

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
DECEMBER 7, 2009**

AGENDA

9:30	Done	Presentations
10:00	Done	Presentation of the Lawrence V. Fowler Award
10:00	Adopted	Board Adoption of the 2010 Legislative Program for the Virginia General Assembly, Approval of the County's 111 th Congress Federal Appropriations Requests for FY 2011, and Adoption of Principles for Federal Legislation for the 111 th Congress
10:15	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:15	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Streets into the Secondary System (Providence District)
2	Approved	Authorization to Advertise a Public Hearing to Lease County-Owned Property to Clear Wireless, LLC (Providence District)
3	Approved	Authorization to Advertise a Public Hearing to Lease County-Owned Property to Washington, D.C. SMSA Limited Partnership d/b/a Verizon Wireless (Providence District)
4	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7900 Rolling Road (Mount Vernon District)
5	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5120 Veronica Road (Sully District)
6	Approved	Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Limitations on Yards that Abut Outlots that are Contiguous to Streets
7	Approved	Authorization to Advertise a Public Hearing to Establish the Timber Ridge Community Parking District (Springfield District)
8	Approved	Approval of Traffic Calming Measures and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Providence, Sully and Braddock Districts)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
DECEMBER 7, 2009**

**ADMINISTRATIVE
ITEMS**

(continued)

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| 9 | Approved | Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Lee, Mason, Mount Vernon, Providence, Springfield, and Sully Districts) |
| 10 | Approved | Authorization for the County to Accept Grant Funding from the U.S. Department of Energy for the Energy Efficiency and Conservation Block Grant Program |
| 11 | Approved | Supplemental Appropriation Resolution AS 10097 for the Fairfax County Police Department to Accept Funding from the Virginia Department of Transportation for Traffic Management Related to the Construction of the Dulles Corridor Metrorail Project |
| 12 | Approved | Approval of Criteria for Disbursement of Reserve Funds for Emergency Support for Community Organizations |

ACTION ITEMS

- | | | |
|---|---------------------------------|--|
| 1 | Approved | Authorization for the County Executive to Execute an Agreement for the Sale, Delivery, and Use of Reclaimed Water Between Covanta Fairfax, Inc. and Fairfax County |
| 2 | Approved | Authorization of an Amendment to Service Agreement Among Fairfax County, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. (Service Agreement) Relating to the Sale, Delivery and Use of Reclaimed Water |
| 3 | Approved | Adoption of a Resolution Extending the Term of Existence of Fairfax County Water Authority ("Fairfax Water") |
| 4 | Approved | Endorsement of Braddock Road/Route 123 Conceptual Interchange and Interim Improvements Study (Braddock and Springfield Districts) |
| 5 | Approved | Approval of Amended Parking Reduction for Promenade at Tysons West (Hunter Mill District) |
| 6 | Approved | Approval of Amended Parking Reduction for Dunn Loring Merrifield Metro Center (Providence District) |
| 7 | Approved
w/amendment | Approval of Comments on the Draft Report "REGION FORWARD - Greater Washington 2050: COG's Vision for the National Capital Region in the Twenty-First Century" |

**FAIRFAX COUNTY
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ACTION ITEMS

(continued)

- | | | |
|---|-----------------|---|
| 8 | Approved | Endorsement of the Chief Administrative Officers Task Force's Comments Regarding the Preliminary FY 2011 Virginia Railway Express Budget |
| 9 | Approved | Authorization for the County Executive to Execute a Funding Agreement for the County to Accept Federal Stimulus Grant Funding from the Virginia Resources Authority (VRA) |

**INFORMATION
ITEMS**

- | | | |
|-------|--------------|---|
| 1 | Noted | Contract Awards and Approval of Street Acceptance Items During the Period Between the December Board Meeting and the First Board Meeting in January |
| 2 | Noted | Contract Award - Wastewater Basic Ordering Agreements |
| 3 | Noted | Project Agreement Amendment with the Virginia Department of Transportation (VDOT) for the NoVi Trail - Walk Along Beulah Road (Hunter Mill District) |
| 4 | Noted | Project Agreement Between the Natural Resources Conservation Service, the Northern Virginia Soil and Water Conservation District, and Fairfax County for the Rehabilitation of Pohick Creek Damsite Number 3, Woodglen Lake (Braddock District) |
| 5 | Noted | Presentation of the Fiscal Year 2009 Comprehensive Annual Financial Report (CAFR) |
| 6 | Noted | Contract Amendment – Rinker Design Associates, P.C. for Professional Services for the Construction of the Olley Glen Senior Housing Project (Braddock District) |
| 7 | Noted | Contract Award – J.E.B. Stuart Park Athletic Field Lighting and Related Electrical Work (Mason District) |
| 10:45 | Done | Matters Presented by Board Members |
| 11:35 | Done | Closed Session |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
DECEMBER 7, 2009**

PUBLIC HEARINGS

3:00	Approved	Special Meeting of the Fairfax County Solid Waste Authority to Authorize an Amendment to Service Agreement Among Fairfax County, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. (Service Agreement) Relating to the Sale, Delivery and Use of Reclaimed Water
3:00	Public hearing deferred 1/12/10 at 3:30 p.m.	Public Hearing on SE 2008-MV-031 (Trustees for Mount Vernon Lodge No. 219, A.F. & A.M., New Cingular Wireless PCS, LLC D/B/A AT&T Mobility and T-Mobile Northeast, LLC) (Mount Vernon District)
3:00	Approved	Public Hearing on SEA 89-L-080 (Sunoco, Inc. (R&M)) (Lee District)
3:00	Approved	Public Hearing on RZ 2009-LE-008 (Kingstowne Gas Station LP) (Lee District)
3:00	Approved	Public Hearing on RZ 2009-LE-009 (Kingstowne Gas Station LP) (Lee District)
3:00	Approved	Public Hearing on PCA-C-448-32 (Kingstowne Gas Station LP) (Lee District)
3:00	Public hearing deferred to 1/12/10 at 3:30 p.m.	Public Hearing on PCA 87-S-023-03 (Costco Wholesale Corporation) (Springfield District)
3:00	Public hearing deferred to 1/12/10 at 3:30 p.m.	Public Hearing on SE 2007-SP-001 (Costco Wholesale Corporation) (Springfield District)
3:30	Approved	Public Hearing on PCA 2007-PR-001 (DSF/Long Metro II, LLC and DSF/Long Metro III LLC) (Providence District)
3:30	Public hearing deferred to 1/26/10 at 3:30 p.m.	Public Hearing on RZ 2009-DR-016 (Madison Building Associates LLC and Second Madison Building Associates LLC) (Dranesville District)
3:30	Public hearing deferred 12/21/09 at 11:00 a.m.	Public Hearing on RZ 2009-SU-020 (Trustees of the Light Global Mission Church) (Sully District)
3:30	Public hearing deferred 12/21/09 at 11:00 a.m.	Public Hearing on PCA 83-C-021-02 (Trustees of the Light Global Mission Church) (Sully District)
3:30	Approved	Public Hearing on SEA 85-M-101-03 (T-Mobile Northeast LLC) (Mason District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
DECEMBER 7, 2009**

PUBLIC HEARINGS
(continued)

4:00	Approved	Public Hearing on a Proposed Amendment to the Public Facilities Manual Related to Traffic Calming and Cut-Through Measures
4:00	Approved	Public Hearing to Establish the Amberwood Community Parking District (Hunter Mill District)
4:00	Approved	Public Hearing to Consider Adopting an Ordinance Establishing the George Mason University Residential Permit Parking District, District 40 (Braddock District)
4:00	Approved	Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)
4:00	Approved	Public Hearing to Establish the Franklin Farm Community Parking District (Sully District)
4:30	Approved	Public Hearing on a Proposed Cut-Through Traffic Mitigation Plan for Sutton Road as Part of the Residential Traffic Administration Program (Providence District)
4:30	Approved abandonment of a portion of Woodlawn Road; discontinuance of remaining ROW to be considered at a future date	Public Hearing on a Proposal to Abandon Segments of Beulah Street (Route 613) and Woodlawn Road (Route 618) (Mount Vernon District)
4:30	Approved	Public Hearing to Consider Amending Fairfax County Code Section 82-5-7 Related to Parking of Commercial Vehicles in Residential Districts
4:30	Approved	Public Hearing on Proposed Revisions to Chapter 3, Article 6 of the <i>Code of Fairfax County, Virginia</i> to Abbreviate the Deferred Compensation Ordinance by Authorizing Maintenance of a Separate Deferred Compensation Plan Document
4:30	Adopted resolutions; final adoption set for 12/21/09 at 11:00 a.m.	Public Hearing on the Question of Creating a Phase II Dulles Rail Transportation Improvement District (Dranesville and Hunter Mill Districts)
5:00	Done	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
December 7, 2009

9:30 a.m.

PRESENTATIONS:

1. CERTIFICATE – To recognize the principal and staff of Mountain View Alternative High School for its program. Requested by Supervisors Frey and Herrity.
2. RESOLUTION – To recognize the Fairfax County Volunteer Fire and Rescue Association for its 80th anniversary. Requested by Chairman Bulova.
3. CERTIFICATE – To recognize the leadership of Accotink Unitarian Universalist Church, Burke United Methodist Church and Durga Temple for being the first organizations to support the Senior Center Without Walls. Requested by Chairman Bulova and Supervisors Herrity and Cook.
4. CERTIFICATE – To recognize the Women’s Group of Mount Vernon for its work to keep victims of domestic violence safe and offenders accountable. Requested by Chairman Bulova and Supervisors Hyland and McKay.
5. CERTIFICATE – To recognize Bobby Dittmann for his years of service to Fairfax County. Requested by Supervisor Hyland.
6. CERTIFICATE – To recognize the Greater Springfield Area Chamber of Commerce, commercial property owners and businesses for adopting a portion of the VDOT right of way to mow during 2009. Requested by Chairman Bulova, and Supervisors McKay, Cook and Herrity.

— more —

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7. CERTIFICATE – To recognize the Department of Public Works and Environmental Services for receiving a Platinum Peak Award from the National Association of Clean Water Agencies. Requested by Supervisor Hyland.

STAFF:

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

Board Agenda Item
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10:00 a.m.

Presentation of the Lawrence V. Fowler Award

ENCLOSED DOCUMENTS:

None

STAFF:

Sharon Bulova, Chairman, Board of Supervisors

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Board Agenda Item
December 7, 2009

10:00 a.m.

Board Adoption of the 2010 Legislative Program for the Virginia General Assembly, Approval of the County's 111th Congress Federal Appropriations Requests for FY 2011, and Adoption of Principles for Federal Legislation for the 111th Congress

ISSUE:

Board adoption of a legislative program for the 2010 Session of the Virginia General Assembly and Board approval of items identified for FY 2011 federal appropriations requests for the 111th Congress as well as principles for federal legislation in the 111th Congress.

TIMING:

Immediate. On November 16, 2009, the Board of Supervisors held a public hearing on the 2010 Legislative Program. This program will be presented at the Board's work session with the members of the Fairfax County Delegation to the Virginia General Assembly on December 9, 2009.

Board action is also requested at this time in order to formally submit requests to Fairfax County's Congressional Delegation for the 111th Congress. County staff will begin the process of completing formal applications for each request as required by the House and Senate Appropriations Committees. The Chairman and Legislative Chairman of the Board will present the requests to individual members of the Fairfax County Delegation at a series of scheduled meetings on Capitol Hill.

BACKGROUND:

The draft State legislative program has been developed over the past several months by the Legislative Committee of the Board. The program contains the Committee's recommended legislative initiatives and positions for the County at the 2010 Session of the Virginia General Assembly; an issue paper on human services needs is included as an addendum to this program. After adoption by the Board, final versions of these documents will be available at www.fairfaxcounty.gov/government/board. In preparing this package, the Committee has considered the County's legislative needs and opportunities and has endeavored to maintain a program of priority legislative requests. The Legislative Committee will continue to meet, generally on a weekly basis, throughout the Session to monitor legislation and recommend positions for adoption at regular Board meetings.

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The draft Federal appropriations requests were also developed as part of the Legislative Committee process. Preliminary discussions took place at the October 26, 2009, meeting, and the committee reviewed staff recommendations at the November 4, 2009, meeting. Staff recommendations presented to the Committee focused on areas determined to be of strategic importance to the County, including transportation, Base Realignment and Closure (BRAC), public safety, and the environment. Specifics on general budget items as well as the County's appropriations requests will be reported periodically to the Board as the federal appropriations process progresses.

Finally, draft Principles for Federal Legislation in the 111th Congress are attached. These principles contain the Legislative Committee's recommended positions for the County during the 111th Congressional session.

ENCLOSED DOCUMENTS:

Attachment 1 -- Draft Fairfax County Legislative Program for the 2010 Virginia General Assembly

Attachment 2 – 2010 Draft Human Services Issue Paper

Attachment 3 – Draft Principles for Federal Legislation – 111th Congress

Attachment 4 – Draft FY 2011 Federal Appropriations Funding Requests to the 111th Congress

STAFF:

Anthony H. Griffin, County Executive

Susan E. Mittereder, Legislative Director

Katharine D. Ichter, Director, Department of Transportation

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10:15 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard December 7, 2009

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item
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ADMINISTRATIVE – 1

Streets into the Secondary System (Providence District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Hunting Ridge Section 2	Providence	Chain Bridge Road (Rte 3547) (Additional Right of Way 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 Forms

STAFF:

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

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Board Agenda Item
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ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Lease County-Owned Property to Clear Wireless, LLC (Providence District)

ISSUE:

Authorization to advertise a public hearing to lease County-Owned property to Clear Wireless, LLC., for the installation of a high speed internet hub station.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement of a public hearing to be held on January 12, 2010, at 4:00 p.m.

TIMING:

Board action is requested on December 7, 2009, to provide sufficient time to advertise the proposed public hearing on January 12, 2010, at 4:00 p.m.

BACKGROUND:

The Board of Supervisors is the owner of real property located at 4100 Chain Bridge Road (Tax Map 57-4 ((01)) 14) and commonly referred to as the Massey building. Clear Wireless seeks to install antennas on the existing Sprint/Nextel roof top sled mounts on the Massey building and equipment cabinets in the Massey communications penthouse room. The total area for the internet hub station will be approximately 100 square feet. The high speed internet hub station will consist of four (4) 16", four (4) 26.1" and two (2) 35" dish antennas and three (3) 43"x12"x5" panel antennas and two (2) equipment cabinets 75"x36"x30".

The proposed internet hub station is a vital component of Clear Wireless area-wide wireless network. Clear Wireless 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. Clear Wireless has no coverage in the area surrounding the Massey facility and by locating on the Massey facility; Clear Wireless will be able to begin providing coverage. Also, the proposed internet station will have less visual impact on nearby residential properties than a new monopole or other structure located elsewhere in the vicinity.

On Thursday, October 15, 2009, the Planning Commission voted unanimously that the high speed internet station proposed by Clear Wireless, LLC. and located at 4100 Chain

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Bridge Road (Tax Map 157-4 ((1)) 14), 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 Clear Wireless that the Board enter into a communications lease with Clear Wireless to permit the installation of a new high speed internet hub station at 4100 Chain Bridge Road. The proposed lease will have an initial term of five years with 3 five year options.

FISCAL IMPACT:

The proposed roof top lease will generate \$20,000 the first year with a 3% annual increase in revenue for the County of Fairfax.

ENCLOSED DOCUMENTS:

Attachment A: Tax Map 57-4

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Lease County-Owned Property to Washington, D.C. SMSA Limited Partnership d/b/a Verizon Wireless (Providence District)

ISSUE:

Authorization to advertise a public hearing to lease County-Owned property to Verizon Wireless for the purpose of installing a telecommunications base station.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement of a public hearing to be held on January 12, 2010, at 4:00 p.m.

TIMING:

Board action is requested on December 7, 2009, to provide sufficient time to advertise the proposed public hearing on January 12, 2010, at 4:00 p.m.

BACKGROUND:

The Board of Supervisors is the owner of real property located at 3300 Gallows Road (Tax Map 59-2 ((1)) 1A). Verizon Wireless is currently expanding their network in the Baltimore/Washington/Northern Virginia area and identified a Fairfax County Water Authority water tower and the associated ground area as an excellent location for a base station for their telecommunications network.

Verizon Wireless plans to install a telecommunications facility on an existing 183.5 foot tall Fairfax County Water Authority water tank located within close proximity of Fairfax Hospital. The telecommunications facility will consist of up to eight (8) panel antennas mounted on the water tank and up to eight (8) outdoor equipment cabinets and one (1) generator on the ground. The total area for the ground base station will be approximately 798 square feet. The Board owns the land and the Water Authority owns the water tower. Therefore, the County proposes to enter into a lease for the ground area only.

On September 9, 2009, the Planning Commission voted unanimously to concur with the determination that modifications proposed by Verizon Wireless to a previously approved telecommunications facility located at 3300 Gallows Road (TM 59-2 ((1)) 1A) is substantially in accordance with the recommendations of the adopted Comprehensive

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Plan, and should be considered a “feature shown” pursuant to Virginia Code Section 15.2-2232, as amended.

Staff recommends, subject to the County completing lease negotiations with Verizon Wireless, that the Board enter into a communications lease with Verizon Wireless, which will permit the installation of a new telecommunications base station at 3300 Gallows Road. The proposed lease will have an initial term of five years with 3 five year options.

FISCAL IMPACT:

The proposed ground lease will generate \$20,000 the first year with a 3% annual increase in revenue for the County of Fairfax.

ENCLOSED DOCUMENTS:

Attachment A – Tax Map 59-2

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

Board Agenda Item
December 7, 2009

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7900 Rolling Road (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7900 Rolling Road, Springfield, VA 22182 (Tax Map No. 098-2-((04))-0002.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Tuesday, January 26, 2010, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, December 7, 2009, and the public hearing to be held Tuesday, January 26, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2009) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2009) and if it meets all of the following conditions:

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

The property located at 7900 Rolling Road was referred to the Blight Abatement Program (BAP) May 18, 2009. Located on the subject property is a vacant, one story dwelling on a crawlspace. The property also contains several accessory structures in disrepair and an in-ground swimming pool. The residential structure was constructed in 1945 according to Fairfax County Tax Records. This single family dwelling has been vacant since at least November 24, 2004, when the property was purchased for redevelopment purposes. On July 27, 2009, the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. There is extensive damage to the dwelling; it is not economically feasible to repair and needs to be demolished. Staff also recommends the removal of the accessory structures and in-ground swimming pool as part of the Spot Blight Abatement plan.

On October 21, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. The registered agent for the property and the developer advised staff that their blight abatement plan was to demolish the structures within forty five days once they got the monies together for the conservation escrow that was required for their demolition grading plan. The forty-five days requested expired and the developer asked for a couple of more weeks. This additional time was granted but again this timeframe expired and compliance was not achieved as promised. These structures in their current state pose an attractive nuisance to the surrounding community and all attempts by BAP staff to achieve voluntary compliance from the property owners have been unsuccessful.

Although the County will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

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At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$50,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

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Board Agenda Item
December 7, 2009

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5120 Veronica Road (Sully District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 5120 Veronica Road, Centreville, VA 22020 (Tax Map No. 055-1-((02))-0032.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Tuesday, January 26, 2010, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, December 7, 2009, and the public hearing to be held Tuesday, January 26, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2009) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

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In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2009) and if it meets all of the following conditions:

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

The property located at 5120 Veronica Road was referred to the Blight Abatement Program (BAP) on October 14, 2008. Located on the subject property is a vacant, one and ½ half story dwelling on a crawlspace. The property also contains a large open shed near the rear property line, a small shed in partial collapse and a large pond. The residential structure was constructed in 1954 according to Fairfax County Tax Records and has been vacant since at least October 2004, when the well that was located under the house was abandoned by the owner who planned to redevelop the property. On January 29, 2009, the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. There is extensive damage to the dwelling and partial collapse of the roof. The dwelling is not economically feasible to repair and needs to be demolished. Staff also recommends the removal of the partially collapsed shed and open shed at the rear property line as part of the Spot Blight Abatement plan.

On March 25, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. The letter was signed by a representative of the company and shortly afterwards BAP staff received a blight abatement plan from the owners that they would demolish the structures by July 6, 2009. To date this action has not been completed. These structures pose an attractive nuisance to the surrounding community and all attempts by BAP staff to achieve voluntary compliance from the property owners have been unsuccessful.

Although the County will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

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At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$35,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

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ADMINISTRATIVE - 6

Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Limitations on Yards that Abut Outlots that are Contiguous to Streets

ISSUE:

The proposed Zoning Ordinance amendment places specific limitations on yards on lots that abut outlots that are contiguous to streets by requiring that the minimum distance between the principal structure on the building lot and the front street line on the outlot must be equal to or greater than the minimum required front yard of the district in which the building lot is located. In addition, the minimum yard dimension of the building lot that is abutting the outlot shall be equal to or greater than the applicable required yard for the district in which the building lot is located.

RECOMMENDATION:

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

TIMING:

Board of Supervisors (Board) action is requested on December 7, 2009, to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on January 21, 2010, at 8:15 p.m., and for the proposed Board public hearing on February 23, 2010, at 4:00 p.m.

BACKGROUND:

The Board has expressed concern that narrow outlots often have an effect of reducing the required distance between a principal structure and an adjacent street, thereby potentially changing the character of the neighborhood. In the design of new subdivisions, builders have created narrow outlots between a building lot and a street in order to avoid the creation of corner or through lots, as both corner and through lots have two or more front yards and the minimum setbacks for front yards are greater than the minimum yard requirements for either a side or rear yard.

In response, the proposed amendment requires that certain minimum yards (setbacks) be maintained on a lot that abuts an outlot that is contiguous to a street. First, a minimum distance that is equal to the minimum dimension of the minimum required front yard of the district in which the building lot is located must be maintained between a street and a principal structure. Second, the dimension of the yard of the building lot that is abutting the outlot must be equal to or greater than the dimension of the

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applicable minimum required yard for the district in which the building lot is located. It is recommended that this proposed yard requirement be applicable in all zoning districts, but that the Board may modify or waive the requirement with the approval of a rezoning or special exception when it is determined that such modification will have minimal adverse impacts on adjacent properties.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The proposed amendment adds new minimum yard (setback) requirements for building lots that are contiguous to outlots that abut a street. This amendment would have minimal impacts on the amount of time required for staff review of grading, site and building plans and/or house location plats as staff is already reviewing minimum yard requirements as part of such plats and plans.

FISCAL IMPACT:

An additional cost to the property owner of approximately \$200 - \$300 may be incurred to show the dimensions of the outlot on a grading or site plan and/or house location plat to demonstrate yard compliance. It is anticipated that there will be minimal additional staff costs to verify this new setback requirement.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Michelle Brickner, Deputy Director, Land Development Services, Department of Public Works and Environmental Services
Jack Reale, Senior Assistant to the Zoning Administrator, DPZ

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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Establish the Timber Ridge Community Parking District (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for January 12, 2010, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Timber Ridge CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on December 7, 2009, to provide sufficient time for advertisement of the public hearing on January 12, 2010, 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

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

Pursuant to Fairfax County Code Section 82-5B-3, the Board may 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 Timber Ridge 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 \$1000 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 Timber Ridge CPD

STAFF:

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

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ADMINISTRATIVE - 8

Approval of Traffic Calming Measures and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Providence, Sully and Braddock Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plans for Oleander Avenue (Attachment I), and Paddington Lane (Attachment II) consisting of the following:

- Two speed humps on Oleander Avenue (Providence District)
- One speed hump on Paddington Lane (Sully District)

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

- Hunt Road (Braddock District)

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

TIMING:

Board action is requested on December 7, 2009.

BACKGROUND:

Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Oleander Avenue and Paddington Lane, plans were approved by staff and VDOT. The traffic calming plans were subsequently submitted for approval to residents of the petition area in each

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community. On August 31, 2009, (Oleander Avenue), and October 22, 2009, (Paddington Lane), the Department of Transportation (FCDOT) received written verification from the appropriate local supervisor confirming community support.

The RTAP allows for installation of "Watch for Children" Signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On October 26, 2009, FCDOT received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" sign.

FISCAL IMPACT:

The estimated cost of \$12,000 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Oleander Avenue
Attachment II: Traffic Calming Plan for Paddington Lane
Attachment III: Board Resolution for a "Watch for Children" Sign

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT
William P. Harrell, Transportation Planner, FCDOT
Steven K. Knudsen, Transportation Planner, FCDOT

ADMINISTRATIVE – 9

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application 2232-V09-10 to February 5, 2010; application FS-S09-61 to February 6, 2010; application FS-S09-79 to February 7, 2010; applications FS-D09-78, FS-B09-97, and FS-Y09-99 to February 8, 2010; applications FS-P09-81, FS-H09-110, FS-L09-118, and FS-D09-119 to February 18, 2010; applications FSA-M01-22-1 and FSA-S06-34-1 to February 21, 2010; application FS-M09-121 to February 25, 2009; applications FS-L09-65, FS-L09-122, FS-P09-123, FS-Y09-124, FS-M09-132, and FS-P09-133 to March 1, 2010; applications FS-Y09-144, FS-H09-148, and FS-Y09-151 to March 8, 2010; application FS-P09-142 to March 12, 2010; and application 2232-M07-12 to June 8, 2010.

TIMING:

Board action is required on December 7, 2009, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review period for application 2232-M07-12, which was accepted for review by the Department of Planning and Zoning (DPZ) on June 11, 2007.

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This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board also should extend the review periods for applications 2232-V09-10, FS-S09-61, FS-L09-65, FS-D09-78, FS-S09-79, FS-P09-81, FS-B09-97, FS-Y09-99, FS-H09-110, FS-L09-118, FS-D09-119, FS-M09-121, FS-L09-122, FS-P09-123, FS-Y09-124, FS-M09-132, FS-P09-133, FS-P09-142, FS-Y09-144, FS-H09-148, FS-Y09-151, FSA-M01-22-1, and FSA-S06-34-1, which were accepted for review by DPZ between September 8, 2009, and October 13, 2009. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

- | | |
|-------------|--|
| 2232-M07-12 | Columbia Crossroads LP
East County Human Services Center (PPEA proposal)
5837 Columbia Pike
Mason District |
| 2232-V09-10 | T-Mobile Northeast LLC
125-foot monopole (treepole)
8426 Old Mount Vernon Road (George Washington RECenter)
Mount Vernon District |
| FS-S09-61 | Cricket Communications
Antenna colocation on existing monopole
9730 Hampton Road
Springfield District |
| FS-L09-65 | Clearwire US LLC
Antenna colocation on existing monopole
6700 Springfield Center Drive
Lee District |
| FS-D09-78 | Clearwire US LLC
Rooftop antennas
1350 Beverly Road
Dranesville District |
| FS-S09-79 | Clearwire US LLC
Rooftop antennas
12701 Fair Lakes Circle
Springfield District |

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- FS-P09-81 Clearwire US LLC
Rooftop antennas
9302 Lee Highway
Providence District
- FS-B09-97 Clearwire US LLC
Rooftop antennas
4349 Chesapeake Lane (George Mason University)
Braddock District
- FS-Y09-99 Clearwire US LLC
Rooftop antennas
3600 Joseph Siewick Drive
Sully District
- FS-H09-110 Clearwire US LLC
Rooftop antennas
2003 Edmund Halley Drive
Hunter Mill District
- FS-L09-118 Clearwire US LLC
Antenna colocation on existing monopole/light pole
7606 Telegraph Road (Hayfield High School)
Lee District
- FS-D09-119 Clearwire US LLC
Antenna colocation on existing tower
11000 Leesburg Pike
Dranesville District
- FS-M09-121 Clearwire US LLC
Antenna colocation on existing monopole (treepole)
7212 Early Street
Mason District
- FS-L09-122 Clearwire US LLC
Rooftop antennas
5971 Kingstowne Village Parkway
Lee District
- FS-P09-123 Clearwire US LLC
Rooftop antennas
2751 Prosperity Avenue
Providence District

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- FS-Y09-124 Clearwire US LLC
Antenna colocation on existing tower
14510 Mount Olive Road
Sully District
- FS-M09-132 Clearwire US LLC
Rooftop antennas
6925 Columbia Pike
Mason District
- FS-P09-133 Clearwire US LLC
Rooftop antennas
6402 Arlington Boulevard
Providence District
- FS-P09-142 Clearwire US LLC
Rooftop antennas
8245 Boone Boulevard
Providence District
- FS-Y09-144 T-Mobile Northeast LLC
Antenna colocation on existing monopole
4460 Brookfield Corporate Drive
Sully District
- FS-H09-148 Verizon Wireless
Antenna colocation on existing monopole/light pole
11400 South Lakes Drive (South Lakes High School)
Hunter Mill District
- FS-Y09-151 Clearwire US LLC
Antenna colocation on existing monopole
4460 Brookfield Corporate Drive
Sully District
- FSA-M01-22-1 Verizon Wireless
Replacement antennas
6231 Leesburg Pike
Mason District
- FSA-S06-34-1 FiberTower
Additional antenna
6199 Old Arrington Lane
Springfield District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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ADMINISTRATIVE - 10

Authorization for the County to Accept Grant Funding from the U.S. Department of Energy for the Energy Efficiency and Conservation Block Grant Program

ISSUE:

Board approval for the County to accept funding from the U.S. Department of Energy (DOE) for the Energy Efficiency and Conservation Block Grant (EECBG) program. DOE has obligated funding of \$9,642,800 as a result of the American Recovery and Reinvestment Act of 2009. DOE will release \$4.8 million of the total award once the National Environmental Policy Act (NEPA) requirements are met and contractors are approved by DOE. The remaining \$4.8 million will be released after successfully completing progress review(s). All contracts will include language that indicates funding is contingent on the release of federal funds with the County's standard non-appropriation of funds clause.

The Energy Efficiency and Conservation Coordinating Committee (EECCC) proposes to use EECBG funding to implement a pragmatic and results-oriented energy efficiency and conservation strategy to improve building and transportation energy efficiency, achieve measurable reductions in total energy use and associated costs, and reduce greenhouse gas emissions. Implementing this strategy will spur economic growth and demonstrate Fairfax County's continuing leadership with respect to energy efficiency and conservation and fiscal responsibility. The grant period is from October 2009 to October 2012. When grant funding expires, the County is under no obligation to continue funding the program. There is no Local Cash Match requirement.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the acceptance of funding from the U.S. Department of Energy in the amount of \$9,642,800 for the Energy Efficiency and Conservation Block Grant program.

The Energy Efficiency and Conservation Block Grant will be allocated to 19 projects, each of which is aligned with the EECBG program's defined purposes and eligible activities. Twelve of the projects will improve energy efficiency in the building sector and include: (1) capital improvements to County, Parks, and School facilities; (2) energy audits and retrofits of 10 County facilities; and (3) consumer outreach and residential energy audit rebates. Six of the remaining seven projects improve energy efficiency in the information technology and transportation sectors. The final project is the funding of a greenhouse gas emissions inventory.

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TIMING:

Board approval is requested on December 7, 2009.

BACKGROUND:

On March 26, 2009, the U.S. Department of Energy released a Funding Opportunity Announcement (FOA) regarding the Energy Efficiency and Conservation Block Grant program. According to the FOA, Fairfax County would receive \$9,642,800 in EECBG funding upon DOE approval of an application that satisfied the requirements set forth in the FOA. The FOA set an application deadline of June 25, 2009.

The inter-agency Energy Efficiency and Conservation Coordinating Committee established a process to identify and recommend projects for funding. That process included the creation of subcommittees to develop selection criteria, review the 70 proposals received, interview agency representatives, and propose projects for funding.

The County's EECBG application was submitted to the DOE on June 23, 2009. Following the submission of supplemental information, the application was approved by the DOE and the County received its award notification on October 30, 2009.

Eleven of the 19 EECBG projects will improve the energy efficiency of County, park, and school facilities. Projects will address heating, ventilation and air conditioning systems, energy management control systems, lighting and lighting control systems, and windows. The improvements, in conjunction with appropriate maintenance and/or commissioning, will lead to energy efficiencies that reduce energy use and GHG emissions for the lifetime of the equipment installed, while also enhancing occupant comfort. The projected annual energy savings from nine of these 11 projects is \$446,099. These same nine projects will reduce annual GHG emissions by an estimated 2,394 metric tons of carbon dioxide equivalent (MT CO₂e) per year.

Two of the EECBG projects will improve the energy efficiency of the County's information technology. The first will use enterprise server hardware, virtualization, and new data center infrastructure management to reduce power demands in the County's data centers by approximately 90 percent. This project, which is equivalent to eliminating 384 of the 512 servers currently in use, saves electricity in two ways: (1) it reduces the direct electricity consumption attributable to servers and (2) it reduces the indirect consumption attributable to cooling and auxiliary equipment. The second project will fund the purchase of 3,500 software licenses to allow the County to automatically power off office desktop systems after business hours.

The EECBG grant will fund four transportation-related projects. The first is the purchase of an additional 1,000 software licenses to expand the County's telework



program. The second and third projects will use EECBG funding to cover the incremental cost of the County's purchase of a plug-in hybrid school bus and a hydraulic hybrid launch-assist refuse truck, respectively. (The hybrid launch-assist captures energy normally lost as heat in braking, stores it in a pressurized hydraulic cylinder, and uses that energy to start the truck rolling again from a stop.) The fourth project is a small-scale renewable-energy generating pilot that will be designed to capture energy from pedestrian foot-traffic at a future Tysons Corner metro stop and use that energy for walkway lighting.

The 18th project will use EECBG funding to develop and operate a program that features outreach and education to County residents and offers subsidized residential energy audits to 100 homeowners. To maximize project value, preference will be given to homes built before 1970. Participating homeowners who take corrective action in response to a residential energy audit will receive an audit rebate in an amount that corresponds to the cost of the documented action, up to \$385.

The final project will use EECBG funding for assistance in completing a GHG emissions inventory, consistent with the County's July 2007 Cool Counties Climate Stabilization Declaration.

FISCAL IMPACT:

The Energy Efficiency and Conservation Block Grant program funding of \$9,642,800 will support a total of 19 projects, which are described in Attachment 2. Appropriate funding adjustments to Fund 303, County Construction will be incorporated as part of the *FY 2010 Third Quarter Review*. Project work will begin immediately upon receipt of funds from the U.S. Department of Energy. No Local Cash Match is required. While the DOE does allow the recovery of indirect costs, in order to maximize the funding available for environmental projects, the County will utilize all funds awarded for direct project costs.

Reporting Requirements

In order to meet the American Reinvestment and Recovery Act transparency and accountability requirements, the U.S. Department of Energy has established the following reporting requirements. Quarterly reports summarizing technical progress, key metrics and summary of expenditures are due no later than 10 days after the end of each quarter. An annual report is due no later than two years after the effective date of the award and annually thereafter. A final close out report is due within 90 days after the expiration of the award. Should there be additional and/or a change in existing reporting requirements, staff will notify the County Executive.

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CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1: Assistance Agreement Form

Attachment 2: List of EECBG Projects

STAFF:

David Molchany, Deputy County Executive

Kambiz Agazi, Environmental Coordinator

Stephen Sinclair, Utility Analyst

Susan Hafeli, Utility Analyst

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ADMINISTRATIVE - 11

Supplemental Appropriation Resolution AS 10097 for the Fairfax County Police Department to Accept Funding from the Virginia Department of Transportation for Traffic Management Related to the Construction of the Dulles Corridor Metrorail Project

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 10097 for the Fairfax County Police Department to accept funding from the Virginia Department of Transportation for traffic management related to the construction of the Dulles Corridor Metrorail Project in the amount of \$3,418,531. Funding will provide financial assistance over a four-year period, from approximately December 2009 through December 2013, for officers' overtime salaries to augment patrols in the area surrounding the Dulles Corridor Metrorail Project. The augmented police patrols will be staffed by off-duty officers so as not to adversely impact the Police Department's abilities to respond to calls for service. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 10097 for the Fairfax County Police Department to accept funding from the Virginia Department of Transportation in the amount of \$3,418,531. Funding will provide financial assistance over a four-year period for officers' overtime salaries to augment patrols in the area surrounding the Dulles Corridor Metrorail Project.

TIMING:

Board approval is requested on December 7, 2009.

BACKGROUND:

The Dulles Corridor Metrorail Project Traffic Management Plan (TMP) was finalized in October 2007. Following discussion over several months on funding eligibility and future funding considerations, a memorandum of understanding for the traffic management plan (TMP) between Fairfax County, the Metropolitan Washington Airports Authority (MWAA) and the Virginia Department of Transportation (VDOT) was signed in February 2009. The TMP provides the responsibilities of each agency for traffic management during construction of the Metrorail line. As construction continues during the next several years, traffic management along the Route 7 and Route 123 corridor will be crucial.

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The TMP, which involves MWAA, VDOT, Virginia State Police, the Fairfax County Police Department and the Fairfax County Department of Transportation, is designed to reduce or alleviate congestion and enhance the mobility of vehicular travel during the construction period. While the Virginia State Police will provide traffic and incident management along interstate interchanges and the MWAA will provide traffic and incident management along the toll road interchanges, the Fairfax County Police Department will focus their efforts on the arterial roadways leading up to Route 7 and Route 123 as well as along Route 7 and Route 123. Responsibilities include:

- Assisting in incident detection
- Securing the incident scene
- Assisting disabled motorists
- Providing emergency medical aid until help arrives
- Coordinating with the Traffic Management Center for incident response and management
- Directing traffic at the incident scene
- Conducting accident investigations
- Supervising scene clearance
- Providing traffic management support and enforcement in local neighborhoods

The augmented police patrols will be staffed by off-duty officers so as not to adversely impact the Police Department's abilities to respond to calls for service. Initial construction has begun on the project and the need for traffic and incident management is expected to last from December 2009 until December 2013.

FISCAL IMPACT:

Funding in the amount of \$3,418,531 will be available from VDOT to be used for traffic and incident management during construction of the Dulles Corridor Metrorail Project. Funding will be provided by VDOT on a reimbursement basis using authorized State billing procedures. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2010. This grant does not allow the recovery of indirect costs. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

No positions will be created by this grant.

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ENCLOSED DOCUMENTS:

Attachment 1 – Memorandum of Understanding between the Virginia Department of Transportation, the Metropolitan Washington Airports Authority, and Fairfax County
Attachment 2 – Supplemental Appropriation Resolution AS 10097

STAFF:

Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Major Thomas Ryan, Commander, Operations Support Bureau
Captain Susan Culin, Commander, Traffic Division

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ADMINISTRATIVE – 12

Approval of Criteria for Disbursement of Reserve Funds for Emergency Support for Community Organizations

ISSUE:

The FY 2010 Adopted Budget Plan reserved \$1,000,000 to provide funding for one-time grants to community organizations in need of additional financial assistance as a result of economic stress in order to sustain the organization's operations and provision of services to the community in the short term.

RECOMMENDATION:

The County Executive recommends the approval of the criteria to disburse funds to nonprofit organizations currently under contract with Fairfax County to provide basic needs and employment services to residents of the county. Current providers of these services will be eligible to submit a request for the use of these funds. The request must include a budget and budget justification. County staff will evaluate and rank the requests and the Department of Purchasing and Supply Management will issue contract amendments. See Attachment A for funding criteria.

TIMING:

Board approval is required on December 7, 2009 to allow staff to proceed with the request for submissions, their review and evaluation. Community organizations have an immediate need for additional funding in order to respond to the increased economic demands on county residents.

BACKGROUND:

As a result of the deteriorating economy the county has seen a significant increase in the number of people needing assistance as well as in the complexity of individuals and families situations. In many cases these individuals and families are the most susceptible to the economic downturn forcing them from the margin of self sufficiency to requiring immediate assistance for basic needs. The county's one stop access point for human services, Coordinated Services Planning (CSP), has seen significant growth in the requests from the community. Total call volume in FY 2009 exceeded 100,000 calls, up 14% from FY 2008. Volume in the first quarter of FY 2010 is up 19% over the same period last year. The current average number of calls is 459 per day with 574 new cases opened per month. Overall, there has been a 79% increase in requests since January 2006 while the population has grown by less than 1% in the same timeframe. Categories with the largest increase in requests include emergency food and food stamps, employment, emergency

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ACTION - 1

Authorization for the County Executive to Execute an Agreement for the Sale, Delivery, and Use of Reclaimed Water Between Covanta Fairfax, Inc. and Fairfax County

ISSUE:

Fairfax County is earmarked to receive a \$6.5M grant under the federal American Recovery and Reinvestment Act, Pub.L. 111-5 (2009), (ARRA) to supplement the cost of constructing a Reclaimed Water System for the reuse of highly treated wastewater from the County's Noman M. Cole, Jr. Pollution Control Plant (NMPCPCP). Covanta Fairfax, Inc. (Covanta) will be the County's first customer for the use of the reclaimed water in the cooling towers at its Energy Resource Recovery Facility (ERRF) in Lorton, Virginia. Authorization from the Board is needed for the County Executive to execute a water reuse agreement between the County and Covanta.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the County Executive to execute a water reuse agreement between the County and Covanta substantially in the form of the draft agreement attached hereto.

TIMING:

Board action is requested on December 7, 2009, in order for the County to comply with the requirements of ARRA and be eligible to receive the \$6.5M grant.

BACKGROUND:

The NMPCPCP produces treated effluent that meets or surpasses the water reutilization standards of the Virginia Water Reclamation and Reuse Regulations (the "Reuse Regulations") codified at 9VAC25-740-10 through 9VAC25-740-210 of the Virginia Administrative Code ("Reclaimed Water"). The County's Wastewater Management Program sought beneficial uses for the Reclaimed Water that is produced by the NMPCPCP and is in the process of evaluating bids and letting a design-build contract for the construction of approximately 3 miles of Reclaimed Water lines and a 0.5M-gallon Reclaimed Water storage tank to convey Reclaimed Water from the NMPCPCP to the Covanta ERRF in Lorton, Virginia. The Reclaimed Water will be used by Covanta in the cooling towers and associated processes of its' ERRF. Industrial use is one of the non-potable uses allowed under the Reuse Regulations. In the near future, this Reclaimed Water may be used for other uses, such as irrigating the Laurel Hill Golf Course located

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in the vicinity of the ERRF. Currently, both Covanta and the Park Authority (for Laurel Hill) use potable water for such uses.

This reuse project was submitted to the Virginia Department of Environmental Quality (DEQ) as a candidate for grant funding under the ARRA. The DEQ has determined that the County's reuse project is eligible to receive \$6.5M in grant funding. One of DEQ's requirements, among many, for the receipt of the grant is for the County to have an executed agreement with a User for the use of the Reclaimed Water. The attached agreement outlines the responsibilities of the County and Covanta for the provision of the Reclaimed Water and its use for twenty years from the completion of the construction of the Reclaimed Water system or March 10, 2031, whichever comes first. Covanta's costs associated with the Reclaimed Water Program include Reclaimed Water charges, additional Sewer Service Charges directly related to the use of Reclaimed Water, and an Availability Charge for additional wastewater treatment and collection capacity associated with additional wastewater discharge. The Reclaimed Water rate reflected in the attached Agreement is set such that Covanta's total cost for the use of Reclaimed Water will be less than or equal to 75% of the total cost of using potable water by Covanta, assuming an average daily flow of 1.5 MGD. The Agreement provides that Covanta will purchase a minimum of 1.3 MGD of Reclaimed Water on an annual average basis.

FISCAL IMPACT:

The estimated cost for the construction of the Reclaimed Water facilities is approximately \$15.2M. The cost to the County's Sewer Fund after the ARRA grant of \$6.5M is \$8.7M. This cost will be recovered by the revenues generated from the sale of the Reclaimed Water in approximately 20 years. Should other customers such as the Park Authority (for the Laurel Hill Golf Course) purchase Reclaimed Water from the County, the recovery of the cost will be expedited.

ENCLOSED DOCUMENTS:

Attachment: Form of Draft Agreement between Covanta Fairfax, Inc. and Fairfax County for the Sale, Delivery, and Use of Reclaimed Water

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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ACTION – 2

Authorization of an Amendment to Service Agreement Among Fairfax County, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. (Service Agreement) Relating to the Sale, Delivery and Use of Reclaimed Water

ISSUE:

Fairfax County Board of Supervisors and Solid Waste Authority (SWA) must consent to amendments of the Service Agreement. The Service Agreement Amendment sets forth the changes that are necessary to allow Covanta Fairfax to use reclaimed water in its operations.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize an Amendment to the Service Agreement relating to the sale, delivery and use of reclaimed water substantially in the form of the attachment.

TIMING:

Immediate. The Service Agreement Amendment must be authorized by the Fairfax County Board of Supervisors and Solid Waste Authority as one of several approvals that are necessary to put this environmentally beneficial project into operation.

BACKGROUND:

The Noman M. Cole, Jr. Pollution Control Plant (NMCP) produces treated effluent that meets or surpasses the water reutilization standards of the Virginia Water Reclamation and Reuse Regulations (the "Reuse Regulations") codified at 9VAC25-740-10 through 9VAC25-740-210 of the Virginia Administrative Code ("Reclaimed Water"). The County's Wastewater Management Program sought beneficial uses for the Reclaimed Water that is produced by the NMCP. The Department of Public Works and Environmental Services plans to award a design-build contract for the construction of approximately 3 miles of Reclaimed Water lines and a 0.5 million gallon Reclaimed Water storage tank to convey Reclaimed Water from the NMCP to the Covanta Fairfax facility. The Reclaimed Water will be reused by Covanta in its cooling towers and associated processes of its Energy/Resource Recovery Facility (ERRF). Industrial use is one of the non-potable uses allowed under the Reuse Regulations. Currently potable water from Fairfax Water is used for these purposes. This reuse of wastewater will also reduce the quantity of nutrients discharged to the Chesapeake Bay from the NMCP.

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Covanta and Fairfax County are entering into an Agreement for the Sale, Delivery, and Reuse of Reclaimed Water ("Reclaimed Water Agreement"). An Amendment to the Service Agreement among Covanta, Fairfax County and the Fairfax County Solid Waste Authority is necessary to take into account the provisions of the Reclaimed Water Agreement. The form of a draft Service Agreement Amendment is attached. Significant provisions of the enclosed Service Agreement Amendment include:

- Covanta can use Reclaimed Water instead of potable water in its cooling tower and associated processes.
- The cost of Reclaimed Water can be passed through to the Authority/County.
- Any operating and maintenance costs associated with using the Reclaimed Water will be paid to Covanta as an approved pass through cost.
- The Reuse Availability Charge (the onetime fee for connection to the sanitary sewage collection system for additional wastewater collection and treatment capacity associated with additional wastewater discharge as a result of the use of Reclaimed Water) will be allowed as an approved pass through cost.

In summary, this Service Agreement Amendment allows Covanta to accept and use Reclaimed Water in its operations at the E/RRF and sets the framework for Covanta to recover these costs.

The need for expedited action at short notice is due to unanticipated requirements associated with stimulus funding being made available through the Virginia Department of Environmental Quality. The project is eligible to receive a \$6.5 million grant, but a primary requirement to receive the funds is that the necessary contracts/amendments must be in place.

FISCAL IMPACT:

Federal stimulus funds will be used to offset some construction costs. Reduction in water costs will reduce overall operational costs to the County to dispose of waste, or at least be cost neutral to Fairfax County and the Solid Waste Authority.

ENCLOSED DOCUMENTS:

Attachment I: Form of the Draft Agreement Among the County of Fairfax, Virginia, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. to Amend the Service Agreement Relating to the Sale, Delivery, and Use of Reclaimed Water

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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ACTION - 3

Adoption of a Resolution Extending the Term of Existence of Fairfax County Water Authority ("Fairfax Water")

ISSUE:

Board adoption of a resolution extending the term of existence for the Fairfax County Water Authority to December 1, 2059.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Resolution.

TIMING:

The Board is requested to action on December 7, 2009, in order for the Fairfax County Water Authority to take advantage of a favorable municipal bond market.

BACKGROUND:

Fairfax Water proposes to sell approximately \$60,000,000 in revenue bonds to finance major supply, treatment, transmission, and general plant and administration facilities.

Bond Counsel has requested that the life of Fairfax Water be extended for the maximum permissible time (50 years). Fairfax Water's term was last extended twenty years ago, on September 11, 1989, for the maximum period of 50 years (until September 1, 2039), also to facilitate the issuance of revenue bonds at that time.

Virginia Code section 15.2-5114(1) requires a resolution by the Board of Supervisors to accomplish this.

FISCAL IMPACT:

None. This action does not constitute a debt obligation of the County or the Board of Supervisors.

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ENCLOSED DOCUMENTS:

Attachment 1: Letter of November 11, 2009, from Stuart A. Raphael, Hunton & Williams
LLP, Counsel for Fairfax Water

Attachment 2: Resolution

STAFF:

Anthony H. Griffin, County Executive

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ACTION - 4

Endorsement of Braddock Road/Route 123 Conceptual Interchange and Interim Improvements Study (Braddock and Springfield Districts)

ISSUE:

Board endorsement of the conceptual grade-separated interchange and interim at-grade improvements developed for the Braddock Road/Route 123 intersection by a consultant study for the Fairfax County Department of Transportation (FCDOT).

RECOMMENDATION:

The County Executive recommends that the Board endorse the conceptual grade-separated interchange and interim at-grade improvements developed for the Braddock Road/Route 123 intersection as summarized in the final study report and as follows:

- Interim at-grade improvements not requiring right-of-way that can be implemented now with available funding, including a second northbound and southbound left turn lane on Route 123, geometric improvements at the Roanoke River/Braddock road intersection, access management, and traffic signal modifications.
- Future at-grade improvements that will further improve operations but require additional right-of-way, including full at-grade build-out (three through lanes, dual left turn lanes, and a right turn lane on all approaches) of the intersection.
- Future grade-separated interchange Alternative 9T, a single-point urban diamond interchange that includes Route 123 elevated, shifted to the east and maintained as the through movement, while Braddock Road would generally be maintained at its existing grade. This alternative would have the least physical impact to adjacent properties and received the most community support during the study.

TIMING:

The Board should take action on this matter as soon as possible to ensure that current and future planned developments at George Mason University (GMU) and University Mall will not preclude the recommended alternatives.

BACKGROUND:

The Braddock Road/Route 123 interchange study and interim roadway improvements were approved by the Board as part of the project list for the use of Commercial and Industrial (C &I) revenues for transportation on May 5, 2008, and again on July 13, 2009 (revised transportation funding allocations). The consultant study evaluated potential long-term and short-term improvements to the existing intersection, including a grade-separated interchange as shown on the County's Transportation Plan. The study limits were from Ames Street to University Drive on Route 123 and from Shadow Valley Drive to Sideburn Road on Braddock Road. A main impetus for the study was to ensure that the current and future planned developments at GMU and University Mall would not preclude a future grade-separated interchange. In addition, this intersection experiences heavy congestion so interim at-grade improvements were desired to enhance traffic operations near-term.

The study included public participation throughout the process. A citizen information meeting was held on March 4, 2009, at Laurel Ridge Elementary School. Detailed comments and responses were subsequently posted on FCDOT's web page. Many of the comments were concerned with the impact of GMU on traffic in the area and with reducing potential impacts of roadway improvements on the residential neighborhoods to the west.

A summary of the recommended short-term and long-term improvements is contained in the attachments. The estimated cost for the recommended grade-separated interchange, Alternative 9T, is \$84 million. There is no funding for a grade-separated interchange at this time. The estimate for the interim improvements that do not require additional right-of-way is \$2.6 million. Funding for that project is included in the approved C&I project list. The estimate for the full at-grade improvements that require additional right-of-way is \$30 million, which is not funded at this time.

The schedule for the funded project for interim improvements is:

Finalize Design	October 2010
Begin Utility Relocation	Early 2011
Advertise for Construction	Late 2011

FISCAL IMPACT:

The at-grade interim improvements with no additional right-of-way have been fully funded by C&I revenues for transportation.

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ENCLOSED DOCUMENTS:

Attachment I: Executive Summary

Attachment II: Interim At-Grade Intersection Improvements

Attachment III: Future Recommended Grade-Separated Interchange, Alternative 9T

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

Seyed Nabavi, Capital Projects Section, FCDOT

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ACTION – 5

Approval of Amended Parking Reduction for Promenade at Tysons West (Hunter Mill District)

ISSUE:

Board approval of a modification to condition number 2 of the 11.7 percent parking reduction granted by the Board on March 9, 2009, for Promenade at Tysons West, Tax Map reference number 029-3 ((1)) 0001B and 0001C, Hunter Mill District.

RECOMMENDATION:

The County Executive recommends that the Board approve the requested modification to condition number 2 of the 11.7 percent parking reduction granted by the Board on March 9, 2009, for Promenade at Tysons West pursuant to paragraph 4(B), Section 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for each use on the site and a revised analysis for the proposed changes to the mix of uses on site, on condition that all of the conditions set by Board previously remain in effect with the exception of condition 2, which is modified to add the following alternative mix of uses:

2. The following mix of uses are permitted per this parking reduction:

ALTERNATIVE I

- 56,201 square feet (SF) of office uses
- 142,223 SF of retail uses, and
- 48,214 SF of restaurant space with a maximum of 1,085 table seats, 362 counter seats, and 242 employees.

OR

ALTERNATIVE II

- 69,108 gross square feet (GSF) of office uses;
- 128,950 GSF of retail uses;
- 48,580 GSF of restaurant space with a maximum of 1,094 table seats, 364 counter seats, and 243 employees.

With the amended condition incorporated, the following set of conditions will be in effect:

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1. A minimum of 1159 parking spaces must be maintained on site at all times for the Promenade at Tysons West.
2. The following mix of uses are permitted per this parking reduction:

ALTERNATIVE I

- 56,201 square feet (SF) of office uses
- 142,223 SF of retail uses, and
- 48,214 SF of restaurant space with a maximum of 1,085 table seats, 362 counter seats, and 242 employees.

OR

ALTERNATIVE II

- 69,108 gross square feet (GSF) of office uses;
 - 128,950 GSF of retail uses;
 - 48,580 GSF of restaurant space with a maximum of 1,094 table seats, 364 counter seats, and 243 employees.
3. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Number 029-3-01-0001B and 0001C, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.
 4. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.
 5. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and the County Code, and shall be subject to the Board's approval.
 6. All parking provided shall be in accordance with applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.
 7. Parking shall not be reserved to serve individual businesses.

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8. The conditions of approval of this parking reduction shall run with the land and be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on December 7, 2009.

BACKGROUND:

On March 9, 2009, the Board approved an 11.7 percent parking reduction for the Promenade at Tysons West. Condition number 2 set by the Board controls the mix of uses. The maximum permitted floor area for the office use, the retail use, and the maximum number of employees, table seats, and counter seats for the restaurant use are therefore restricted. The applicant is dealing with changed market conditions and they have requested modifications to condition 2. It is proposed to increase the office floor area to 69,108 gross square feet (GSF) which is a 12,907 GSF expansion to this use. They further propose to reduce the retail use to 128,950 GFS which is 13,273 GFS less than the maximum permitted by the prior approval. The eating establishment use will have a slight increase in floor area of 366 GFS, resulting in 9 more table seats, 2 more counter seats and one employee added to this use. The number of parking spaces, 1,159, to be provided is not proposed to be changed.

A review of this requested condition modification indicates the applicant will be operating at an 11 percent reduction from code requirements for this alternative mix of uses vs. the 11.7 percent approved by Board for this site. This proposal increases the size of uses that have a lower parking code rate and creates a smaller parking demand. The staff, therefore, recommends granting this request.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter of Request dated October 28, 2009, from Robin L. Antonucci, Kevin R. Fellini and John F. Cavan.

Attachment II – Parking Reduction Study (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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ACTION – 6

Approval of Amended Parking Reduction for Dunn Loring Merrifield Metro Center
(Providence District)

ISSUE:

Board approval of a 14.5 percent reduction of the code required parking, which is a reduction of 145 parking spaces, for the proposed residential development component and a 5.0 percent reduction of the code required parking, which is a reduction of 27 parking spaces, for the proposed retail component for the Dunn Loring Merrifield Metro Center, Tax Map reference number 49-1 ((1)) 27A, 49-2 ((1)) 13A & 15A and 49-1 ((13)) 17A & 18A, Providence District.

RECOMMENDATION:

The County Executive recommends that the Board approve a 14.5 percent parking reduction for the proposed residential development component and a 5.0 percent parking reduction for proposed retail component for the Dunn Loring Merrifield Metro Center, pursuant to paragraphs 4(B), 5, and 26 of Section 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for each use on the site and a parking reduction study on condition that:

1. A minimum of 1,963 garage parking spaces, eight (8) bus bays and 37 Kiss-N-Ride parking spaces must be maintained at all times for the Dunn Loring Merrifield Metro Center.
2. A minimum of 860 garage parking spaces must be maintained at all times to serve the 628 residential dwelling units.
3. A minimum of 518 parking spaces must be maintained at all times to serve the shopping center and eating establishment/restaurant uses. Parking shall not be reserved to serve individual businesses.
4. The following uses are permitted per this parking reduction, for the Dunn Loring Merrifield Metro Center:
 - 628 residential dwelling units
 - 119,400 GSF shopping center (including a grocery store)
 - 5,600 GSF eating establishment/restaurant (comprising of 172 table seats, 19 counter seats, and 28 employees)

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5. The Transportation Demand Management (TDM) program proffered in conjunction with the approval of the Dunn Loring/Merrifield Metro Center Proffers (RZ/FDP 2005-PR-039 and PCA/FDPA 88-P-030) must be implemented.
6. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Number 49-1 ((1)) 27A, 49-2 ((1)) 13A & 15A and 49-1 ((13)) 17A & 18A, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.
7. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.
8. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.
9. All parking provided shall be in accordance with applicable requirements of Article 11 of Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.
10. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on December 7, 2009.

BACKGROUND:

On December 4, 2006, the Board approved RZ/FDP 2005-PR-039 concurrent with PCA/FDPA 88-P-030. An amended proffer request PCA/FDPA 2005-PR-039 concurrent with PCA/FDPA 88-P-030-020 was granted on June 2, 2008. Pursuant to the proffer conditions the applicant is now requesting a parking reduction.

The subject 14.06 acre parcel is located on the north side of Prosperity Avenue, west of Gallows Road and south of Interstate 66. The proposed development consists of a total of 628 residential dwelling units and 125,000 gross square feet (GSF) of secondary retail space serving the community. The 125,000 GSF space is comprised of 119,400 GSF of

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shopping center space (that includes a grocery store) and 5,600 GSF of eating establishment/restaurant space (172 table seats, 19 counter seats, and 28 employees). The 628 residential dwelling units currently proposed would require 1,005 parking spaces according to the Fairfax County Zoning Ordinance. Also, the proposed 125,000 GSF of commercial retail space would require 545 parking spaces under a strict application of the Zoning Ordinance requirements. The application is a request for parking reduction of 14.5 percent (or 145 fewer spaces) for the residential development, and a parking reduction of 5.0 percent (27 fewer parking spaces) for the proposed secondary retail serving the community.

The review of the parking study indicates that the mix of uses, the Transit-Oriented development (TOD), its proximity to the Dunn Loring Metrorail station, and the presence of a transportation demand management (TDM) program accepted in conjunction with the approval of rezoning application RZ/FDP 2005-PR-039 dated November 30, 2006, will support this parking request. Therefore, the staff recommends granting a 14.5 percent parking reduction for the residential use and a 5.0 percent parking reduction for the secondary retail use serving the community.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter of Request for a Parking Code Reduction from Kevin R. Fellinin, Wells and Associates

Attachment II – Parking Reduction Study by Wells and Associates dated May 21, 2009
(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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ACTION - 7

Approval of Comments on the Draft Report "REGION FORWARD - Greater Washington 2050: COG's Vision for the National Capital Region in the Twenty-First Century"

ISSUE:

Request by the Greater Washington 2050 Coalition and the Metropolitan Washington Council of Governments (COG) Board for review and comment by Fairfax County on the draft report "REGION FORWARD - Greater Washington 2050: COG's Vision for the National Capital Region in the Twenty-First Century" approved for public release and comment by the Greater Washington 2050 Coalition and the Metropolitan Washington Council of Governments Board on October 14, 2009.

RECOMMENDATION:

The County Executive recommends that the Board endorse the comments provided in Attachment I to the Metropolitan Washington Council of Governments concerning the Greater Washington 2050 Report. The comments address specific questions posed on the COG website as well as staff suggestions for additional information to be included and items to be considered when developing the final version of the Greater Washington 2050 Report.

TIMING:

Board action is requested on December 7, 2009. The Greater Washington 2050 Coalition and the Metropolitan Washington Council of Governments Board have requested comments on the draft report by November 30, 2009 but have provided additional time to receive comments from Fairfax County.

BACKGROUND:

In 2008, the COG Board of Directors formed the Greater Washington 2050 Coalition to create a comprehensive vision for the National Capital Region. They invited elected officials, business and civic leaders to guide the initiative to make sure the effort would be inclusive. Rather than launch a new visioning process that could take several years, the 2050 Coalition's challenge was to tie together earlier work in a comprehensive way and set the stage for swift action.

The Greater Washington 2050 Report details the 2050 Coalition's work and presents a Comprehensive Regional vision for the National Capital Region that combines physical development goals with social, environmental and economic ones. It creates a framework rather than a detailed plan that represents a new approach to advance regional collaboration. It sets the stage for swift action by developing regional goals, a compact

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agreement, and targets and indicators to measure success towards achieving the goals. It encourages area jurisdictions, businesses, civic groups and individuals to pledge to work together to meet the Greater Washington 2050 Goals.

Terms used in the context of the Greater Washington 2050 Report:

Goals: are the end state regional outcomes. They are designed to be comprehensive and broadly set forth a framework for future regional decisions and policy.
Targets: are specific measurable milestones based on available data that can be used to determine whether a goal has been achieved.
Indicators: are secondary measures to track progress towards achieving the Greater Washington 2050 Goals.

The Greater Washington 2050 Report is provided in Attachment II. It identifies nine goals (Land Use, Transportation, Environmental, Climate & Energy, Economic, Housing, Health and Human Services, Education and Public Safety) and identifies targets and indicators that are tied to the goals. It presents the goals, targets and indicators in four categories of Accessibility, Sustainability, Prosperity and Livability to demonstrate how the goals and targets are connected and to explain how this new, comprehensive vision will shape and benefit the region.

The Greater Washington 2050 Coalition and COG Board will take comments and recommended changes prior to COG Board Adoption.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed letter from Anthony H. Griffin, County Executive to COG transmitting comments on the draft Greater Washington 2050 Report

Attachment II: "REGION FORWARD - Greater Washington 2050: COG's Vision for the National Capital Region in the Twenty-First Century" Report (Under separate cover)

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Katharine D. Ichter, Director, Department of Transportation
Fred R. Selden, Director, Planning Division (PD), DPZ
Laxmi Nagaraj, Planner V, Planning Division (PD), DPZ

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ACTION – 8

Endorsement of the Chief Administrative Officers Task Force's Comments Regarding the Preliminary FY 2011 Virginia Railway Express Budget

ISSUE:

Board endorsement of the Chief Administrative Officers (CAO) Task Force's initial recommendations regarding the proposed FY 2011 Virginia Railway Express (VRE) budget.

RECOMMENDATION:

The County Executive recommends that the Board endorse the CAO Task Force's two primary recommendations on the FY 2011 VRE budget. The recommendations are:

1. VRE should balance the FY 2011 budget without a jurisdictional subsidy increase.
2. VRE should use the adopted VRE Master Agreement's allocation formula to determine shares of VRE's total FY 2011 subsidy consistent with the fourth and final year phase-in of the formula change adopted by the VRE Operations Board on June 15, 2007.

TIMING:

The Board should act on this item on December 7, 2009, because this is the last Board meeting before the VRE Operations Board considers adoption of the FY 2011 VRE budget on December 20, 2009.

BACKGROUND:

The VRE Chief Executive Officer presented the preliminary FY 2011 budget to the VRE Operations Board on August 21, 2009. The FY 2011 budget included an unfunded amount of approximately \$2.4 million. The shortfall was primarily attributed to lower than budgeted state operating and capital revenue to VRE and higher than expected railcar maintenance costs.

The budget was referred to the local jurisdictions for review and comment. Since August, a staff task force, organized by CAOs of the VRE jurisdictions, has reviewed the preliminary budget and met with VRE staff to discuss it in detail.

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The CAO Task Force is preparing a final report summarizing its review of the FY 2011 budget and offering any further recommendations that may be developed. The Task Force and VRE staff met on October 13 and November 17, 2009, to discuss recommendations. The CAOs will meet in early December 2009, before the December VRE Operations Board meeting, to officially review the Task Force's recommendations and receive the VRE staff response. After the multiple meetings, phone conversations and on-line discussions between the Task Force and VRE staff, it is anticipated that VRE will deliver a balanced budget by the December 20, 2009, VRE Operations Board meeting. The VRE staff's strategies to balance the budget do not include a fare increase or increase in local jurisdictional subsidies. Although the Task Force's report is not finalized, it will contain two primary recommendations for the budget. The recommendations are as follows:

1) Balance the FY 2011 Budget Without an Increase to the Local Subsidy

In August 2009, VRE staff calculated a projected shortfall for the FY 2011 budget of \$2.4 million. The shortfall was primarily attributed to lower than budgeted state operating and capital revenue to VRE and higher than expected railcar maintenance costs for FY 2010. At the onset, all VRE participating jurisdictions emphasized to VRE that they could not afford a subsidy increase for FY 2011, due to the national economic crisis, exacerbated by their own forecasted financial problems. In response, the VRE Chief Executive Officer agreed to maintain the total FY 2011 jurisdictional subsidy level. However, doing so did not preclude the incorporation of changes which will occur as a result of the adopted Master Agreement allocation formula change and the October 2009 passenger survey.

2) Continue To Use VRE Master Agreement Allocation Formula to Fund Operating Costs

The CAO Task Force recommends that VRE's operating expenditures be allocated to the local jurisdictions using the Master Agreement Allocation Formula consistent with the fourth and final year phase-in of the formula change adopted by the VRE Operations Board on June 15, 2007. This formula ultimately will result in VRE's subsidy being allocated entirely based on ridership beginning in FY 2011. This change has been beneficial in reducing Fairfax County's VRE subsidies.

FISCAL IMPACT:

The preliminary FY 2011 VRE budget includes an estimated total jurisdictional subsidy of \$16,400,000. Based on the most recent information received, Fairfax County's portion of the total FY 2011 local subsidy is not expected to exceed \$4,650,000, which is a decrease of approximately \$346,000 from the amount in FY 2010.

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When the final amount of Fairfax County's share is known, the County Executive will include that amount in the FY 2011 Advertised Budget Plan. The Board is not being asked to approve Fairfax County's FY 2011 VRE subsidy at this time.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Michael R. Lake, Senior Transportation Planner, Coordination and Funding Division,
FCDOT



ACTION – 9

Authorization for the County Executive to Execute a Funding Agreement for the County to Accept Federal Stimulus Grant Funding from the Virginia Resources Authority (VRA)

ISSUE:

Board approval for the County Executive to Execute a Funding Agreement with VRA for the grant and for the County to accept federal stimulus grant funding in the amount of \$6,500,000 from VRA, as the administrator of the stimulus funds on behalf of the State Water Control Board and Virginia Department of Environmental Quality (DEQ), to partially fund the Noman M. Cole, Jr., Pollution Control Plant (NMPCPC) Water Reuse Project. This funding has been made available as a result of the American Recovery and Reinvestment Act of 2009 (ARRA). There is no Local Cash Match requirement.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the County Executive to execute a Funding Agreement and Lobbying Certification, as needed, between the County and VRA substantially in the form of the draft agreement attached hereto and approve acceptance of funding from VRA in the amount of \$6,500,000 for the NMPCPC Water Reuse Project.

TIMING:

Board approval is requested on December 7, 2009.

BACKGROUND:

In conjunction with the State Water Control Board (SWCB), the VRA administers the Virginia Clean Water Revolving Loan Fund (VCWRLF) Program. On behalf of SWCB, DEQ has selected wastewater projects for funding using the American Reinvestment and Recovery Act (ARRA) federal stimulus funds. Upon the receipt of the DEQ announcement that ARRA funding is available for wastewater projects, staff from the Department of Public Works and Environmental Services (DPWES) presented the NMPCPC Water Reuse Project to DEQ as a candidate project to receive ARRA federal stimulus funding. DEQ informed the Department of Public Works and Environmental Services (DPWES) that a grant of \$6,500,000 has been authorized by the State Water Control Board to partially fund the Water Reuse Project.

The Water Reuse Project will include the design and construction of approximately 20,000 linear feet of reuse water main, an elevated water tank, pump station upgrade at NMPCPC, and a wastewater pump station upgrade at the Energy/Resource Recovery Facility (Covanta). The project will provide approximately 560 million gallons per year of treated effluent from the NMPCPC to Covanta for use in the cooling towers and approximately 24

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million gallons per year to the Lower Potomac Ball Fields and Laurel Hill Park Golf Course for irrigation purposes, for a total of 584 million gallons per year. Future potential users have also been identified. However, at this time, the Water Reuse Project will only provide reuse water to the above mentioned users.

Because of the availability of stimulus funding, DPWES accelerated the implementation of the Water Reuse project. In October 2009, DPWES issued a request for design build proposals and received two responses. The award of a design build contract is contingent upon the Board's approval to accept the federal stimulus funding.

FISCAL IMPACT:

Funding in the amount of \$17,650,000 is needed to fund the design and construction of the Water Reuse Project. Federal stimulus funding in the amount of \$6,500,000 will provide partial funding for the Water Reuse Project and will be appropriated at the *FY 2010 Third Quarter Review*. Sufficient funding is available in Fund 408, Sewer Bond Construction to provide the balance of the funds needed to implement the Water Reuse Project.

Special Reporting Requirements and Records Retention

In order to meet the American Reinvestment and Recovery Act transparency and accountability requirements, the County is required to submit quarterly program and financial reports to the Virginia Resources Authority (VRA). The reports are due five days after the end of each quarter. The state is responsible for submitting the required information to the federal government. Should there be additional and/or a change in existing reporting requirements, staff will notify the County Executive.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

- Attachment 1 - Form of Funding Agreement between Virginia Resources Authority and Board of Supervisors, Fairfax County
- Attachment 2 - VCWRLF/ARRA Lobbying Certification Form
- Attachment 3 - Disclosure of Lobbying Activities Form

STAFF:

- Robert A. Stalzer, Deputy County Executive
- James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
- Randolph W. Bartlett, Deputy Director, DPWES

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INFORMATION – 1

Contract Awards and Approval of Street Acceptance Items During the Period Between the December Board Meeting and the First Board Meeting in January

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

Unless otherwise directed, the County Executive or the appropriate Deputy County Executive will continue to approve street acceptance items and award contracts during the period between the December meeting and the first meeting on January 12, 2010. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive notification of all contracts awarded.

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant County Executive

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INFORMATION – 2

Contract Award - Wastewater Basic Ordering Agreements

Engineering consulting services are required under Basic Ordering Agreement (BOA) contracts for special project support of the integrated sanitary sewer system and the County's Noman M. Cole, Jr., Pollution Control Plant. Services will include special studies, engineering design, and services during construction.

In accordance with the Fairfax County Purchasing Resolution, a Request for Qualifications (RFQ) was advertised to the consultant community indicating that up to three contracts would be awarded. A total of fifteen firms responded to the RFQ advertisement and the Selection Advisory Committee short listed six firms for interviews. As a result of the interviews, the engineering firms of CH2M Hill, Inc., Hazen and Sawyer, P.C., and Parsons Water and Infrastructure, Inc. were selected based on their technical expertise and relevant experience. The Department of Tax Administration has verified that all three firms have the appropriate Fairfax County Business, Professional and Occupational License.

The three firms will provide engineering services under separate BOA contracts. Each BOA contract will be limited to an aggregate fee not-to-exceed \$2,000,000 for the initial year term and individual task orders shall not exceed \$1,000,000 for any one project. At the option of the County, these contracts may be renewed for two additional one-year terms. Any uncommitted funds in the BOA's at the end of each annual term shall not be rolled over to the next. Individual task orders will be authorized as projects are identified and the scope of the Engineer's services will be developed on a case-by-case basis.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award three contracts, one each to CH2M Hill, Inc., Hazen and Sawyer, P.C., and Parsons Water and Infrastructure, Inc. in the amount of \$2,000,000 each for the initial year term with two one-year renewals at the option of the County.

FISCAL IMPACT:

Funding for these contracts will be available from the applicable projects for which the engineering services are required. The amount of funding and the funding source will be identified prior to authorizing each task order. The Department of Public Works and Environmental Services will authorize individual task orders as they are identified.

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ENCLOSED DOCUMENTS:

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

STAFF:

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

INFORMATION – 3

Project Agreement Amendment with the Virginia Department of Transportation (VDOT)
for the NoVi Trail - Walk Along Beulah Road (Hunter Mill District)

The NoVi Trail - Walk Along Beulah Road Project consists of the installation of paved pedestrian trail improvements (5-foot wide to 10-foot wide), including marked cross walks and signage, along Beulah Road from Abbotsford Drive to Symphony Meadow Lane (Attachment 1). The trail was divided into four segments as a result of coordination with the NoVi Trail Advisory Committee (local citizen volunteers) and the Department of Public Works and Environmental Services during the preparation of a trail feasibility study. A description of each segment is described on the attached project map.

The proposed trail improvements identified for Segments A, B, & C are currently in design, and are being implemented using funds approved in the Fall 2007 Transportation Bond Referendum. Segment D is also in design; however, Enhancement Funds are being utilized for this segment.

Partial funding to implement the Segment D portion of the NoVi Trail - Walk Along Beulah Road Project was previously approved in the amount of \$160,000 in Enhancement Funds allocated in the VDOT Six Year Improvement Program by the Commonwealth Transportation Board. Additional VDOT Enhancement Funds for \$100,000 have been approved for the NoVi Trail - Walk Along Beulah Road Project, which will result in a total allocation of \$260,000.

The following summarizes the VDOT Enhancement Program Funds approved for this project and the corresponding required County matching funds:

VDOT Enhancement Allocation	VDOT Contribution (80 Percent)	Fairfax County Contribution (20 Percent)	Total Grant Amount
Prior Approved	\$160,000	\$40,000	\$200,000
Proposed Project Agreement Amendment	\$100,000	\$25,000	\$125,000
Total	\$260,000	\$65,000	\$325,000

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A Project Agreement Amendment (formally referred to as a Project Administrative Agreement) to the Project Development and Administration Agreement must be executed in order to expend the additional \$100,000 in Enhancement Funds. By executing the Project Agreement Amendment, the terms and conditions of the original executed Project Development and Administration Agreement will continue to be in effect except for modifications of the funding allocations.

The additional \$100,000 in VDOT Enhancement Funds will provide funding for the construction of the Segment D portion of the NoVi Trail - Walk Along Beulah Road Project (approximately 500 linear feet of 10-foot wide asphalt trail).

Unless otherwise directed by the Board of Supervisors, the County Executive will proceed to execute the Project Agreement Amendment with VDOT for Project Development and Administration of the NoVi Trail - Walk Along Beulah Road Project.

FISCAL IMPACT:

This project agreement requires \$25,000 in matching funds which will be provided by a portion of the fair market value of a land dedication (Bevan Property) that will be used for the other segment of the NoVi Trail (\$22,000), and cash (\$3,000). Funding is currently available in Project 009470, Hunter Mill District Capital Projects, in Fund 303, County Construction, for the County cash contribution (\$3,000) requirements for the NoVi Trail - Walk Along Beulah Road Project. Funding for the \$100,000 in enhancement grant revenue will be appropriated to Project W00300 (W3110) as part of the FY 2010 Third Quarter Review.

ENCLOSED DOCUMENTS:

Attachment 1 - Project Sketch

Attachment 2 - Project Development and Administration Agreement Amendment

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, Department of Transportation

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

Howard J. Guba, Deputy Director, DPWES

INFORMATION - 4

Project Agreement Between the Natural Resources Conservation Service, the Northern Virginia Soil and Water Conservation District, and Fairfax County for the Rehabilitation of Pohick Creek Damsite Number 3, Woodglen Lake (Braddock District)

The construction of Pohick Creek Damsite Number 3, known locally as Woodglen Lake, began in October 1979, and was completed in December of 1981. The project was a joint effort between the Soil Conservation Service, now the Natural Resources Conservation Service (NRCS), the Northern Virginia Soil and Water Conservation District (NVSWCD), and Fairfax County. The design as well as the construction management was completed by the NRCS, while the land acquisition portion of the project was completed by Fairfax County.

In November of 2000, the "Small Watershed Rehabilitation Amendments of 2000" revised Public Law 566 to establish a cost-share rehabilitation program whereby a community having dams constructed by the NRCS could receive federal assistance for the rehabilitation of these facilities.

A rehabilitation plan for Woodglen Lake was completed by the NRCS in June 2008. The plan recommended rehabilitating the Woodglen Lake dam to meet current safety and performance standards by realigning and armoring the auxiliary spillway, and also raising the earthen embankments that keep water flowing in the auxiliary spillway to prevent water from eroding the dam embankment.

In June 2008, the County entered into a work plan agreement with the NRCS. According to the terms of this agreement, if funding is available, the NRCS will provide 65% of the total cost of rehabilitating the Woodglen Lake dam up to a maximum of with the County responsible for the balance.

A final design for this project is being completed under a County contract, following NRCS standards. It is anticipated that construction of the project will begin by May 2010. The rehabilitated structure will have a new life expectancy of 72 years from the date the construction is complete. The rehabilitation of this dam will reduce the threat to loss of life and property for approximately 875 people who live and work downstream of the dam. It will protect 177 residential, commercial, and public buildings, four major roads, and a railroad in the dam breach inundation zone.

In order to obligate federal funds, NRCS requires the execution of a Project Agreement with the County and NVSWCD. As part of the Project Agreement, a Memorandum of Understanding (MOU) must also to be executed to clarify roles and functions of each

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partner and provide a framework under which financial obligations, including credit for the County's in-kind services. In addition, an Operation and Maintenance Agreement for the program life of 72 years is required, as well as an attestation relating to the adequacy of real property rights. The agreements have been coordinated with the NVSWCD.

Unless otherwise directed by the Board of Supervisors, the County Executive, on behalf of the County, will execute the Project Agreement and other supporting documents with the Natural Resources Conservation Service and the Northern Virginia Soil and Water District Commission for the rehabilitation of Pohick Damsite Number 3, Woodglen Lake.

FISCAL IMPACT:

The estimated total cost of the project is \$2,229,971. The NRCS will pay 65% of the cost (\$1,449,481) with the County required to fund 35% (\$780,490) of final costs, less any in-kind services credits. The current value of in-kind credit provided by the County and NVSWCD is \$604,900; therefore, the total County cash contribution is \$175,590. Funding is currently available in Fund 318, Stormwater Management Program, in Project FX4000, Dam Safety Projects to fund the County obligation for this project.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding

Attachment 2: Project Agreement (Available in the Office of the Clerk to the Board)

Attachment 3: Operation and Maintenance Agreement (Available in the Office of the Clerk to the Board)

Attachment 4: Assurances Relating to Real Property Acquisition (Available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

John Dargle, Jr., Director, Park Authority

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INFORMATION – 5

Presentation of the Fiscal Year 2009 Comprehensive Annual Financial Report (CAFR)

Annually, pursuant to the *Code of Virginia* (Code), Section 15.2-2511, as amended, Fairfax County's financial statements are audited by an independent certified public accountant. This audit is conducted in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States; and the Specifications for Audits of Counties, Cities, and Towns issued by the Auditor of Public Accounts of the Commonwealth of Virginia. The Code also requires that an independent certified public accountant present a detailed written report to the local governing body at a public session by December 31. The County's financial statements for Fiscal Year 2009 have been audited by KPMG LLP (KPMG), and KPMG's unqualified opinion, with respect thereto, is presented on page 1 of the Financial Section of the County's CAFR. A representative from KPMG is with us today.

In addition to meeting the requirements of the Code, the audit was designed to meet the requirements of the U. S. Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations and the related Circular A-133 Compliance Supplement. Known as the Single Audit, this is a special type of compliance audit applicable to specific federal grant programs. The requirements of the Single Audit are established by federal legislation and regulation and are very stringent. KPMG's reports related specifically to this audit activity are included in a separate Single Audit Act Report.

Auditing standards generally accepted in the United States of America require that the auditors communicate, in writing, to those charged with governance all significant deficiencies, including material weaknesses. In a letter addressed to the Board of Supervisors, KPMG reports that no material weaknesses were noted. This has been the case for the past 16 consecutive years, which is quite an achievement considering the size and complexity of the County's financial operations.

The CAFRs presented today will be submitted for rigorous peer review by the Government Finance Officers Association of the United States and Canada (GFOA). The 2008 CAFRs for the County, the Integrated Sewer System, and the Park Authority were awarded the GFOA's Certificate of Achievement for Excellence in Financial Reporting, the highest honor conferred by the GFOA.

A comprehensive package was delivered directly to the offices of each member of the Board of Supervisors on or before November 30, 2009. The package included:

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- The Fiscal Year 2009 Comprehensive Annual Financial Report.
- KPMG's required communications letter pertaining to the conduct of the audit addressed to the Board.
- KPMG's letter reporting no material weaknesses addressed to the Board.
- The Single Audit Act Report.

In compliance with the Code, a copy of the Fiscal Year 2009 CAFR is being provided to the Clerk to the Board of Supervisors where it shall remain open to public inspection. The CAFR is being made available for public use in the reference sections of the County's regional and community libraries as well as on Fairfax County's Web site.

ENCLOSED DOCUMENTS:

None. A comprehensive package has been delivered to the office of each member of the Board of Supervisors.

STAFF:

Edward L. Long, Jr., Deputy County Executive

Victor L. Garcia, Director, Department of Finance

John D. Higgins, Deputy Director, Department of Finance

Ronald F. Franks, Chief, Financial Reporting Division, Department of Finance

Richard M. Modie, Financial Reporting Manager, Department of Finance

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INFORMATION – 6

Contract Amendment – Rinker Design Associates, P.C. for Professional Services for the Construction of the Olley Glen Senior Housing Project (Braddock District)

The Glens at Little River campus, located at the intersection of Olley Lane and Little River Turnpike in the Braddock District, is a senior community that was planned for development in four phases. Phase I, Little River Glen, completed in 1990, includes regional Senior Center and a 120-unit independent-living senior housing development. Phase II, Braddock Glen, completed in 2006, is comprised of Braddock Glen Assisted Living, a 60-unit assisted living facility, and an Adult Day Health Care Center. Phase III, Olley Glen (The Project), currently under construction, is comprised of additional 90 units of independent-living senior housing. Olley Glen is scheduled for completion in September 2010. There is no timetable for the development of Phase IV at this point.

Olley Glen is similar in design to Little River Glen. The Project consists of 90 units of independent-living senior housing located in three two-story buildings with elevators. The buildings are connected by covered walkways. Each building has a common kitchen and family room on the first floor. All units have washers, dryers, and dishwashers. Food service for lunches will be provided at the Little River Glen Senior Center to those residents who wish to avail themselves of this service. There is an office in each of the three buildings to provide community and social services for the residents. All units have universal design features plus six units are fully handicapped accessible. Site improvements include additional site lighting, landscaping and paved parking as well as a large courtyard with site furnishings, a reflecting pond, a horseshoe pit and an herb garden.

On January 30, 2003, the FCRHA awarded a contract to Rinker Design Associates, PC (RDA) in the amount of \$61,900 for professional services, plus a standard 10% contingency of \$6,200, for a maximum contract amount of \$68,100. When RDA completed the site plan for Olley Glen, the revised contract amount was \$67,280. On June 19, 2008, the FCRHA approved a contract amendment in the amount of \$32,220, for the revised total of \$99,500 to cover additional professional services by RDA, including the Bidding and Negotiations Phase and the Construction Phase of the project, preparation of a Proffer Interpretation, and the redesign of several site elements in order to comply with the new Virginia Housing Development Authority's Minimum Construction Requirements. At this time, a contract amendment is necessary to fund additional professional services by RDA, needed to meet an unexpected requirement by the Virginia Department of Transportation (VDOT).

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At the time of the application for the Land Use Permit necessary for the construction ingress/egress for the Project, VDOT presented HCD with a requirement for roadway improvements on Olley Lane, in order to enhance sight distance conditions at the existing Braddock Glen entrance. The required public improvements need to be in place before the occupancy permits for the new apartment buildings can be issued. HCD requested a proposal from RDA for the design and processing of a public improvement plan for Olley Lane, to include survey work, site plan and easement plat preparation, numerous meetings and an oversight of construction, as well as utility plat preparation for communications and an oversight of the Olley Glen construction by a certified arborist, a new requirement by the County for the Project.

At its meeting on the October 29, 2009, the FCRHA approved a contract amendment in the amount of \$88,700 plus a standard ten percent (10%) contingency in the amount of \$8,870 to fund change orders for unanticipated design expenses, for a maximum increase of \$97,570 to the existing contract of \$99,500, with the amended contract amount not to exceed \$197,070. Unless otherwise directed by the Board of Supervisors, the FCRHA will proceed to amend the contract with RDA in an amount not to exceed \$97,570.

FISCAL IMPACT:

Funding in the amount of \$97,570 is required to fund the contract amendment and the associated contingency for the professional services by RDA. This increase in the development costs will be absorbed in the development budget and funded from the cost savings realized from the construction bid. Funds are available from the proceeds as described in the approved financing plan. The funds are being held by The Bank of New York Mellon Trust Company, N.A., as trustee.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
John Payne, Deputy Director, Real Estate, HCD
Cynthia J. Ianni, Director, Design, Development and Construction (DD&C), HCD
Regina Gerner, Senior Design and Construction Manager DD&C, HCD

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INFORMATION – 7

Contract Award – J.E.B. Stuart Park Athletic Field Lighting and Related Electrical Work
(Mason District)

Seven (7) sealed bids were received and opened on Tuesday, November 3, 2009, for the J.E.B. Stuart Park Athletic Field Lighting and Related Electrical Work in Project 005016, Athletic Fields Lighting, in Fund 303, County Construction. The project includes installation of athletic field lighting and related electrical work on diamond field #2 at J.E.B. Stuart Park.

The lowest responsive and responsible bidder is R. E. Lee Electrical Co., Inc. Their bid of \$103,377 is \$36,623, or 26.2% below the Park Authority's pre-bid cost estimate of \$140,000. The second lowest bid of \$106,210 is \$2,833, or 2.7% above the low bid, and the highest bid of \$121,000 is \$17,623, or 17% above the low bid.

Based on their financial capability and construction experience, R. E. Lee Electrical Co., 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 R. E. Lee Electrical Co., Inc. has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

On December 2, 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 R. E. Lee Electrical Co., Inc. in the amount of \$103,377.

FISCAL IMPACT:

Funding is currently available in Project 005016, Athletic Fields Lighting, in Fund 303, County Construction to award this contract, and to fund the associated contingency, administrative costs, and other project related costs

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, Park Authority

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10:45 a.m.

Matters Presented by Board Members

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11:35 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *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. *Bentley Properties, LLC, and Papermoon-Springfield, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane*, Fairfax County Zoning Administrator, Case No. CL-2009-0006589 (Fx. Co. Cir. Ct.) (Lee District)
 - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raimundo Guevara-Mendieta*, Case No. CL-2007-0012705 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
 - 5. *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)
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria Portillo*, Case No. CL-2009-0003563 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Stuart S. Malawer, Sandra S. Malawer, and Erik Kennedy*, Case No. CL-2009-0012912 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Florence E. Cavazos*, Case No. CL-2009-0000433 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Lord*, Case No. CL-2009-0006752 (Fx. Co. Cir. Ct.) (Lee District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Catalina Guevara*, Case No. CL-2009-0013873 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. James C. Benton*, Case No. CL-2009-0008759 (Fx. Co. Cir. Ct.) (Lee District)
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter L. Johnson, Lloyd K. Johnson, and Virginia M. Johnson*, Case No. CL-2009-0010551 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wendy Y. Rejas*, Case No. CL-2009-0009790 (Fx. Co. Cir. Ct.) (Mason District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cleveland Randle*, Case No. CL-2009-0015831 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Landmark Property Development, L.L.C.*, Case No. CL-2009-0015973 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David L. Marra, Sr., and Pamela L. Marra*, Case No. CL-2009-0015974 (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nina Catherine Ford and Aubrey L. Lane*, Case No. CL-2009-0015972 (Fx. Co. Cir. Ct.) (Mason District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor H. Pajares*, Case No. CL-2009-0016099 (Fx. Co. Cir. Ct.) (Providence District)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jean-Philippe Krukowicz and Benedicte A. Krukowicz*, Case No. CL-2009-0016208 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Douglas E. Wood and Dena R. Bergstrom*, Case No. CL-2009-0016209 (Fx. Co. Cir. Ct.) (Dranesville District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Debby M. Amaya, Maria E. Amaya, and Jose D. Fernandez*, Case No. CL-2009-0016277 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel E. Lopez, Berta Lopez, and Patricia N. Morales*, Case No. CL-2009-0016222 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mong Heng and Sou Khim Heng*, Case No. CL-2009-0016278 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Y.C. Wang, Trustee of the Living Trust of John Y.C. Wang and Wan Shi Wang, and Wan Shi Wang, Trustee of the Living Trust of John Y.C. Wang and Wan Shi Wang*, Case No. CL-2009-0016276 (Fx. Co. Cir. Ct.) (Mount Vernon District)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo Renato Garcia and Lenny Quiroz*, Case No. CL-2009-0016279 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Clarence N. Cichy, II*, Case No. CL-2009-0016343 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chau Quynh Nguyen and Sarah K. Nguyen*, Case No. CL-2009-0016344 (Fx. Co. Cir. Ct.) (Mason District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Daniel C. Robinson*, Case No. CL-2009-0015917 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Ramos Pinto and Marisol Pinto*, Case No. CL-2009-0016596 (Fx. Co. Cir. Ct.) (Providence District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul J. Gayet, Trustee of the Gayet Living Trust*, Case No. CL-2009-0016595 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmen S. Ribeiro*, Case No. CL-2009-0016681 (Fx. Co. Cir. Ct.) (Lee District)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Faleh A. M. Al Hogbani*, Case No. CL-2009-0016717 (Fx. Co. Cir. Ct.) (Mason District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Bo McAlister*, Case No. CL-2009-0016718 (Fx. Co. Cir. Ct.) (Lee District)
34. *Jon Soo Jang v. David J. Giaccio*, Case No. 09-23409 (Fx. Co. Gen. Dist. Ct.)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher Perreca*, Case Nos. 09-0022648 and 09-0022649 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maury A. Audet*, Case Nos. 09-0016479 and 09-0016480 (Fx. Co. Gen. Dist. Ct.) (Lee District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alvaro A. Cestti and Gladys A. Caballero*, Case Nos. 09-0020542 and 09-0020596 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. David Almendarez*, Case Nos. 09-0029452 and 09-0029453 (Fx. Co. Gen. Dist. Ct.) (Mason District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Darwin Santos Gonzalez*, Case Nos. 09-0030069 and 09-0030070 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rocio L. Veizaga*, Case Nos. 09-0030296 and 09-0030297 (Fx. Co. Gen. Dist. Ct.) (Lee District)

Board Agenda Item
December 7, 2009

3:00 p.m.

Special Meeting of the Fairfax County Solid Waste Authority to Authorize an Amendment to Service Agreement Among Fairfax County, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. (Service Agreement) Relating to the Sale, Delivery and Use of Reclaimed Water

ISSUE:

Fairfax County Solid Waste Authority (SWA) and Board of Supervisors must consent to amendments of the Service Agreement. The Service Agreement Amendment sets forth the changes that are necessary to allow Covanta Fairfax to use reclaimed water in its operations.

RECOMMENDATION:

The Executive Director of the Fairfax Solid Waste Authority recommends that the Fairfax County Solid Waste Authority authorize an Amendment to the Service Agreement relating to the sale, delivery and use of reclaimed water substantially in the form of the attachment.

TIMING:

Immediate. The Service Agreement Amendment must be authorized by the Fairfax County Board of Supervisors and Solid Waste Authority as one of several approvals that are necessary to put this environmentally beneficial project into operation.

BACKGROUND:

The Norman M. Cole, Jr. Pollution Control Plant (NMPCPCP) produces treated effluent that meets or surpasses the water reutilization standards of the Virginia Water Reclamation and Reuse Regulations (the "Reuse Regulations") codified at 9VAC25-740-10 through 9VAC25-740-210 of the Virginia Administrative Code ("Reclaimed Water"). The County's Wastewater Management Program sought beneficial uses for the Reclaimed Water that is produced by the NMPCPCP. The Department of Public Works and Environmental Services plans to award a design-build contract for the construction of approximately 3 miles of Reclaimed Water lines and a 0.5 million gallon Reclaimed Water storage tank to convey Reclaimed Water from the NMPCPCP to the Covanta Fairfax facility. The Reclaimed Water will be reused by Covanta in its cooling towers and associated processes of its Energy/Resource Recovery Facility (ERRF). Industrial use is one of the non-potable uses allowed under the Reuse Regulations.

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Currently potable water from Fairfax Water is used for these purposes. This reuse of wastewater will also reduce the quantity of nutrients discharged to the Chesapeake Bay from the NMCCPCP.

Covanta and Fairfax County are entering into an Agreement for the Sale, Delivery, and Reuse of Reclaimed Water ("Reclaimed Water Agreement"). An Amendment to the Service Agreement among Covanta, Fairfax County and the Fairfax County Solid Waste Authority is necessary to take into account the provisions of the Reclaimed Water Agreement. The form of a draft Service Agreement Amendment is attached. Significant provisions of the enclosed Service Agreement Amendment include:

- Covanta can use Reclaimed Water instead of potable water in its cooling tower and associated processes.
- The cost of Reclaimed Water can be passed through to the Authority/County.
- Any operating and maintenance costs associated with using the Reclaimed Water will be paid to Covanta as an approved pass through cost.
- The Reuse Availability Charge (the onetime fee for connection to the sanitary sewage collection system for additional wastewater collection and treatment capacity associated with additional wastewater discharge as a result of the use of Reclaimed Water) will be allowed as an approved pass through cost.

In summary, this Service Agreement Amendment allows Covanta to accept and use Reclaimed Water in its operations at the E/RRF and sets the framework for Covanta to recover these costs.

The need for expedited action at short notice is due to unanticipated requirements associated with stimulus funding being made available through the Virginia Department of Environmental Quality. The project is eligible to receive a \$6.5 million grant, but a primary requirement to receive the funds is that the necessary contracts/amendments must be in place.

FISCAL IMPACT:

Federal stimulus funds will be used to offset some construction costs. Reduction in water costs will reduce overall operational costs to the County to dispose of waste, or at least be cost neutral to the County and the Solid Waste Authority.

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ENCLOSED DOCUMENTS:

Attachment I: Form of the Draft Agreement Among the County of Fairfax, Virginia, the Fairfax County Solid Waste Authority, and Covanta Fairfax, Inc. to Amend the Service Agreement Relating to the Sale, Delivery, and Use of Reclaimed Water

Attachment II: Minutes of the February 23, 2009, Solid Waste Authority Meeting

STAFF:

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

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Board Agenda Item
December 7, 2009

3:00 p.m.

Public Hearing on SE 2008-MV-031 (Trustees for Mount Vernon Lodge No. 219, A.F. & A.M., New Cingular Wireless PCS, LLC D/B/A AT&T Mobility and T-Mobile Northeast, LLC) to Permit an Existing Public Benefit Association to Continue and to Install a Telecommunications Facility (Tree Pole Monopole), Located on Approximately 1.03 Acres Zoned R-3, Mount Vernon District

The application property is located at 8717 Fort Hunt Road, Tax Map 111-2 ((3)) 11.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 24, 2009, the Planning Commission voted unanimously (Commissioners Alcorn and Hall not present for the votes) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-MV-031, subject to the Development Conditions dated September 23, 2009, as amended by the Planning Commission during the course of the public hearing as follows:
 - Condition 8 – Add a period at the end of the last sentence;
 - Condition 10 – Indicate that the equipment shelter would be designed and finished to reflect the architecture of the Masonic Lodge building;
 - Condition 13 – Change the first "e" in "Engineering" to lowercase; add a comma between "SE Plat" and "Engineering" in the second line; and, delete "...should the need arise to alter the telecommunication tree monopole from that shown on the SE Plat" from the end of the last sentence;
 - Condition 23 – Indicate that if it is determined that water quality controls are required, then the applicants would have to file for a Special Exception Amendment.
 - In all Conditions – Ensure that any reference to the "tree monopole" are consistent;
- Waiver of the transitional screening requirements along the northern and western property lines;
- Modification of the transitional screening requirements along the southern and eastern property lines in favor of the vegetation shown on the SE Plat and as contained in the Development Conditions;

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- Waiver of the barrier requirements along the northern and western property lines; and
- Modification of the barrier requirements along the southern and eastern property lines in favor of that shown on the SE Plat and as contained in the Development Conditions.

In a related action, the Planning Commission voted unanimously (Commissioners Alcorn and Hall not present for the vote) to approve 2232-V08-6 and find that the proposed facility at 8717 Fort Hunt Road satisfies the criteria of location, character, and extent as specified in Sect. 15.2-2232 of the *Code of Virginia*, as amended, and is substantial conformance with the provisions of the Comprehensive Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
December 7, 2009

3:00 p.m.

Public Hearing on SEA 89-L-080 (Sunoco, Inc. (R&M)) to Amend SE 89-L-080 Previously Approved for a Service Station and Waiver of Minimum Lot Width to Permit the Addition of a Quick Service Food Store, Modifications of Development Conditions and Site Modifications, Located on Approximately 42,967 Square Feet Zoned C-6, CRD, HC and SC, Lee District

The application property is located at 6400 Backlick Road, Tax Map 80-4 ((1)) 9B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 29, 2009, the Planning Commission voted 6-0-5 (Commissioners Alcorn, Hall, Harsel, Hart, and Lawrence abstaining; Commissioner Flanagan absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 89-L-080, subject to the proposed Development Conditions dated October 28, 2009; and
- Modification of the major paved trail and on-road bicycle requirements along Backlick Road.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
December 7, 2009

3:00 p.m.

Public Hearing on RZ 2009-LE-008 (Kingstowne Gas Station LP) to Rezone from PDC and PDH-4 to PDC to Permit Commercial Development with No Change in Overall Floor Area Ratio. Located on Approximately 4.51 Acres, Lee District

and

Public Hearing on RZ 2009-LE-009 (Kingstowne Gas Station LP) to Rezone from PDC to PDH-4 to Permit Commercial Development with No Change in Overall Floor Area Ratio. Located on Approximately 1,321 Square Fee, Lee District

and

Public Hearing on PCA-C-448-32 (Kingstowne Gas Station LP) to Amend the Proffers for RZ C-448 Previously Approved for Commercial Development to Permit Site Modifications and Associated Modifications to Proffers with an Overall Floor Area Ratio of 0.62, Located on Approximately 1.11 Acres Zoned PDH-4, Lee District

RZ 2009-LE-008 is located in the northwest quadrant of the intersection of South Van Dorn Street and King Center Drive, Tax Map 91-2 ((1)) 26F pt.

RZ 2009-LE-009 approximately 100 feet north of King Center Drive and 500 feet west of its intersection with South Van Dorn Street, Tax Map 91-2 ((1)) 26F pt.

PCA-C-448-32 on the north side of King Center Parkway, approximately 450 feet west of its intersection with South Van Dorn Street, Tax Map 91-2 ((1)) 26F pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 5, 2009, the Planning Commission voted unanimously (Commissioners Hall and Hart absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA C-448-32, RZ 2009-LE-008, and RZ 2009-LE-009, subject to the execution of proffers consistent with those dated October 27, 2009, and the associated Conceptual Development Plan;
- Modification of the transitional screening yard requirement along the northeastern property line in favor of that shown on the combined rezoning and final development plan; and
- Waiver of the barrier requirement along the northeastern property line.

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In a related action, the Planning Commission voted unanimously (Commissioners Hall and Hart absent from the meeting) to approve FDPA C-448-10-03, FDP 2009-LE-008, and FDP 2009-LE-009, subject to the Development Conditions dated November 2, 2009, and subject also to Board approval of PCA C-448-32, RZ 2009-LE-008, and RZ-2009-LE-009.

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
December 7, 2009

3:00 p.m.

Public Hearing on PCA 87-S-023-03 (Costco Wholesale Corporation) to Amend the Proffers for RZ 87-S-023 Previously Approved for Commercial Development to Permit Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.22, Located on Approximately 17.56 Acres Zoned C-6 and WS, Springfield District

and

Public Hearing on SE 2007-SP-001 (Costco Wholesale Corporation) to Permit an Expansion of a Retail Sales Establishment – Large, Located on Approximately 16.05 Acres Zoned C-8 and WS. Springfield District

PCA 87-S-023-03 is located in the northeast quadrant of the intersection of West Ox Road and Lee Highway, Tax Map 56-3 ((1)) 5C and 5D.

SE 2007-SP-001 is located at 4725 West Ox Road, Tax Map 56-1 ((1)) 5C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 29, 2009, the Planning Commission voted unanimously (Commissioner Flanagan absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 87-S-023-03, subject to the execution of proffers consistent with those dated October 7, 2009;
- Approval of SE 2007-SP-001, subject to the Development Conditions dated October 28, 2009, revised as follows:
 - Add the following sentence to Condition 17: “The Zoning Administrator may approve a later date for the completion of the road improvement without requiring an SEA upon demonstration by the applicant that, despite diligent efforts and due to factors beyond the applicant’s control, the required road improvements have been delayed.”
 - Add a new Condition (renumbering the Conditions as appropriate) to read: “The stormwater management system shall be determined to be adequate by the Department of Public Works & Environmental Services at the time of site plan review.”

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- Modification of the transitional screening requirement to the east in favor of the existing vegetation as shown on the GDP/SE Plat and waiver of the barrier requirements to the east in favor of the landscape berm shown on the GDP/SE Plat; and
- Waiver of the trail requirement along Lee Highway (Route 29).

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
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3:30 p.m.

Public Hearing on PCA 2007-PR-001 (DSF/Long Metro II, LLC and DSF/Long Metro III LLC) to Amend the Proffers for RZ 2007-PR-001 Previously Approved for Mixed Use Development with an Overall Floor Area Ratio of 2.41, Located on Approximately 8.49 Acres Zoned PRM, Providence District

The application property is located on the west side of Gallows Road approximately 350 feet south of its intersection with Prosperity Avenue, Tax Map 49-1 ((16)) 14, 15 and 16; 49-2 ((1)) 18 and 19.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 19, 2009, the Planning Commission voted unanimously (Commissioner Alcorn not present for the votes; Commissioners Hall, Lusk, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2007-PR-001, subject to the execution of proffers consistent with those dated October 20, 2009;
- Reaffirmation of a modification to allow the use of underground stormwater management in a residential development, subject to Waiver #24817-WPFM-001-3, with Conditions dated October 2, 2007;
- Reaffirmation of a modification of private street standards to provide access to adjacent properties and to allow private streets in excess of 600 feet in length;
- Reaffirmation of a modification of transitional screening and barrier requirements in favor of that shown on the CDP/FDP; and
- Reaffirmation of a modification of PFM Standard 12-0702.1B2 to permit the reduction of the minimum planting width requirement from eight feet to six feet, as shown on the CDP/FDP and as described in the proffers.

The Planning Commission voted 8-0-1 (Commissioner Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioners Hall, Lusk, and Sargeant absent from the meeting) to recommend that the Board reaffirm a modification of the loading requirements to allow eight loading spaces in Phase B rather than ten loading spaces.

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ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
December 7, 2009

3:30 p.m.

Public Hearing on RZ 2009-DR-016 (Madison Building Associates LLC and Second Madison Building Associates LLC) to Rezone from C-6, CRD, HC and SC to PDC, CRD, HC and SC to Permit Mixed Use Development with an Overall Floor Area Ratio of 1.22, Located on Approximately 2.66 Acres, Dranesville District

Public Hearing on RZ 2009-DR-016 (Madison Building Associates LLC and Second Madison Building Associates LLC) is **TO BE DEFERRED TO 1/26/10 at 3:30 p.m.**

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Board Agenda Item
December 7, 2009

3:30 p.m.

Public Hearing on RZ 2009-SU-020 (Trustees of the Light Global Mission Church) to Rezone from PDC, HC and WS to PDC, HC and WS to Amend Mixed Use Development to Include an Independent Living Facility with an Overall Floor Area Ratio of 0.26, Located on Approximately 28.02 Acres, Sully District

and

Public Hearing on PCA 83-C-021-02 (Trustees of the Light Global Mission Church) to Amend the Proffers for RZ 83-C-021 Previously Approved for Mixed Use Development to Delete Land Area, Located on Approximately 28.02 Acres Zoned PDC, HC and WS, Sully District

The application property is located in the northwest quadrant of the intersection of Fair Ridge Drive and Lee Jackson Memorial Highway, Tax Map 46-3 ((1)) 15A1, 15A2 and 15A3.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 19, 2009, the Planning Commission voted unanimously (Commissioner Alcorn not present for the votes; Commissioners Hall, Lusk, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 83-C-021-2;
- Approval of RZ 2009-SU-020, subject to the execution of proffers consistent with those dated November 17, 2009;
- Modification of the transitional screening requirements to the north and west to allow the use of existing vegetation and to that shown on the CDP/FDP;
- Modification of Par. 5 of Sect. 6-206 to permit secondary uses in a PDC District to exceed 50 percent;
- Reaffirmation of a modification of transitional screening and waiver of barrier requirements to the south, in favor of that shown on the CDP/FDP; and
- Reaffirmation of a waiver of the service drive along Route 50.

The Planning Commission voted 8-0-1 (Commissioner Harsel abstaining; Commission Alcorn not present for the vote; Commissioners Hall, Lusk, and Sargeant absent from the meeting) to recommend that the Board modify Additional Standard 1 (Par. 1 of Sect. 9-306) to permit a reduction in the minimum age requirement from 62 to 55 years of age.

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The Commission voted unanimously (Commissioner Alcorn not present for the vote; Commissioners Hall, Lusk, and Sargeant absent from the meeting) to approve FDP 2009-SU-020, subject to the Board's approval of RZ 2009-SU-020, and subject also to the Development Conditions dated November 18, 2009, with Condition #1 modified to delete the words "as raised crosswalks".

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
December 7, 2009

3:30 p.m.

Public Hearing on SEA 85-M-101-03 (T-Mobile Northeast LLC) to Amend SE 85-M-101 Previously Approved for a Private School of Special Education to Permit a Telecommunications Facility and Associated Modifications to Site Design, Located on Approximately 8.27 Acres Zoned R-1 and R-5, Mason District

The application property is located at 7010 Braddock Road, Tax Map 71-3 ((8)) 5, 71-4 ((20)) 1 and 4.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 5, 2009, the Planning Commission voted unanimously (Commissioners Hall and Hart absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 85-M-101-03, subject to the Development Conditions dated October 22, 2009, with the following modifications:
 - Revise Condition 8, which required construction of a sidewalk along the property's frontage on Backlick Road, to reflect the pending Virginia Department of Transportation projects for sidewalk and road improvements on the northwest corner at the intersection of Backlick and Braddock Roads;
 - Revise Condition 29 to require that measurements be monitored or conducted following construction to verify that radio frequency emissions conformed with applicable safety standards; and
 - Revise Condition 30 to allow the display of flags on the flagpole monopole.
- Waiver of the requirement to construct an on-road bike lane along the frontage of Backlick Road, fronting parcels 71-4 ((20)) 1 and 4, in favor of the right-of-way dedications shown on the SEA Plat;
- Waiver of the requirement to construct a major paved trail along the frontage of Braddock Road, fronting parcel 71-4 ((20)) 4, in favor of the right-of-way dedication shown in the SEA Plat; and
- Modification of the transitional screening and barrier requirements along the property lines, in favor of the landscaping and barriers shown on the SEA Plat.

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In a related action, the Planning Commission voted unanimously (Commissioners Hall and Hart absent from the meeting) to approve 2232-M06-18 by T-Mobile Northeast LLC. The Commission noted that the proposed telecommunications facility at 7010 Braddock Road satisfies the criteria of location, character, and extent, as set forth in Sect. 15.2-2232 of the *Code of Virginia*, and is in substantial accord with the provisions of the adopted Comprehensive Plan.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
December 7, 2009

Regulatory
Review



4:00 p.m.

Public Hearing on a Proposed Amendment to the Public Facilities Manual Related to Traffic Calming and Cut-Through Measures

ISSUE:

Board adoption of a proposed amendment to the Public Facilities Manual (PFM). The proposed amendment updates the PFM by replacing the traffic calming standards with references to the Virginia Department of Transportation's (VDOT's) standards and the Fairfax County Department of Transportation's (FCDOT's) Residential Traffic Administration Program (RTAP), and removing the cut-through requirements.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 18, 2009, the Planning Commission voted unanimously (Commissioner de la Fe absent from the meeting) to recommend that the Board of Supervisors adopt the proposed amendment to the Public Facilities Manual, regarding traffic calming and cut-through measures, as set forth in the staff report dated October 19, 2009; and that the amendment become effective at 12:01 a.m. on December 8, 2009.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendment as set forth in the staff report dated October 19, 2009, and as recommended by the Planning Commission.

TIMING:

The Board is requested to take action on December 7, 2009. The amendments will become effective upon adoption. The public hearing was authorized for advertisement by the Board on October 19, 2009. The Planning Commission held a public hearing on November 18, 2009.

BACKGROUND:

The County's RTAP program, administered by FCDOT, assists communities in controlling traffic and parking in residential neighborhoods. Two of the RTAP tools utilized to control traffic are traffic calming and cut-through restrictions. Traffic calming measures are physical devices built within the roadway to slow traffic without restricting access. Cut-through measures include access restrictions such as turning prohibitions, diverters, or other traffic calming devices to reduce the volume of traffic traveling through a designated neighborhood. Typically, under the RTAP, existing subdivision streets are retrofitted with

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traffic calming and cut-through measures. However, such measures also may be utilized in the design of new subdivision streets and for newly constructed streets that have not yet been accepted into the State's secondary road system.

The Board adopted the County's traffic calming program, on January 28, 2002, consistent with VDOT's traffic calming program for local streets with certain amendments. The County's program's guidelines and procedures include eligibility requirements, requirements for community support, and approval of the traffic calming plan by the community, FCDOT, VDOT, and the Board. On June 7, 2004, the Board adopted an amendment to the PFM to incorporate traffic calming and cut-through guidelines and procedures for existing and new subdivision streets in § 7-1200 (Traffic Calming) and § 7-1300 (Cut-Through) and VDOT's geometric standards for the physical devices used to control speeding in Plates #37-7(37M-7) thru #45-7 (45M-7) of the PFM. For the most part, the PFM's traffic calming and cut-through requirements for new subdivision streets are the same as the RTAP requirements for existing streets except for the community support provisions. The community support requirements are not applied to by-right developments and apply to developments subject to rezoning, special exception, or special permit only if stipulated by FCDOT.

Changes to the County's RTAP program have recently been adopted by the Board of Supervisors. On February 23, 2009, the Board endorsed changes to the Traffic Calming General Operating Procedures to make the process easier to implement, and on September 14, 2009, the Board endorsed proposed eligibility and procedural requirements of minor arterial streets for inclusion into the RTAP program. In addition, VDOT's "Traffic Calming Guide for Residential Streets" was revised in July 2008. VDOT recommends that developers consult with them prior to submitting a new subdivision plan specifying traffic calming measures to ensure that the proposed design conforms to current VDOT standards and criteria.

As a result of the above actions, the PFM provisions related to traffic calming and cut-through restrictions have become outdated. Because the Board adopts the RTAP guidelines and procedures separately from the PFM, and VDOT periodically revises its guidelines and manuals, the PFM provisions on traffic calming, which essentially replicate these standards, can be kept current more readily by referencing these published standards.

The proposed PFM amendment was coordinated with the FCDOT and the Office of the County Attorney and is recommended for approval by the Engineering Standards Review Committee

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December 7, 2009

PROPOSED AMENDMENTS:

The proposed amendment updates the PFM by:

- Replacing the traffic calming provisions with a reference to the RTAP requirements and VDOT standards. Specifically, references to VDOT and the RTAP standards are being added to the PFM: one for existing streets, § 7-0101.5A, and the other for new streets, § 7-0101.5B. Section 7-1200 and Plates #37-7 (37M-7) thru #45-7 (45M-7) are being removed from the PFM, except for the community support requirements provided in §7-1207.1 and §7-1207.2 which are being retained as new §§ 7-0101.5B(1) and 7-0101.5B(2), respectively.
- Removing the RTAP standards related to cut-through, which are not relevant to new subdivisions, by deleting § 7-1300 in its entirety. Control measures for addressing cut-through are included in the RTAP program for use on existing streets.

The proposed amendment allows the PFM to remain current and will assist designers in complying with the current traffic calming requirements for existing and new subdivision streets, including VDOT standards, which have been adopted for use in the RTAP program.

REGULATORY IMPACT:

Replacing the replicated standards with a reference to VDOT and the RTAP guidelines will eliminate confusion for the land development community when the PFM becomes outdated and conflicts with the applicable standards. In addition, the proposed amendment allows the PFM to remain current and will assist designers in complying with the current traffic calming requirements.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I - Staff Report dated October 19, 2009.
Attachment II – Planning Commission Verbatim

STAFF:

Katharine D. Ichter, Director, Department of Transportation
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard Guba, Deputy Director, DPWES
James Patteson, Director, Land Development Services, DPWES

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Board Agenda Item
December 07, 2009

4:00 p.m.

Public Hearing to Establish the Amberwood Community Parking District (Hunter Mill 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 Amberwood 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 Amberwood CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on November 16, 2009, for December 7, 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

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

Pursuant to Fairfax County Code Section 82-5B-3, the Board may 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 Amberwood 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 Amberwood CPD

STAFF:

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

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4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Establishing the George Mason University Residential Permit Parking District, District 40 (Braddock District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the George Mason University Residential Permit Parking District (RPPD), District 40.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the George Mason University RPPD, District 40.

TIMING:

On November 16, 2009, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on December 7, 2009, at 4:00 p.m.

BACKGROUND:

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

A petition requesting establishment of the RPPD was received on August 14, 2009. The proposed District establishment includes the following street block: Tapestry Drive

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(Route 6545) from Catterick Court (Route 6548) to the western boundary of 68-2((5)) parcel 1679A and the western boundary of 68-2((5)) parcel 1680 (Attachment II).

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District establishment and represent more than 50 percent of the eligible addresses on each block face of the proposed District establishment, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District establishment is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on August 14, 2009, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to establish the George Mason University RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$600. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

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

STAFF:

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

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4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Springdale Residential Permit Parking District (RPPD) District 33.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Springdale RPPD, District 33.

TIMING:

On November 16, 2009, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on December 7, 2009, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

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Petitions requesting expansion of the RPPD were received on April 28, 2009, and August 18, 2009. The proposed District expansion includes the following streets: Munson Road (Route 795) east side only from Arnet Street (Route 1845) to Summers Lane (Route 3399), Summers Lane north side from eastern boundary of 61-4((1)) parcel 0042 to the western boundary of 61-4((1)) parcel 0041A.

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on April 28, 2009, and August 18, 2009, thereby satisfying Code fee requirements.

On September 19, 2009, a peak parking demand survey for Munson Road and Summers Lane was conducted. This survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks, thereby satisfying Code parking requirements. Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to expand the Springdale RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$600. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

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

STAFF:

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

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4:00 p.m.

Public Hearing to Establish the Franklin Farm Community Parking District (Sully 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 Franklin Farm 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 Franklin Farm CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on November 16, 2009, for December 7, 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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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 Franklin Farm 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 \$750 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 Franklin Farm CPD

STAFF:

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

Board Agenda Item
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4:30 p.m.

Public Hearing on a Proposed Cut-Through Traffic Mitigation Plan for Sutton Road as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

Public hearing on a proposed cut-through traffic mitigation plan for Sutton Road as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends the Board endorse Sutton Road, between Courthouse Road and Marywood Road, for a cut-through traffic mitigation plan as part of the RTAP. The proposed plan consists of the following traffic calming measures:

- Two speed humps on Sutton Road

TIMING:

On November 16, 2009, the Board authorized advertisement of a public hearing scheduled for December 7, 2009, 4:30 p.m.

BACKGROUND:

On January 13, 2006, community members living along Sutton Road requested traffic calming measures for Sutton Road. An initial engineering review revealed traffic counts in excess of 4,000 vehicles per day, which necessitated a comprehensive cut-through study. The study found that Sutton Road qualified for cut-through traffic mitigation measures due to 93-98% of the peak hour traffic having an origin or destination outside the study area.

At the request of the Edgelea Woods Community Association, the County was asked to include Oleander Avenue and Brightlea Drive in the cut-through mitigation study for the reason that they share some of the same traffic concerns and could receive displaced traffic if cut-through traffic mitigation measures were installed on Sutton Road. The results of the engineering review for Oleander Avenue qualified the road for the County's traffic calming program. Brightlea Drive did not meet minimum volume requirements for the County's traffic calming program.

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A community task force was formed, which developed a cut-through mitigation plan and a traffic calming plan for Sutton Road and Oleander Avenue. The combined plan consists of two traffic calming devices on Sutton Road, and two traffic calming devices on Oleander Avenue (Attachment I). The combined plan was presented to both neighborhoods at a community meeting. Subsequently a ballot was issued and the combined plan was passed.

On October 5, 2009, the Board of Supervisors approved a resolution requesting the Virginia Department of Transportation (VDOT) to consider cut-through or traffic calming measures for Sutton Road.

The traffic calming plan pertaining to Oleander Avenue will be presented to the Fairfax County Board of Supervisors as an administrative item for their endorsement on December 7, 2009.

In order for the cut-through traffic mitigation plan pertaining to Sutton Road to be implemented as part of the RTAP, a public hearing must be held pursuant to the policies and procedures adopted by the Commonwealth Transportation Board contained in the "Policy and Procedures, Control of Residential Cut-Through Traffic" dated May 9, 1996. In addition, a resolution (Attachment II) must be forwarded to VDOT requesting such measures.

FISCAL IMPACT:

The estimated cost of \$7,000 for the traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Cut-Through Traffic Mitigation Plan and Traffic Calming Plan for Oleander Avenue

Attachment II: Proposed Resolution on Cut-Through Traffic Mitigation for Sutton Road

STAFF:

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

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4:30 p.m.

Public Hearing on a Proposal to Abandon Segments of Beulah Street (Route 613) and Woodlawn Road (Route 618) (Mount Vernon District)

ISSUE:

Public hearing to consider the abandonment of segments of Beulah Street (Route 613) and Woodlawn Road (Route 618).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order (Attachment II) abandoning these roadway segments.

TIMING:

On October 19, 2009, the Board authorized a public hearing to consider the subject abandonment for December 7, 2009.

BACKGROUND:

The applicant, the Virginia Department of Transportation (VDOT), is requesting that segments of Beulah Street and Woodlawn Road be abandoned. The subject roadways are in the secondary system of highways.

This request occurs subsequent to the physical closure of the roadways by the United States Department of Defense (USDOD). When open to traffic the subject roadways provided for travel by the public through the central areas of the Fort Belvoir US Army installation. The roads were unrestricted and did not require clearing a checkpoint for access. Because of the ease of public access to critical base facilities, the USDOD determined that full closure of the roadways was necessary to maintain security of the installation.

These roadways will not be reopened to through traffic therefore abandonment of the areas is appropriate. Both roads were reconstructed in the early 1940s when the base was developed. At that time USDOD granted an easement to VDOT to allow their maintenance and operation of the roads. Because the roads are in the secondary system of highways, abandonment is necessary to remove them from the system.

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Traffic Circulation and Access

The abandonment is also necessary to fulfill an agreement between the Federal Highway Administration (FHWA) and VDOT regarding right-of-way acquisition and construction of a roadway that will bypass the central areas of the installation. In exchange for right-of-way from Woodlawn Plantation, Fort Belvoir will donate 2.5 acres of property to the National Historic Trust, owners of the Woodlawn Plantation property. The agreement stipulates that the segments of Beulah Street and Woodlawn Road will also be abandoned.

The right-of-way granted by the National Historic Trust will be utilized for a road widening which will occur on the Mulligan Road and Old Mill Road alignments and will result in the construction of a 4-lane divided roadway. This roadway will connect Route 1 and Telegraph Road. The new roadway is intended to absorb the traffic that used the subject roadways as well as enhance access to development of the periphery of Fort Belvoir associated with the Base Realignment and Closure (BRAC) actions.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Notice of Intent to Abandon

Attachment II: Order of Abandonment

Attachment III: Easement document that created subject roadways

Attachment IV: Vicinity map

STAFF:

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

Angela Kadar Rodeheaver FCDOT

Michael A. Davis, FCDOT

Board Agenda item
December 7, 2009

4:30 p.m.

Public Hearing to Consider Amending Fairfax County Code Section 82-5-7 Related to Parking of Commercial Vehicles in Residential Districts

ISSUE:

Proposed amendment to Section 82-5-7 of the Fairfax County Code related to parking of commercial vehicles in residential districts.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Section 82-5-7 of the Fairfax County Code related to parking of commercial vehicles in residential districts (Attachment 1).

TIMING:

On November 16, 2009, the Board authorized a public hearing to consider amending Section 82-5-7 of the Fairfax County Code for December 7, 2009, at 4:30 p.m.

BACKGROUND:

Proposed changes to Section 82-5-7 of the Fairfax County Code, which prohibits parking of commercial vehicles in residential districts, were presented to the Board of Supervisors Transportation Committee on October 20, 2009. The committee approved proceeding to a public hearing. This action followed previous meetings over the past year about problems with large vehicles parking in neighborhoods. The proposed code changes are intended to better define commercial vehicles in the County code, in order to improve parking enforcement and respond to complaints about large/commercial vehicles parking on residential streets. The changes are summarized below.

- Changes code requirement for taxicabs and limousines: One resident of each single family dwelling unit may park one vehicle licensed and registered in the Commonwealth of Virginia as a taxicab or limousine.
- Expands definition of commercial vehicle restricted from parking in a residential area to include:
 - Any vehicle licensed as a common or contract carrier or limousine (except as above).

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-Vehicles that exceed size and weight limits: more than 21 feet long, more than 8 feet high including appurtenances, width of 102 inches or more, or gross vehicle weight of 12,000 or more pounds. Vehicles exempted from these size and weight limits are: commercial vehicles used by public service company, watercraft or motor home, school buses, vehicles driven by or used for transporting persons with disabilities, vehicles for cable television service, moving vehicles for 48 hours, vehicles for propane gas service. These "excepted" vehicles can park in a residential area unless restricted elsewhere in the Code, e.g., boats and motor homes are not allowed to park in areas that are Community Parking Districts.

-Vehicle carrying commercial freight in plain view.

-Trailer or semitrailer except camper, boat or single axle utility.

-Any vehicle with 3 or more axles.

- Clarification of parking restrictions on service drives: Where a service road is adjacent to a residentially zoned area, parking restrictions apply to the side of the service road that is adjacent to the residential area except as otherwise provided in section 82-5-35(5). This allows prohibiting commercial parking on that side of the street which is zoned for a use other than residential to further the residential character of the abutting community.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Section 82-5-7 of the Fairfax County Code

STAFF:

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

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

Corinne N. Lockett, Assistant County Attorney

Colonel David M. Rohrer, Fairfax County Chief of Police

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4:30 p.m.

Public Hearing on Proposed Revisions to Chapter 3, Article 6 of the *Code of Fairfax County, Virginia* to Abbreviate the Deferred Compensation Ordinance by Authorizing Maintenance of a Separate Deferred Compensation Plan Document

ISSUE:

Public hearing on proposed amendments to Chapter 3, Article 6 of the Code of the County of Fairfax, Virginia, abbreviating the deferred compensation ordinance by authorizing maintenance of a separate Deferred Compensation Plan document.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendments to Chapter 3, Article 6 of the Code of the County of Fairfax. The Personnel and Reorganization Committee reviewed and recommended approval of this matter at the October 26, 2009 meeting.

TIMING:

Board action is requested on December 7, 2009. Public Hearing was authorized for advertisement on November 17, 2009.

BACKGROUND:

The Fairfax County Deferred Compensation Plan is a plan established under Section 457(b) of the Internal Revenue Code (IRC) to permit eligible employees to contribute a portion of their salaries to the Plan in order to save for retirement on a tax-deferred basis.

The plan was established by the Board of Supervisors in 1981 under Chapter 3, Article 6 of the Fairfax County Code. In its current form, the Plan document, which includes the administrative details of plan operation, is embodied in the Ordinance. The proposed revision to the ordinance will authorize the adoption and maintenance of a separate Deferred Compensation Plan document, in accordance with Section 457 of the Internal Revenue Code and Virginia's Government Employees Deferred Compensation Plan Act (Section 51.1-600 et seq. of the Code of Virginia, 1950, as amended.) This revision will provide more flexibility, enabling the Plan document to be updated more readily ensuring more timely compliance with legislative and regulatory changes. At the October 26, 2009 Personnel and Reorganization Committee meeting, staff

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reviewed two issues with the Board. Those issues were the proposed revisions to the Fairfax County Code regarding the deferred compensation ordinance language that is the subject of this administrative item. The second issue regarding consideration of consolidating to a single deferred compensation vendor will be returned to the Board for review in the future after employee input is gathered.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 - Proposed Chapter 3, Article 6

STAFF:
Susan Woodruff, Director, Department of Human Resources

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4:30 p.m.

Public Hearing on the Question of Creating a Phase II Dulles Rail Transportation Improvement District (Dranesville and Hunter Mill Districts)

ISSUE:

Petition (the "Petition") to the Board to create a Phase II Dulles Rail Transportation Improvement District (the "Phase II District").

RECOMMENDATION:

The County Executive recommends that the Board (1) adopt a proposed resolution that would create the Phase II District upon re-adoption on December 21, 2009, pursuant to Va. Code Ann. § 33.1-431, (2) adopt an accompanying Material and Essential Understandings Resolution, as proposed by the Petition, and (3) adopt a resolution clarifying application of the requirements of Va. Code Ann. § 33.1-437 as requested by the Petitioners.

TIMING:

On October 19, 2009, the Board authorized a public hearing to consider the proposal to create the Phase II District, to take place on December 7, 2009. In order to create the proposed Phase II District before the end of 2009, the Board must adopt a proposed resolution for that purpose following the public hearing, so that it can be re-adopted as required by applicable law at the Board's last scheduled meeting of 2009 on December 21, 2009, at 11:00.

BACKGROUND:

On October 9, 2009, the Petition was filed with the Clerk to the Board asking the Board to create a Phase II District in accordance with the Petition. As required by Va. Code Ann. § 33.1-431, the petitioners are owners of more than 51% of the commercial and industrial property within the proposed Phase II District, measured by assessed value, that would be subject to a special tax pursuant to Va. Code Ann. § 33.1-435 (the "District Tax") if the Phase II District is created.

The Petition is similar though not identical to the petition that was submitted to the Board in January 2004 that permitted the Board to create the Phase I Dulles Rail Transportation Improvement District (the "Phase I District") in February 2004.

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The Petition as submitted on October 9th was signed on behalf of owners of over 57% of the taxable commercial and industrial property in the proposed Phase II District, i.e., more than enough to meet the statutory 51% requirement. The Petition also appears to meet all other statutory requirements.

At its meeting on October 19, 2009, the Board received the Petition and per Va. Code Ann. § 33.1-431(C), set a public hearing to take place on December 7, 2009, on the question of creating the Phase II District. In addition, since the proposed Phase II District includes properties within the Town of Herndon, copies of the Petition and notice of the public hearing authorized by the Board were delivered to the Town Council of Herndon through its Clerk as required by law. On November 10, 2009, the Town Council held a public hearing on the matter and at its conclusion voted unanimously to adopt a resolution approving the inclusion of properties in the Town within the Phase II District as proposed by the Petition, a copy of which is Attachment II hereto.

Per Va. Code Ann. § 33.1-431(D), after the public hearing on December 7th, the Board “may pass a resolution, which shall be reasonably consistent with the [P]etition, that would create the [Phase II D]istrict upon final adoption” Attachment III hereto is a resolution to create the Phase II District as proposed by the Petition that County staff believes would meet all statutory requirements.

If the Board creates the Phase II District, it would be governed by a District Commission, consisting of four Board members, a member of the Town Council of Herndon selected by that body, and the Chairman of the Commonwealth Transportation Board (“CTB”) *ex officio* or his or her designee. The District Commission would be advised by a District Advisory Board, composed of landowner representatives. This is the same basic governance structure used for the Phase I District, except for the additional member of the District Commission and two additional members of the District Advisory Board to be appointed by the Town Council of Herndon.

If created by the Board, the Phase II District could be used to pay for up to \$330 million of the capital cost of Phase II of the ongoing project to extend Metrorail service to and beyond Dulles Airport. Funds for that purpose, as well as additional funds needed to pay debt service and for required reserves, can be obtained from revenues of the District Tax on commercial and industrial properties within the Phase II District.

Exhibits A and B to the Petition describe the boundaries of the proposed Phase II District. Exhibit A, which is composed of maps, actually defines those boundaries. Exhibit B is a list of tax map parcel numbers of properties within the Phase II District as compiled as of August 3, 2009, for illustrative purposes. The boundaries as proposed by the Petition encompass commercial and industrial properties near the right-of way of

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the Dulles Airport Access and Toll Road (“DAATR”) from west of its intersection with Wiehle Avenue to the Loudoun County boundary.

The proposed transportation improvements (the “Transportation Improvements”) are described in Exhibit C to the Petition. Essentially they include that portion that will be in the Phase II District of the capital improvements described as the Locally Preferred Alternative (“LPA”) in a resolution of the Board of Directors of the Washington Metropolitan Area Transit Authority (“WMATA”), adopted on November 21, 2002. The actual text of Exhibit C is taken from the executive summary of the Final Environmental Impact Study for the Dulles Metrorail Project.

The Petitioners propose the “phase in” of the District Tax, starting at a rate of five cents per \$100 assessed value in 2010 and rising to 20 cents for 2013 through the year in which Metrorail service commences in the Phase II District, at which point it could rise to a rate anticipated to be no more than 25 cents but which could be higher if and as necessary to meet the financial obligations of the Phase II District. The Phase II District’s financial obligations can be imposed if and when the County commits to be responsible for its agreed share of the costs of the Phase II transportation improvements pursuant to the Agreement to Fund the Capital Cost of Construction of Metrorail in the Dulles Corridor entered into by the County, the Metropolitan Washington Airports Authority (“MWAA”), and Loudoun County as of July 19, 2007 (the “Funding Agreement”). Thus, the limitations in the Petition on the power of the District Commission to commit Phase II District Tax revenues are satisfied before or at the time that the County would be required to make any binding commitment regarding Phase II costs pursuant to the Funding Agreement.

Additional Resolutions

In addition to the proposed resolution to create the Phase II District, which is Attachment III hereto, the Petitioners have asked the Board to adopt two other resolutions, and County staff recommends that the Board do so if and at the time it adopts Attachment III.

The first is the so-called “Material and Essential Understandings Resolution,” which is Exhibit D to the Petition and Attachment IV hereto. This resolution is explicitly not legally binding, but is essentially aspirational in nature, consisting primarily of recommendations from the Board that boards of supervisors in the future take certain actions in certain circumstances, all as consistent with provisions of the Petition. Attachment IV is the text of Exhibit D to the Petition except for the correction of an erroneous reference to a non-existent “paragraph 4.g.” of the Petition to “4.f.”

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The other proposed additional resolution is Attachment V hereto. It concerns the requirements of Va. Code Ann. § 33.1-437 that in the event of a change in zoning classification or use of a parcel of property in the Phase II District from one subject to the District Tax to one not subject to the District Tax, the Board must require a lump sum payment from the property owner. By law the lump sum payment required is the present value of future District Taxes estimated by the County to be lost as a result of the change in zoning classification or use. Attachment IV simply recognizes the theoretical possibility that some such changes in zoning classification, e.g., from pure commercial to mixed use, might not necessarily result in a loss of future District Tax revenues (i.e., because of the possibility that the value of the portion of a mixed use development that remains subject to the District Tax might exceed the value of the property if it was still zoned only commercial). Attachment V thus recognizes that if that situation occurs, then no lump sum payment would be due pursuant to the statute.

FISCAL IMPACT:

The fiscal impact of creating the Phase II District would consist of the administrative costs associated with forming and conducting the business of the District Commission and the District Advisory Board. Applicable law provides that the District Advisory Board members shall serve without pay but that the District Commission may appropriate funds from district tax revenues as needed to defray the reasonable expenses and fees of the District Advisory Board, not to exceed \$20,000 annually. We also anticipate future expenses for staff and outside professionals to negotiate agreements and obligations of the Phase II District.

ENCLOSED DOCUMENTS:

Attachment I: Copy of Petition as submitted on October 9, 2009 (Under Separate Cover)
Attachment II: Copy of resolution adopted by Town Council of Herndon on November 10, 2009
Attachment III: Proposed resolution to create the Phase II District
Attachment IV: Proposed "Material and Essential Understandings Resolution"
Attachment V: Proposed resolution regarding the requirements of Va. Code Ann. § 33.1-437

STAFF:

Richard Stevens, Dulles Rail Project Manager, Fairfax County Department of Transportation

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

James V. McGettrick, Assistant County Attorney

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5:00 p.m.

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

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