Retirement Systems

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3. Should death occur to a member before retirement who has completed five (5) years of service, the surviving spouse may elect to receive either a) a monthly benefit of fifty percent (50%) of the retirement allowance based on creditable service and average final compensation as of the member's death, or b) a lump sum of the member's contributions plus interest. If the monthly benefit (explained in II.a above) is selected, the benefit ceases if the spouse remarries prior to age sixty (60).

These changes to the ordinances of the three Fairfax County Retirement Systems would allow surviving spouses of deceased members to continue receiving benefits from the Systems when they subsequently remarry.

Note that staff has queried other governmental entities regarding their policies on benefits to surviving spouses upon remarriage:

1. Federal Government – The annuity to a surviving spouse terminates if s/he remarries prior to age 55. However, the annuity does not terminate if the surviving spouse was married at least thirty (30) years to the member on whose service the annuity is based.
2. Virginia Retirement System – The annuity to a surviving spouse continues regardless of remarriage.
3. Montgomery County, Maryland – The annuity to a surviving spouse continues regardless of remarriage.

FISCAL IMPACT:

The actuary has determined that changing the ordinances to allow surviving spouses to continue receiving System benefits when they remarry would "...not result in an actuarial impact to any of the Fairfax Retirement Systems."

ENCLOSED DOCUMENTS:

Attachment 1: Amendment to Chapter 3, Section 3-2-42  
Attachment 2: Amendment to Chapter 3, Section 3-3-44  
Attachment 3: Amendment to Chapter 3, Section 3-7-41  
Attachment 4: Amendment to Chapter 3, Section 3-7-43  
Attachment 5: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Jack Sahn dated December 19, 2008

STAFF:

Robert L. Mears, Executive Director, Fairfax County Retirement Systems  
Susan Woodruff, Director, Department of Human Resources

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3:30 p.m.

Public Hearing on Amendments to The Code of the County of Fairfax, Virginia, Articles 2 and 3 of Chapter 3 Regarding Changes in Service Credit for Military Leave Without Pay for the Uniformed and Employees' Retirement Systems

ISSUE:

Board approval of amendments to Articles 2 and 3 of Chapter 3, County Employees. These changes to the Uniformed and Employees' Retirement Systems provide members with free service credit for periods of Military Leave Without Pay (MLWOP).

RECOMMENDATION:

The County Executive recommends that the Board approve the amendments to the Uniformed and Employees' Retirement Systems .

TIMING:

Board action is requested on April 27, 2009. Public Hearing was authorized on February 23, 2009.

BACKGROUND:

Members of the Police Officers Retirement System (PORS) are entitled to free service credit for periods of MLWOP, as provided for in the Fairfax County Code. However, members of the Uniformed Retirement System (URS) and the Employees' Retirement System (ERS) who return to County employment from a period of MLWOP must make those employee contributions that would have been made but for the military service in order to receive service credit for a period of MLWOP. (Note that for all three Systems, there are no corresponding employer contributions specifically identified when military service is claimed/purchased.)

These changes to the ordinances of the URS and the ERS would provide members with free service credit for periods of MLWOP, thereby achieving equity with members of the Police Officers Retirement System.

FISCAL IMPACT:

The actuary has determined that "Changing the ordinances of the ERS and URS to make them consistent with the PORS may produce a slight increase in liability to those Systems. Since there are more employees known to have military service in the URS than there are in the ERS, the liability increase would be greater in that plan... After reviewing

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information gathered to date on employees who have reported military service without pay, we anticipate that the cost impact of making this change would be minimal. The waiver of member contributions may lead to an increase in URS liability of around \$200K. Since this cost would arise over a number of months or years, it would not have an impact on the Plan's funding. The impact on the ERS plan would be negligible."

ENCLOSED DOCUMENTS:

Attachment 1: Amendment to Chapter 3, Section 3-3-25

Attachment 2: Amendment to Chapter 3, Section 3-2-24

Attachment 3: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Jack Sahn dated January 23, 2009

STAFF:

Robert L. Mears, Executive Director, Fairfax County Retirement Systems

Susan Woodruff, Director, Department of Human Resources

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3:30 p.m.

Public Hearing on RZ 2007-LE-007 (Franconia Two LP) to Rezone from C-7, C-8, HC and SC to PDC, HC and SC to Permit Mixed Use Development with an Overall Floor Area Ratio of 1.71, Located on Approximately 78.52 Acres, Lee District

The application property is located south of Franconia Road, east of Loisdale Road, west of Frontier Drive, and north of Spring Mall Road, Tax Map 90-2 ((1)) 81A, 98 and 90-2 ((13)) 1, 2, 3, 4A1, 5A1 and 6.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 12, 2009, the Planning Commission voted 8-0-1 (Commissioner Hart abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2007-LE-007, subject to the execution of proffers consistent with those dated February 11, 2009, and the CDP Development Conditions dated February 12, 2009;
- Modification of the required number of loading spaces, as required by the Zoning Ordinance;
- Modification of the minimum eight-foot planting width requirement for trees, as required by the Public Facilities Manual;
- Waiver of the transitional screening yard and barrier requirements between uses on the site;
- Modification of the peripheral parking lot landscaping requirement to that shown on the CDP/FDP;
- Waiver of the interior parking lot landscaping requirement for all existing parking structures;
- Modification of the trail requirement per the Comprehensive Plan for the perimeter of the site;
- Waiver of the 600-foot maximum length requirement for private streets; and
- Modification of the 50 percent limitation on residential as a secondary use in the PDC District.

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The Planning Commission voted 8-0-1 (Commissioner Hart abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting) to request that the Board review and consider alterations to the Development Conditions, relative to both height and square footage.

The Commission also voted 8-0-1 (Commissioner Hart abstaining; Commissioners Alcorn, Hall, and Harsel absent from the meeting) to approve FDP 2007-LE-007, subject to Board approval of RZ 2007-LE-007 and the Conceptual Development Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item  
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3:30 p.m.

Public Hearing on SE 2008-DR-037 (Mark and Lyn McFadden) to Permit Office Use in Existing Residence and Waivers of Minimum Lot Size, Width and Yard Requirements in a CRD, Located on Approximately 9,375 Square Feet Zoned R-3, CRD, HC and SC, Dranesville District

The Planning Commission held its public hearing on SE 2008-DR-037 on Thursday, April 16, 2009, and deferred its decision to April 30, 2009. The Board of Supervisors public hearing has been rescheduled to May 4, 2009, at 3:30 p.m.

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4:00 p.m.

Public Hearing on PRC 86-C-121 (Oracle USA, Inc.) to Approve the PRC Plan Associated with RZ 86-C-121 to Permit a Third Office Building and Associated Parking Structure, Located on Approximately 3.9 Acres Zoned PRC, Hunter Mill District

The application property is located at 1900 Oracle Way, Tax Map 17-4 ((1)) 7A pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 26, 2009, the Planning Commission voted unanimously (Commissioners Hall, Harsel, Murphy, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PRC 86-C-121, subject to the Development Conditions dated February 11, 2009; and
- Modification of the trail width requirement, as shown on the plat.

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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4:00 p.m.

Public Hearing on RZ 2008-SP-012 (11-7 Associates, LLC) to Rezone from R-1 to C-2 to Permit Commercial Development (Office) with an Overall Floor Area Ratio (FAR) of 0.22. Located on Approximately 2.09 Acres, Springfield District

The application property is located on the south side of Lee Highway, east of its intersection with McKenzie Avenue, Tax Map 56-2 ((1)) 66.

PLANNING COMMISSION RECOMMENDATION:

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

- Approval of RZ 2008-SP-012, subject to the execution of proffers consistent with those dated February 9, 2009, with the addition of a proffer addressing maintenance of landscaping;
- Modification of the barrier requirement along the eastern property line to allow for a four-foot tall fence in lieu of a seven-foot tall brick or architectural block wall;
- Modification of the 25-foot transitional screening yard on the eastern property line to allow a taper to a minimum of 12 feet along the cemetery property;
- Modification of the transitional screening yard requirements to allow a two-thirds reduction of the 35-foot transitional screening yard along the eastern edge of the property to allow a 12-foot screening yard along the residential parcels to the east;
- Modification of the barrier requirement along the eastern property line to allow for a three-foot high screening/safety wall along the residential parcels to the east;
- Waiver of the 35-foot transitional screening yard and barrier requirement along the Lee Highway frontage of the property; and
- Modification of the transitional screening yard requirements to allow a two-thirds reduction of the required 25-foot transitional screening yard along the southern property line and construction of a seven-foot tall brick or architectural block wall.

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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

Board Agenda Item  
April 27, 2009

4:00 p.m.

Public Hearing to Establish the St. John Community Parking District (Lee District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on March 30, 2009, for April 27, 2009, at 4:00 p.m.

BACKGROUND:

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

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

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April 27, 2009

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 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 St. John CPD

STAFF:

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

Board Agenda Item  
April 27, 2009

4:00 p.m.

Public Hearing to Establish the Robin Glen Community Parking District (Providence District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on March 30, 2009, for April 27, 2009, at 4:00 p.m.

BACKGROUND:

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

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

Board Agenda Item  
April 27, 2009

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 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 Robin Glen CPD

STAFF:

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

Board Agenda Item  
April 27, 2009

4:00 p.m.

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Courthouse Road as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

Public hearing for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Courthouse Road between Chain Bridge Road and Sutton Road

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution endorsing this road to be included in the RTAP for a through truck traffic restriction.

TIMING:

On March 30, 2009, the Board authorized advertisement of a public hearing scheduled for April 27, 2009, 4:00 p.m.

BACKGROUND:

On December 10, 2008, Supervisor Smyth requested staff to work with the Virginia Department of Transportation (VDOT) to implement through truck traffic restrictions on a portion of Courthouse Road due to continuing safety concerns of residents regarding through trucks utilizing Courthouse Road. A possible alternate route is via Chain Bridge Road, from the intersection of Chain Bridge Road and Courthouse Road to the intersection of Chain Bridge Road and Sutton Road, and then via Sutton Road to the intersection of Sutton Road and Courthouse Road. (Attachment II).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on a portion of this road (Attachment I) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the through truck restriction request.

FISCAL IMPACT:

None.

Board Agenda Item  
April 27, 2009

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution to Restrict Through Truck Traffic on Courthouse Road  
Attachment II: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
William P. Harrell, Transportation Planner, FCDOT  
Steven K. Knudsen, Transportation Planner, FCDOT

Board Agenda Item  
April 27, 2009

4:30 p.m.

Public Hearing on SE 2008-SU-032 (LB Franklin Farm LLC) to Permit a Fast Food Restaurant, Located on Approximately 35,895 Square Feet Zoned PDH-2 and WS, Sully District

The application property is located at 13354 Franklin Farm Road Tax Map 35-1 ((4)) (22) 2B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 12, 2009, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend that the Board of Supervisors approve SE 2008-SU-032, subject to the proposed Development Conditions dated March 10, 2009.

In a related action, the Planning Commission unanimously voted (Commissioners Hall and Harsel absent from the meeting) to approve FDPA C-118-17, subject to the proposed Development Conditions dated February 25, 2009.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
April 27, 2009

4:30 p.m.

Public Hearing on PCA 80-L-004 (Loisdale Road, LLC) to Amend RZ 80-L-004 Previously Approved for Commercial Development to Amend the Proffers and to Permit Associated Modifications to Site Design to Permit a Single Office Building with an Overall Floor Area Ratio of 0.50, Located on Approximately 2.73 Acres Zoned C-2, Lee District

The application property is located on the east side of Henry G. Shirley Memorial Hwy (I-95), south of Loisdale Park and on the west side of the Richmond Fredericksburg Railway 2B. Tax Map 90-4 ((1)) 3.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 18, 2009, the Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 80-L-004, subject to the execution of proffers consistent with those dated March 6, 2009; and
- Waiver of the loading space requirement to permit one loading space in lieu of four loading spaces.

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  
April 27, 2009

4:30 p.m.

Public Hearing on PCA-C-491-02 (T&M Mclean Venture LLC) to Amend the Proffers for RZ C-491 Previously Approved for Commercial Development to Permit Site Modifications and Associated Modifications to Proffers and Site Design with An Overall Floor Area Ratio of 0.52, Located on Approximately 4.43 Acres Zoned C-2, CRD and SC, Dranesville District

The application property is on the south side of Chain Bridge Road approximately 800 feet east of its intersection with Westmoreland Street, Tax Map 30-2 ((1)) 23.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 16, 2009, the Planning Commission voted unanimously (Commissioners de la Fe and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA C-491-02, subject to the execution of proffers consistent with those dated April 13, 2009, with proffer #8 revised to read:

“Prior to site plan submission, the applicant shall coordinate with Urban Forest Management (UFM) to establish the required limits of clearing and grading and field delineation in order to maximize tree preservation and minimize the impact of construction/landscaping activities on the 12-inch diameter red maple and the 20-inch pin oak identified by staff. The applicant shall comply with these limits to maximize the likelihood of survival for these trees and shall utilize welded wire fencing protection, as approved by UFM.”

- Modification of the transitional screening requirements in favor of that shown on the Generalized Development Plan (GDP); and
- Reduction of the parking requirement in a Commercial Revitalization District by up to 4%, as generally depicted on the GDP.

The Commission voted 9-0-1 (Commissioner Harsel abstaining; Commissioners de la Fe and Murphy absent from the meeting) to recommend that the Board of Supervisors waive the required on-road bike lane along the Chain Bridge Road frontage of the site.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

Board Agenda Item  
April 27, 2009

STAFF:

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

Board Agenda Item  
April 27, 2009

5:00 p.m.

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

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