

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MARCH 30, 2009**

**AGENDA**

9:30	<b>Done</b>	Presentations
10:00	<b>Done</b>	Presentation of Advisory Social Services Board Report
10:10	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:10	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Authorization to Advertise a Public Hearing for the De-Creation/Re-Creation of a Small Sanitary District for Leaf Collection Service (Providence District)
2	<b>Approved</b>	Streets into the Secondary System (Dranesville, Hunter Mill, Lee, Mount Vernon, Providence, and Sully Districts)
3	<b>Approved</b>	Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Mason, Providence, and Springfield Districts)
4	<b>Approved</b>	Additional Time to Commence Construction for Special Exception Amendment SEA 94-D-002, Fairfax County Redevelopment and Housing Authority (Dranesville District)
5	<b>Approved</b>	Authorization to Advertise a Public Hearing to Establish the St. John Community Parking District (Lee District)
6	<b>Approved</b>	Authorization to Advertise a Public Hearing to Establish the Robin Glen Community Parking District (Providence District)
7	<b>Approved</b>	Installation of "No Parking" Signs on Ruffin Drive and on Rhett Lane (Springfield District)
8	<b>Approved</b>	Approval of a "Watch for Children" Sign as Part of the Residential Traffic Administration Program (Hunter Mill District)
9	<b>Approved</b>	Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Courthouse Road as Part of the Residential Traffic Administration Program (Providence District)

**FAIRFAX COUNTY  
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**ADMINISTRATIVE  
ITEMS**  
(continued)

- 10           **Approved**           Authorization for the Department of Community and Recreation Services to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for the Gang Prevention Coordination Assistance Program

**ACTION ITEMS**

- 1           **Approved**           Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the Federal Bureau of Investigation (FBI) Establishing the Child Exploitation and Human Trafficking Task Force
- 2           **Approved**           Approval of Changes to the Fairfax County Guidelines Regarding Requests Made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002
- 3           **Approved**           Approval of a Parking Reduction for 6118 Arlington Boulevard in the Baileys Crossroads/Seven Corners Commercial Revitalization District (Mason District)
- 4           **Approved**           Approval of Project Agreements for the Columbia Pike Streetcar Project (Mason District)
- 5           **Approved**           Adoption of a Resolution Approving Issuance by the Industrial Development Authority of its Health Care Revenue Bonds
- 6           **Approved**           Approval of Expenditure of Phase I Dulles Rail Transportation Improvement District Funds for the Dulles Rail Project
- 7           **Approved**           Authorization to Issue a Solicitation for Financing of Equipment Under a Master Lease-Purchase Agreement
- 8           **Approved**           Approval of Wolf Trap Foundation for the Performing Arts License Agreement (Dranesville District)
- 9           **Approved**           Comments on Design Plans for the I-95/395 High Occupancy Toll Lanes Project (Mason, Lee, and Mount Vernon Districts)
- 10          **Approved**           Approval of 2009 Zoning Ordinance Amendment Work Program

**FAIRFAX COUNTY  
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**ACTION ITEMS**

(continued)

- |    |                 |  |
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| 11 | <b>Approved</b> | Approval of a Memorandum of Understanding Between the Federal Bureau of Investigation (FBI) and the Fairfax County Police Department Delineating the Responsibilities of the Central American Law Enforcement Exchange |
|----|-----------------|--|

**INFORMATION  
ITEMS**

- |       |              |  |
|-------|--------------|--|
| 1     | <b>Noted</b> | Contract Award – Gregory Drive Treatment Facility/New Horizons (Lee District)  |
| 2     | <b>Noted</b> | Contract Award - Design of Transportation Improvement Projects, Task Order Contracts   |
| 3     | <b>Noted</b> | Amendment to a Memorandum of Agreement Between the Fairfax County Police Department and the Northern Virginia Regional Gang Task Force |
| 4     | <b>Noted</b> | Contract Award – Operations and Management Services – Public Transportation (Fairfax Connector Bus Service)                            |
| 10:40 | <b>Done</b>  | Matters Presented by Board Members   |
| 11:30 | <b>Done</b>  | Closed Session   |

**PUBLIC HEARINGS**

- |      |  |   |
|------|--|---|
| 2:30 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing on Proposed Amendments to Chapter 62 of The Code of the County of Fairfax, Virginia, to Adopt Amendments to the Statewide Fire Prevention Code and Fire Marshal Fees |
| 2:30 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing on Proposed Amendments to Chapter 61, Building Provisions, of The Code of the County of Fairfax, Virginia, Regarding Changes to Fire Marshal Fees                    |
| 2:30 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 8.1, Sections 8.1-3-6 and 8.1-3-9, Concerning Security Alarm Systems                                     |

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**PUBLIC HEARINGS**  
(continued)

- |      |  |   |
|------|--|---|
| 2:30 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing to Consider Amending Section 4-17.1-9, Chapter 4, of the Fairfax County Code Concerning Late Payment Penalties for Delinquent Personal Property Taxes  |
| 2:30 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing to Consider the Adoption of Article 17.3, Chapter 4, of the Fairfax County Code to Impose a License Tax on Certain Motor Vehicles Not Otherwise Displaying Current License Plates  |
| 2:30 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing on the Adoption of an Ordinance to Amend and Readopt Fairfax County Code Section 82-1-32 to Increase Fines for Parking Violations  |
| 2:30 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing to Consider the Adoption of Article 17.2, Chapter 4, of the Fairfax County Code to Establish Local Vehicle Registration License Fee  |
| 3:00 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees  |
| 3:00 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing on Proposed Amendments to Chapters 2 (Property Under County Control), 61 (Building Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), and 112 (Zoning Ordinance) of the <i>Code of the County of Fairfax, Virginia</i> (County Code) Re: Adjustment of the Fees Charged for Plan Review and Inspection and Permit Services |
| 3:00 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing on a Proposed Zoning Ordinance Amendment Re: Zoning Fee Schedule   |
| 3:00 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing on the Proposed Creation of a Stormwater Service District  |
| 3:00 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing on the Proposed Establishment of a Tax Rate on all Real Property Situated Within the Stormwater Service District of Fairfax County   |
| 3:00 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing to Consider Amending the Fairfax County Code for Regulatory Services Dealing with Private Schools and Child Care, Onsite Sewage Disposal Systems, Well Water Supply Systems, Food Service Establishments, and Water Recreation Facilities  |

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**PUBLIC HEARINGS**  
(continued)

3:30	<b>Deferred for decision to 4/27/09 at 3:00 p.m.</b>	Public Hearing on the Creation of a Community Development Authority for the Mosaic - Merrifield Town Center Development (Providence District)
3:30	<b>Public hearing deferred to 4/27/09 at 4:30 p.m.</b>	Public Hearing on PCA-C-491-02 (T&M Mclean Venture LLC) (Dranesville District)
3:30	<b>Approved</b>	Public Hearing on PCA 2004-LE-012 (Redbrick Development Group, LLC and MDP Groveton, LLC) (Lee District)
3:30	<b>Public hearing deferred to 5/4/09 at 3:30 p.m.</b>	Public Hearing on SE 2007-MA-034 (TD Bank, N.A.) (Mason District)
3:30	<b>Approved</b>	Public Hearing on RZ 2008-HM-016 (THI IV Dulles Airport LLC) Hunter Mill District
3:30	<b>Approved</b>	Public Hearing on PCA 86-C-029-11 (THI IV Dulles Airport LLC) (Hunter Mill District)
4:00	<b>Public hearing deferred to 4/27/09 at 3:30 p.m.</b>	Public Hearing on RZ 2007-LE-007 (Franconia Two LP) (Lee District)
4:00	<b>Approved</b>	Public Hearing on Proposed Plan Amendment ST06-III-UP2 for the Lake Anne Village Center, Located in Reston in the Vicinity of North Shore Drive and Village Road (Hunter Mill District)
4:00	<b>Approved</b>	Public Hearing to Consider Adopting an Ordinance Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)
4:00	<b>Public hearing deferred to 6/1/09 at 4:00 p.m.</b>	Public Hearing to Consider Adopting an Ordinance Establishing the Northern Virginia Community College Residential Permit Parking District, District 39 (Braddock District)
4:00	<b>Approved</b>	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Georgetown Pike/Walker Road Turn Lane (Dranesville District)
4:30	<b>Approved</b>	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Mini-Warehousing Establishments in the PDC District
4:30	<b>Approved</b>	Public Hearing to Establish the Grove at Huntley Meadows Community Parking District (Lee District)

**FAIRFAX COUNTY  
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**PUBLIC HEARINGS**

(continued)

- |      |  |   |
|------|--|---|
| 4:30 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2010   |
| 4:30 | <b>Approved</b>  | Public Hearing on SEA 90-M-003-3 (Montessori School of Northern Virginia, Inc.) (Mason District)  |
| 5:00 | <b>Public hearing held.<br/>Decision deferred.<br/>Record held open.</b> | Joint Public Hearing on the Revised Six-Year Virginia Department of Transportation Secondary System Construction Program for Fiscal Years 2009 Through 2014   |
| 7:00 | <b>Public hearing<br/>continued to<br/>3/31/09 at<br/>3:00 p.m.</b>      | Public Hearing on the County Executive's Proposed FY 2010 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2010 - 2014 (CIP) (With Future Fiscal Years to 2019) and the Current Appropriation in the FY 2009 Revised Budget Plan |



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

**Monday**  
**March 30, 2009**

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9:30 a.m.

PRESENTATIONS

1. PROCLAMATION – To designate April 13-17, 2009, as Public Safety Telecommunications Week in Fairfax County. Requested by Supervisor Gross.
2. PROCLAMATION – To designate April 2009 as Sexual Assault Awareness Month in Fairfax County. Requested by Chairman Bulova.
3. CERTIFICATE – To recognize the Reston Metrorail Access Group formed of businesses, civic organizations and staff from the county and state for the review of the Wiehle and Reston Parkway Metrorail Stations Access Management Plan. Requested by Supervisor Hudgins.
4. PROCLAMATION – To designate April 6-12, 2009, as Public Health Week in Fairfax County. Requested by Chairman Bulova.
5. PROCLAMATION – To designate April 2009 as Childhood Immunization Month in Fairfax County and recognize the Health Department's partners in the Childhood Immunization Program. Requested by Chairman Bulova and Supervisor Smyth.
6. PROCLAMATION – To designate April 2009 as Fair Housing Month in Fairfax County. Requested by Chairman Bulova.

— more —

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7. CERTIFICATE – To recognize county staff for the success of the Polo Fields Residential Permit Parking District Program and the timely completion of the repairs of the Herndon Monroe Park and Ride Garage. Requested by Supervisor Hudgins.

STAFF:

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

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10:00 a.m.

Presentation of Advisory Social Services Board Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Marcus Simon, Chair, Advisory Social Services Board

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10:10 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard March 30, 2009

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:10 a.m.

Items Presented by the County Executive

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Board Agenda Item  
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ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing for the De-Creation/Re-Creation of a Small Sanitary District for Leaf Collection Service (Providence District)

ISSUE:

Board authorization to advertise a public hearing for the De-Creation/Re-Creation of a Small Sanitary District for leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing at 4:00 p.m. on Monday, May 4, 2009, to consider the following change to a small sanitary district for leaf collection service in accordance with the Board of Supervisor's adopted criteria for the Creation/Enlargement/ Withdrawal of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 2 Within Providence District (Pine Ridge)	De-Create/ Re-Create	Remove From Leaf	Approve

TIMING:

Board authorization to advertise on March 30, 2009, is required for a public hearing to be held on May 4, 2009, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

The submitted petition has been reviewed, and it has been determined that the petition meets the Board of Supervisors' Adopted Criteria. Staff recommends that the

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authorization to advertise a public hearing for the De-Creation/Re-Creation of a small sanitary district for leaf collection be approved. If approved, the modification will become permanent in July 2009.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Advertisement

Attachment 2: Summary Sheet

Attachment 3: Data Sheet with Proposed Resolution and Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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ADMINISTRATIVE – 2

Streets into the Secondary System (Dranesville, Hunter Mill, Lee, Mount Vernon, Providence, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Cox Com Inc. – Leesburg Pike	Dranesville	Leesburg Pike (Route 7) (Additional Right-of-Way (ROW) Only)
The Frase Limited Partnership	Dranesville	Great Falls Street, Route 694 (Additional ROW Only)
DSV Dulles Fox Mill Limited Partnership	Hunter Mill	Sunrise Valley Drive (Route 5320) (Additional ROW Only)
H. B. Lantzsch Inc. Property	Hunter Mill	Leesburg Pike (Route 7) (Additional ROW Only)
Ruth C Lauanders Marital Trust	Hunter Mill	Centreville Road (Route 657) (Additional ROW Only)  Sunrise Valley Drive (Route 5320) (Additional ROW Only)
Caton Woods	Lee	Bethnal Place (Route 6796)  Caton Woods Court  Franconia Springfield Parkway (Route 7900) (Additional ROW Only)

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<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
Cox Com Inc. – Telegraph Road	Lee	Telegraph Road Route 611 (Additional ROW Only)
Summit Oaks	Mt. Vernon	Birch Crest Way  Tangerine Place  Treasure Oak Court
Corbin Property	Providence	Westchester Drive (Route 1083)  Gallows Road (Route 650) (Additional ROW Only)  Idylwood Road (Route 695) (Additional ROW Only)
Faircrest Outlot A and Parcels A-1 & A-2	Sully	Leland Road – Route 7773 (North Side) (Additional ROW Only)  Leland Road – Route 7773 (South Side) (Additional ROW Only)

**TIMING:**  
Routine.

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

**FISCAL IMPACT:**  
None.

**ENCLOSED DOCUMENTS:**  
Attachment 1 - Street Acceptance Form

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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

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

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Board Agenda Item  
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ADMINISTRATIVE – 3

Extension of Review Periods for 2232 Review Applications (Dranesville, Lee, Mason, Providence, and Springfield Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-D09-2 to June 13, 2009; applications FS-L09-3 and FS-P09-4 to June 15, 2009; application FS-M09-1 to June 20, 2009; and applications 2232-M09-3, 2232-S09-4, 2232-D09-5, and FS-D09-10 to October 5, 2009.

TIMING:

Board action is required on March 30, 2009, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review periods for applications 2232-M09-3, 2232-S09-4, 2232-D09-5, and FS-D09-10, which were accepted for review by the Department of Planning and Zoning (DPZ) between January 30, 2009, and February 24, 2009. These applications are for public facilities, and thus are not subject to the State Code provision for extending the review periods by no more than sixty additional days

:

The Board also should extend the review periods for applications FS-M09-1, FS-D09-2, FS-L09-3, and FS-P09-4, which were accepted for review by DPZ between January 14, 2009, and January 21, 2009. These applications are for telecommunications facilities. Therefore,

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in accordance with State Code requirements, the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The review periods for the following applications should be extended:

- 2232-M09-3      Fairfax County Park Authority  
Resource-based park (John C. and Margaret K. White Gardens)  
3301 Hawthorne Lane  
Mason District
  
- 2232-S09-4      Fairfax County Dept. of Public Works and Environmental Services  
Renovation and Expansion of West Ox Animal Shelter  
4500 West Ox Road  
Springfield District
  
- 2232-D09-5      Fairfax County Dept. of Public Works and Environmental Services  
Renovation and Expansion of Dolley Madison Library  
1244 Oak Ridge Avenue  
Dranesville District
  
- FS-M09-1        Cricket Communications  
Rooftop antennas  
5515 Cherokee Avenue  
Mason District
  
- FS-D09-2        Cricket Communications  
Antenna colocation on existing bell tower  
1089 Liberty Meeting Court  
Dranesville District
  
- FS-L09-3        Verizon Wireless  
Antenna colocation on existing transmission tower  
3820 Javins Drive  
Lee District
  
- FS-P09-4        Verizon Wireless  
Antenna colocation on existing water tank  
3300 Gallows Road  
Providence District
  
- FS-D09-10       Fairfax County Park Authority  
Add land and revise park master plan (Colvin Run Mill Park)  
10017 Colvin Run Road  
Dranesville District

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The need for these extensions may not be necessary, and is not intended to set dates 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 (DPZ)

David B. Marshall, Planning Division, DPZ

David S. Jillson, Planning Division, DPZ

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Board Agenda Item  
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ADMINISTRATIVE - 4

Additional Time to Commence Construction for Special Exception Amendment SEA 94-D-002, Fairfax County Redevelopment and Housing Authority (Dranesville District)

ISSUE:

Board consideration of additional time to commence construction for SEA 94-D-002, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty months additional time for SEA 94-D-002 to August 9, 2011.

TIMING:

Routine.

BACKGROUND:

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

On February 9, 2004, the Board of Supervisors approved Special Exception Amendment SEA 94-D-002, subject to development conditions. The special exception amendment application was filed in the name of Fairfax County Redevelopment and Housing Authority, to amend SE 94-D-022 previously approved for an alternative use of a public facility for a child care center, an adult day care facility, a senior center, an independent living facility, and an assisted living facility to permit site modifications, building additions and to permit an increase in the number of assisted living units and an expansion of the adult day care center and senior center, subject to development conditions, in the R-3 District, pursuant to Sections 3-304 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 30-3 ((1)) 42 (see the Locator Map in Attachment 1). The development conditions for SEA 94-D-002 are included as part of the Clerk to the Board's letter in Attachment 2. Pursuant to Sect. 9-015 of the Zoning Ordinance, the Special Exception Amendment will expire, without notice, thirty months after the date of the approval, unless the Board grants additional time.

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On December 4, 2006, the Board of Supervisors approved thirty months additional time to commence construction for SEA 94-D-002 to February 9, 2009. The additional time was indicated to be needed because of additions to the scope of work included in the Lewinsville Expansion Project that were not evident at the time the special exception amendment was approved. The existing mechanical, electrical, and plumbing systems needed to be upgraded and the existing windows and insulation were inefficient. In addition, at that time the Department of Facilities Management was monitoring some County-owned properties for efficient utility usage and planned to evaluate this facility. A Life Cycle Cost Analysis had been done with recommendations on what types of systems would be most efficient and provide a reasonable upgrade. It was determined that the existing building needed to be reconfigured and upgraded to achieve a utility efficiency compatible with the new addition. The result of the additional analysis added further design considerations and a second phase of building renovation. Construction was anticipated to begin in summer 2008. The second phase was anticipated to begin in early to mid 2009 and was expected to include the renovation of the existing building. A copy of the Clerk to the Board's letter stating the Board's approval of additional time is contained in Attachment 3.

On January 8, 2009, the Department of Planning and Zoning (DPZ) received a letter dated January 7, 2009, from Paula Sampson, Director, Fairfax County Department of Housing, requesting thirty months additional time to commence construction for this project (Attachment 4). The request was received prior to the date on which the approval would have expired; therefore, the special exception will not expire pending the Board's action on the request for additional time. The letter states that additional time is being requested to allow time for final approval of the site plan. The site plan (11348-SP-001-2) was submitted to DPWES for review on March 26, 2007, and disapproved May 30, 2007. The issues noted on the site plan comments sheets include features shown that are not in conformance with the SEA Plat, erosion and sedimentation deficiencies, stormwater management and water quality, unmet VDOT requirements, the need for a geotechnical study, and Urban Forest Management (UFM) issues. The site plan has not been re-submitted; however, Ms. Sampson states that it is expected to be re-submitted in March, 2009. Her letter states that additional design requirements for storm water ponds are being addressed by the project engineer. In addition to site plan issues, the letter states that financing for the assisted living portion of the project are not determined because of the current fiscal climate. Ms. Sampson also states that commencement of construction will require the current Lewinsville Senior Center, which accommodates 20 to 30 seniors daily, to relocate temporarily when construction is initiated and for more than one year. A suitable location within the Dranesville District has not been found.

Staff has reviewed Special Exception SEA 94-D-002 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit site modifications, building additions, an increase in the number of assisted living units, and an expansion of the adult day care and senior center, to a property previously approved for an alternative use of a public facility for a child care center, an adult day care facility, a senior center, an independent living facility, and an assisted living facility in the R-3 District.

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Further, staff knows of no change in land use circumstances that affect the compliance of SEA 94-D-002 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation of public facility use for this site has not changed since the SE was approved. The conditions associated with the Board's approval of SEA 94-D-002 are still appropriate. Staff recommends that thirty months of additional time be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of August 9, 2011.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Memorandum dated March 31, 2004, to Thomas W. Armstrong, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated December 8, 2006, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 4: Letter dated January 7, 2009, from Paula Sampson, Director, Fairfax County Department of Housing, to Eileen M. McLane, Zoning Administrator, Department of Planning and Zoning

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

Fred Selden, Director, Planning Division, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Establish the St. John Community  
Parking District (Lee 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 St. John Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 27, 2009, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the St. John CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on March 30, 2009, to provide sufficient time for advertisement of the public hearing on April 27, 2009, at 4:00 p.m.

BACKGROUND:

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

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

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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 St. John CPD is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Proposed St. John CPD  
Attachment III: Notice of Public Hearing

STAFF:

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

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Establish the Robin Glen Community Parking District (Providence 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 Robin Glen Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 27, 2009, at 4:00 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Robin Glen CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on March 30, 2009, to provide sufficient time for advertisement of the public hearing on April 27, 2009, at 4:00 p.m.

BACKGROUND:

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

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

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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 Robin Glen CPD is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)

Attachment II: Area Map of Proposed Robin Glen CPD

Attachment III: Notice of Public Hearing

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Maria Turner, Sr. Transportation Planner, FCDOT

Janet Nguyen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 7

Installation of “No Parking” Signs on Ruffin Drive and on Rhett Lane (Springfield District)

ISSUE:

Board approval for the County installation of “No Parking” signs on Ruffin Drive from Ruffin Court to Weatherington Lane on the north side and from Ruffin Court to Rhett Lane on the south side, and on the west side of Rhett Lane from Ruffin Drive south to include 4518 Rhett Lane.

RECOMMENDATION:

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

TIMING:

Board action is requested on March 30, 2009.

BACKGROUND:

The Springfield District Supervisor’s Office has requested that “No Parking” signs be placed on Ruffin Drive from Ruffin Court to Weatherington Lane on the north side and from Ruffin Court to Rhett Lane on the south side, and on the west side of Rhett Lane from Ruffin Drive south to include 4518 Rhett Lane. Residents are concerned that, among other things such as litter and debris left on the street, their property and/or landscaping is being damaged by parked vehicles. In addition, the parked vehicles create a dangerous situation for them when they are backing out of their driveways and traveling on the road.

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

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

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cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road; or

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

In accordance with subsections (1) and (3) referenced above, staff believes that parking along Ruffin Drive from Ruffin Court to Weatherington Lane on the north side and from Ruffin Court to Rhett Lane on the south side, and on the west side of Rhett Lane from Ruffin Drive south to include 4518 Rhett Lane should be prohibited 24 hours a day.

FISCAL IMPACT:

The cost of installing the signs is estimated at \$900 to be paid out of Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Restricted Parking Resolution

STAFF:

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

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ADMINISTRATIVE - 8

Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program (Hunter Mill District)

ISSUE:

Board endorsement of a “Watch for Children” sign as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachment I) for a “Watch for Children” sign on Fox Rest Lane (Hunter Mill District). The County Executive also recommends that the Virginia Department of Transportation (VDOT) be requested to install the approved measure as soon as possible.

TIMING:

Board action is requested on March 30, 2009.

BACKGROUND:

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. The Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced “Watch for Children” sign on Fox Rest Lane (February 17, 2009).

FISCAL IMPACT:

The estimated cost of \$150 is to be paid out of the VDOT secondary road construction budget.

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ENCLOSED DOCUMENTS:

Attachment I: Resolution for "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

William P. Harrell, Transportation Planner III, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

ADMINISTRATIVE - 9

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

ISSUE:

Board authorization to advertise a public hearing to be held on Monday, April 27, 2009, 4:00 p.m., for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Courthouse Road between Chain Bridge Road and Sutton Road

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Courthouse Road, between Chain Bridge Road and Sutton Road, to be included in the RTAP for a through truck traffic restriction.

TIMING:

The Board should take action on March 30, 2009, to provide sufficient time for advertisement of the proposed public hearing scheduled for April 27, 2009, 4:00 p.m. (Attachment I).

BACKGROUND:

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

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

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Notice of Public Hearing for Courthouse Road

Attachment II: Proposed Resolution to Restrict Through Truck Traffic on Courthouse Road

Attachment III: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

William P. Harrell, Transportation Planner, (FCDOT)

Steven K. Knudsen, Transportation Planner, (FCDOT)

ADMINISTRATIVE - 10

Authorization for the Department of Community and Recreation Services to Apply for and Accept Grant Funding from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for the Gang Prevention Coordination Assistance Program

ISSUE:

Board approval for the Department of Community and Recreation Services to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP), for the Gang Prevention Coordination Assistance Program in the amount of \$200,000. The grant period is 24 months in length and the anticipated award date is October 2009. No Local Cash Match is required. If the actual award is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Community and Recreation Services to apply for and accept funding, if received, from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, in the amount of \$200,000 for the Gang Prevention Coordination Assistance Program to hire a limited term gang prevention coordinator and to provide training, education, and gang prevention programming. No Local Cash Match is required.

TIMING:

Board approval is requested on March 30, 2009. Because of a March 4, 2009 submission deadline, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The OJJDP FY 2009 Gang Prevention Coordination Assistance Program provides funding for localities to enhance coordination of federal, state, and local resources in support of community partnerships implementing primary prevention, secondary prevention, gang intervention, and targeted enforcement. The funding request totals \$200,000 to be expended over 24 months.

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The proposed project will focus on services to the Culmore neighborhood of Fairfax County. While there are many community and County resources in the area, there is a need for more strategic, collaborative, and coordinated efforts in order to demonstrate positive change and strengthen the community. Funds will be used to hire a gang prevention coordinator who will utilize multiple approaches to enhance the coordination of existing community-based gang prevention and intervention programs and utilize strategies closely aligned with law enforcement efforts. This position will report to the countywide gang prevention coordinator. In addition, some funds will be used for multi-agency and community training and education efforts and a small amount will be used for gang prevention programming.

FISCAL IMPACT:

If the application is successful, an amount of \$200,000 will be available from the OJJDP for the 2009 Gang Prevention Coordination Assistance Program. This action does not increase the expenditure level of 102, Federal/State Grant Fund, as funds are available for unanticipated grant awards in FY 2009. The grant will fund one new limited term position. Indirect cost recovery is allowed. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

The OJJDP 2009 Gang Prevention Coordinator Assistance Program will involve the hiring of one grant-funded limited term position. The County has no obligation to fund this position when the grant period ends.

ENCLOSED DOCUMENTS

Attachment 1: Grant Application (Excerpt)

STAFF:

Verdia L. Haywood, Deputy County Executive  
Patricia Franckewitz, Director, Department Community and Recreation Services  
Robert A. Bermingham Jr., Gang Prevention Coordinator, Office of the County Executive  
Laura Yager, Prevention Services Director, Fairfax-Falls Church Community Services Board  
Michelle Wilhelm, Fiscal Administrator, Department of Systems Management for Human Services

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ACTION - 1

Approval of Memorandum of Understanding Between the Fairfax County Police Department and the Federal Bureau of Investigation (FBI) Establishing the Child Exploitation and Human Trafficking Task Force

ISSUE:

Board approval of a Memorandum of Understanding between the Fairfax County Police Department and the Federal Bureau of Investigation (FBI) establishing the Child Exploitation and Human Trafficking Task Force (CEHTTF).

RECOMMENDATION:

The County Executive recommends the Board authorize the Chief of Police to sign the Memorandum of Understanding between the Police Department and the Federal Bureau of Investigation, Child Exploitation and Human Trafficking Task Force (CEHTTF).

TIMING:

Board of Supervisors' action is requested on March 30, 2009.

BACKGROUND:

This agreement establishes the CEHTTF and delineates the responsibilities within the task force to maximize interagency cooperation and formalize the relationships between the member agencies. The agreement also authorizes financial re-imbusement from the Federal Bureau of Investigation to the Fairfax County Police Department for the use of Department personnel. Reimbursement will be in the form of overtime paid, and may include the use of federal vehicles and equipment.

The mission of the CEHTTF is to identify, investigate, apprehend, and successfully prosecute Internet sexual predators who exploit children through the use of computers; investigate the trafficking of sexually exploited victims, to include child prostitution crimes; and address other child exploitation matters. Violators will be prosecuted both in Federal Court and in State Court, utilizing the venue that best addresses the Task Force's objectives. The Task Force will also participate in community education efforts regarding the prevention of Internet related crimes.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding between Fairfax County Police Department and the Federal Bureau of Investigation Child Exploitation and Human Trafficking Task Force (Separate from package)

STAFF:

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

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ACTION - 2

Approval of Changes to the Fairfax County Guidelines Regarding Requests Made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002

ISSUE:

Board approval of changes to the Fairfax County Guidelines Regarding Requests Made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA).

RECOMMENDATION:

The County Executive recommends that the Board approve the changes to the Fairfax County Guidelines Regarding Requests Made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 outlined below, to become effective on July 1, 2009. These proposed changes incorporate modifications resulting from legislation enacted during the 2006 - 2009 sessions of the Virginia General Assembly and other administrative changes recommended by staff in accordance with the state Model PPEA Guidelines.

TIMING:

Routine.

BACKGROUND:

The Board adopted the current version of the Fairfax County Fairfax County Guidelines Regarding Requests Made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 on October 17, 2005. During the 2006 - 2009 sessions of the General Assembly, six changes were enacted relating to the Public Private Education Facilities and Infrastructure Act. In addition to the code changes, staff recommends an overall revision to the County PPEA Guidelines in accordance with the state Model PPEA Guidelines dated September 2007.

Code Changes

1. Senate Bill 76 (2006), §§§ [2.2-3705.6](#), [56-573.1](#), and [56-575.16](#) of the Code of Virginia were amended and section numbered [56-573.1:1](#) was added and a section numbered [56-575.17](#) in Chapter 22.1 of Title 56 was added. This change revised the FOIA exemption for records submitted by a private entity to a responsible public entity under the PPEA and formalized the earmarking process for the protection of trade secrets, financial records, and other records submitted by a private entity. The bill also amended the PPEA to require a public entity to post all accepted conceptual proposals, whether solicited or not. The required posting for responsible public entities that are local public bodies shall be on the responsible public entity's website or by

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publication, in a newspaper of general circulation in the area in which the contract is to be performed, of a summary of the proposals and the location where copies of the proposals are available for public inspection. Local public bodies may also post on eVA (the Commonwealth's web-based electronic procurement program), at the discretion of the local responsible public entity. The bill also requires that at least one copy of the proposals shall be made available for public inspection. The responsible public entity is not prohibited from posting of the conceptual proposals by additional means deemed appropriate by so as to provide maximum notice to the public of the opportunity to inspect the proposals. The responsible public entity is required to provide an opportunity for public comment 30 days before the execution of an interim or comprehensive agreement. Once the process of bargaining of all phases or aspects of an interim or comprehensive agreement is complete, but before an interim or a comprehensive agreement is entered into, a responsible public entity shall post the proposed agreement. Once an interim or comprehensive agreement has been executed, all procurement records, excluding trade secrets, financial information, and cost estimates, are available to the public upon request.

2. Senate Bill 756 (2007), *amended and reenacted §§ [56-575.1](#), [56-575.3:1](#), and [56-575.16](#) of the Code of Virginia, and by adding in Chapter 22.1 of Title 56 a section numbered [56-575.18](#), relating to the Auditor of Public Accounts.* The bill requires all responsible public entities to adopt guidelines to guide the selection of projects under the Public-Private Education Facilities and Infrastructure Act containing certain specified provisions; the guidelines must include a mechanism for the appropriating body to review the proposed comprehensive agreement prior to execution under certain circumstances.
3. Senate Bill 1002 (2007), *amended and reenacted §§ [2.2-3705.6](#), [2.2-3711](#), and [56-573.1:1](#) of the Code of Virginia, relating to public access to procurement records and certain discussions thereof under the Public-Private Education Facilities and Infrastructure Act of 2002.* Allows memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the PPEA to be withheld from public disclosure, where if such records were made public prior to or after the execution an interim or a comprehensive agreement, the financial interest or bargaining position of the public entity would be adversely affected. The bill allows any independent review panel appointed to review PPEA proposals and advise the responsible public entity concerning such records to meet in a closed meeting.
4. House Bill 677 (2008), *amended and reenacted § [56-575.17](#) of the Code of Virginia, relating to the Public-Private Education Facilities and Infrastructure Act of 2002; public hearing prior to interim or comprehensive agreement.* At least 30 days prior to entering into an interim or comprehensive agreement, a responsible public entity shall hold a public hearing on the proposals.

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5. House Bill 955 (2008) and Senate Bill 352 (2008), *amended and reenacted* § [56-575.1](#) of the Code of Virginia, relating to the Public-Private Education Facilities and Infrastructure Act of 2002; *definition of qualifying projects*. Adds to the categories of “qualifying project” under the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) any services designed to increase productivity or efficiency through the direct or indirect use of technology. The bill also adds technology applications to the types of technology infrastructure projects that may be carried out under the PPEA.
6. Senate 1153 (2009), *amended and reenacted* §§ [56-575.1](#) and [56-575.17](#), of the Code of Virginia, relating to the Public-Private Education Facilities and Infrastructure Act of 2002; *definitions; review and posting of proposals*. Amends the definition of "qualifying project" to include any services designed to increase the productivity and efficiency of a responsible public entity. In addition, the bill requires that a public hearing be held by the responsible public entity during the proposal review process, but not later than 30 days prior to entering into an interim or comprehensive agreement.

The text changes proposed of the PPEA Guidelines are presented in “track changes” format and legislative references are provided in the right margin in Attachment I.

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I - Revised Fairfax County Public-Private Education and Infrastructure Act Guidelines and Procedures

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

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ACTION - 3

Approval of a Parking Reduction for 6118 Arlington Boulevard in the Baileys Crossroads/Seven Corners Commercial Revitalization District (Mason District)

ISSUE:

Board approval of approximately 8.8 percent reduction in required parking for 8116 Arlington Boulevard (Tax Map Reference 51-4 ((1)) 2B) in the Baileys Crossroads/Seven Corners Commercial Revitalization District (CRD), Mason District. A total of 591 parking spaces are required for the proposed expansion of the Safeway Grocery Store in accordance with the Zoning Ordinance; however, 539 parking spaces are being provided on site resulting in a parking reduction request of 52 spaces.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 8.8 percent for parcel 51-4 ((1)) 2B pursuant to Par. 3A of Sect. A7-209, of the Zoning Ordinance on condition that:

1. A minimum of 539 parking spaces are maintained at all times.
2. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual (PFM), including the provisions referencing Americans with Disabilities Act ("ADA").
3. No parking spaces shall be restricted or reserved except for those required to meet the parking requirements of the ADA.
4. The current owners, their successors, or assigns of the parcel identified as Tax Map 51-4 ((1)) 2B shall submit a parking space utilization study for review and approval by the Board of Supervisors at any time in the future that the Zoning Administrator 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 space requirements as specified in Article 11 of the Zoning Ordinance.

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5. The conditions of approval of this parking reduction set forth above 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 March 30, 2009.

BACKGROUND:

The property is currently developed with the Willston II Shopping Center which includes the Safeway Grocery Store. The existing one-story grocery store is approximately 42,491 square feet in area and is proposed to be expanded by approximately 16,053 square feet. The total floor area of the expanded grocery store will be approximately 58,544 square feet. The Safeway store will be enlarged and some of that space will be provided by partially annexing the adjoining retail spaces. The total increase proposed to the grocery store is 8,413 square feet. Modifications to the parking lot circulation are also proposed.

The property is zoned C-7 Regional Retail Commercial District, Baileys Crossroads/Seven Corners Commercial Revitalization District (CRD) and Sign Control Overlay District (SC) and is governed by proffered conditions for Proffered Condition Amendment PCA 78-M-156. In a letter dated November 17, 2008, the Zoning Evaluation Division of the Department of Planning & Zoning stated its determination that the proposed modifications to the building footprint, travel lanes and landscape areas would be in substantial conformance with the General Development Plan and proffers for PCA 78-M-156.

The new store will be Safeway's Lifestyle format and will include many new and improved departments including a full service meat and seafood department, a full service bakery and deli, an international cheese world case and olive bar, a pharmacy, a produce department with a full organics section, a Starbucks, an in-store bank and dry cleaners. Many of these features are currently not available to the residents in the Seven Corners area.

The property owner is seeking a parking reduction to accommodate the additional parking required for the grocery store expansion. A total of 591 parking spaces are required for the proposed expansion in accordance with the Zoning Ordinance. However, 539 parking spaces are being provided on site due to site constraints concerning the size and orientation of the property. This will result in a reduction of 52 parking spaces equaling approximately 8.8 percent. The applicant has indicated that an additional parking reduction may be requested in the future to reach the total allowable reduction of 20

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percent. The current and future combined parking reduction requests shall not exceed 20 percent.

The requested parking reduction, which equates to 8.8 percent, is pursuant to Par. 3A of Sect. A7-209 of the Zoning Ordinance, which provides that the Board may approve such a reduction in parking if it furthers the goals of the Baileys Crossroads/Seven Corners Commercial Revitalization District as set forth in the Comprehensive Plan.

Planning objectives for the Seven Corners area are to improve the appearance and function of the Community Business Center, retain neighborhood-serving uses, provide transitions from more-to less-intensive uses and foster future transportation improvements.

The Fairfax County Comprehensive Plan, 2007 Edition, Area I, Baileys Planning District, as amended through September 11, 2006, for the Seven Corners Community Business Center lists the following recommendations:

Urban Design and Streetscape Guidelines, p. 48 through 50:

Parking

- Surface parking may be located at the front of buildings but should have interior landscaping as well as landscaping between the parking area and the sidewalk. Such parking should be attractively integrated with major pedestrian networks and accessible from side streets or exterior passageways between buildings;
- A particular emphasis should be placed on providing shared parking, particularly for mixed-use developments.

The proposal includes a redesign of the parking fields and traffic islands that will be more pedestrian oriented and will encourage slower travel through the parking lot. The renovations to the existing parking lot will be up to current ADA standards.

Additional interior landscaping, tree cover and open space is proposed for the modified parking lot.

Streetscape

- A variety of hardy plant materials including street trees, low as well as high shrubs, and ornamental shrubs;

The proposal includes the addition of approximately 54 shade trees and 385 deciduous shrubs ranging in size from 3" to 4' and totaling 13,500 square feet of tree cover after 10 years.

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- The Plan envisions redevelopment within the CBC focused on neighborhood- and community-serving retail and office mixed uses with residential and cultural/recreation use components with a pedestrian scale and character that, in combination, will strengthen the area's quality of life for its own and neighboring residents.

Safeway's Lifestyle format will provide the community with new and improved services conveniently located within one building. The proposal includes a redesign of the parking fields and traffic islands which will provide safer and more attractive pedestrian linkages between the store and the parking lot area. Over time, the new landscaping will provide increased shade and improve the visual quality of the site.

The recommended parking reduction reflects a coordinated review by the Department of Public Works and Environmental Services and the Department of Planning and Zoning.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Parking Tabulation

Attachment II: Proposed Site Plan

Attachment III: Proposed Landscape Plan

Attachment IV: Interpretation letter dated November 17, 2008 for PCA 78-M-156

Attachment V: Zoning Evaluation Division Comments on Proffer Restrictions dated March 10, 2009

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Laxmi Nagaraj, Planner V, PD, DPZ

Sandi M. Smith, Planner I, PD, DPZ

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#### ACTION – 4

#### Approval of Project Agreements for the Columbia Pike Streetcar Project (Mason District)

##### ISSUE:

Board approval to execute two project agreements for the Columbia Pike Streetcar Project. The first agreement provides guidelines for the coordination of the project between Fairfax County and Arlington County. The second agreement authorizes the Washington Metropolitan Area Transit Authority (WMATA) to act as technical project manager during the first phase of the project.

##### RECOMMENDATION:

The County Executive recommends that the Board:

1. Approve, in substantial form, and authorize the County Executive to execute a project coordination agreement with Arlington County (Attachment 1) to have the two counties serve jointly as the Project Sponsors of the Columbia Pike Streetcar Project for the purposes of the environmental documentation and preliminary engineering; and
2. Approve, in substantial form, and authorize the County Executive to execute an agreement (Attachment 2) to have WMATA serve as technical project manager on a reimbursable basis, including the provision of up to \$912,000 in Fairfax County commercial and industrial property tax (C&I) revenues for transportation for the environmental documentation and preliminary engineering of the project.

The draft project scope, schedule, and budget will be incorporated as part of these two agreements and are included as Attachment 3 to this item.

##### TIMING:

Board action is requested on March 30, 2009, so that the project can move forward. The Arlington County Board was scheduled to approve the coordination agreement on March 14, 2009. The WMATA Board will consider the project management agreement at an upcoming meeting.

##### BACKGROUND:

The Columbia Pike Transit Alternatives Analysis (Pike Transit Initiative) was conducted by WMATA and its engineering consultants with the cooperation of Arlington and Fairfax Counties from Spring 2004 to Spring 2006. WMATA undertook the Pike Transit Initiative to consider the development of an advanced transit system connecting the Pentagon/Pentagon Crystal City area with Bailey's Crossroads.

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Based on analysis and input received from the community and stakeholders, the Pike Transit Initiative study team recommended that the “Modified Streetcar Alternative” be carried forward into the next phase of project development, which includes a financial analysis, environmental documentation, and preliminary engineering. This recommendation was based on the ability to generate transit ridership and serve transit demand in the corridor, the ability to serve as a catalyst for economic development, and the overall project affordability including attractiveness for private-sector funding.

The Fairfax County Board of Supervisors and the Arlington County Board endorsed the “Modified Streetcar Alternative” as the preferred transit alternative for the Columbia Pike corridor in spring 2006. The project has been included in the region’s Constrained Long-Range Transportation Plan (CLRP) and was on the list of projects approved by the Board on May 5, 2008, for funding with Fairfax County C&I tax revenues for transportation.

FISCAL IMPACT:

The total cost for the environmental documentation and preliminary engineering is estimated to be \$4.06 million. Project costs for the environmental documentation and preliminary engineering phases are to be proportioned 80 percent to Arlington County and 20 percent to Fairfax County, with the exception of project costs for the Jefferson Street transit center/park-and-ride, for which costs are proportioned 80 percent to Fairfax County and 20 percent to Arlington County.

On May 5, 2008, the Board approved \$2,000,000 in funding for the project as part of the commercial and industrial tax project list. These funds are currently appropriated to the Construction Reserve Project within Fund 124, County and Regional Transportation Projects.

Under the project agreement with Arlington County, the environmental documentation and preliminary engineering budget for the portion of the project in Fairfax County is estimated at \$912,000. Following Board of Supervisor approval of this agreement, \$912,000 in funding within Fund 124 will be reallocated from Project 01240R, Construction Reserve Project to Project T02410, Columbia Pike Transit. FY 2009 commercial and industrial tax revenue for transportation is available to support this expenditure. The balance of funds earmarked for this project will be held in the Construction Reserve Project to meet future year requirements.

Staff will return to the Board for approval of funds and agreements associated with the future development of this project.

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ENCLOSED DOCUMENTS:

Attachment 1 – Columbia Pike Streetcar Project Coordination Agreement with Arlington County  
Attachment 2 – Agreement between WMATA and Fairfax County for Design and Approval (Phase One) of the Columbia Pike Streetcar Project  
Attachment 3 – Draft Scope, Schedule and Budget for the Project

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, P.E., Director, Fairfax County Department of Transportation (FCDOT)  
Ellen F. M. Posner, Assistant County Attorney  
Daniel B. Rathbone, P.E., Chief, Transportation Planning Division (TPD), FCDOT  
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT  
Leonard Wolfenstein, Chief, Transportation Planning Section, TPD, FCDOT  
Jay Guy, Senior Transportation Planner, Coordination and Funding Division, FCDOT  
Caijun Luo, P.E., Senior Transportation Planner, Capital Projects and Operations Division, FCDOT

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ACTION - 5

Adoption of a Resolution Approving Issuance by the Industrial Development Authority of its Health Care Revenue Bonds

ISSUE:

Board adoption of a resolution approving the issuance by the Industrial Development Authority (IDA) of Fairfax County of its Health Care Revenue Bonds (Inova Health System Project) Series 2009 (the "Bonds"), in an aggregate principal amount not to exceed \$550,000,000.

RECOMMENDATION:

The County Executive recommends that the Board approve the resolution for the issuance of the Bonds.

TIMING:

Board action is requested on March 30, 2009, so that Inova may proceed to sell and close the bonds not later than April 19, 2009 to satisfy the conditions of existing documents.

BACKGROUND:

This action is required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"). Proceeds of the Bonds will be used by Inova Health System Foundation and its affiliates ("Inova") primarily to finance and refinance the cost of construction, renovation and equipping capital projects at Inova Fairfax Hospital, Inova Mount Vernon Hospital and Inova Fair Oaks Hospital discussed below, and the refunding all or a portion of the \$346,115,000 Industrial Development Authority of Fairfax County, Virginia Health Care Revenue Refunding Bonds (Inova Health System Project), Series 2008.

The Bonds will also support capitalized interest during construction, funding for a debt service reserve for the Bonds if in the opinion of Inova at the time of the sale of the Bonds a debt service reserve fund is warranted, and paying all or a portion of the costs of issuance.

The construction, renovation and equipping projects to be financed with the Bonds include:

- (a) at Inova Fairfax Hospital, a medical/surgical patient tower and a facility dedicated to women's services, and additions and renovations to existing facilities, including operating systems, pharmacy, the pediatric post-anesthesia care unit, and the replacement of the fire alarm system control systems;

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- (b) at Inova Mount Vernon Hospital, expansion of the first floor for outpatient services, an addition to the radiology department; renovations to the existing facilities, expansion of surface parking and replacement of the emergency power system;
- (c) Inova Fair Oaks Hospital, an imaging suite in a medical office building;
- (d) a 2-story central laboratory; and
- (e) routine or miscellaneous capital improvements, equipment, additions and renovations.

Pursuant to the Act, a copy of the resolution (the "IDA Resolution") adopted by the Authority on March 27, 2009 after the holding of a public hearing on March 27, 2009, constituting the recommendation of the Authority that the Board of Supervisors approve the issuance of the Bonds is submitted to the County.

Upon adoption of the Resolution, the Chairman of the Board of Supervisors and the County Executive will be authorized to execute a letter evidencing the approval of the Board of Supervisors of the issuance of the Bonds. No further action will be required of the Board of Supervisors for the issuance of the Bonds.

FISCAL IMPACT:

None. This action does not constitute a debt obligation of the County or the Board of Supervisors. The Bonds will be entirely supported by the revenues of Inova.

ENCLOSED DOCUMENTS:

The following documents are attached in substantially final form:

Attachment 1 -County Resolution Approving the Issuance of the Bonds

Attachment 2 - Series Resolution of the IDA

Attachment 3 - Economic Impact Statement

Attachment 4 - Minutes of the March 27, 2009 Public Hearing (will be provided under separate cover)

STAFF:

Edward L. Long, Jr., Deputy County Executive

Leonard P. Wales, County Debt Manager

James McGettrick, Assistant County Attorney

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ACTION – 6

Approval of Expenditure of Phase I Dulles Rail Transportation Improvement District Funds for the Dulles Rail Project

ISSUE:

Board approval of the release of Phase I District funds to support the Fairfax County share of the Dulles Rail construction project now underway.

RECOMMENDATION:

The County Executive recommends approval.

TIMING:

Board action is requested on March 30, 2009, to coincide with the start of major expenditures for the project from all available sources.

BACKGROUND:

On March 10, 2009, the Federal Secretary of Transportation approved the Full Funding Grant Agreement that will provide \$900,000,000 of federal funds to the project. This agreement represents that last major funding source that is required to finish design and fully begin construction of the project. All the other major sources of funding for the project have been approved. The Fairfax County Phase I Dulles Rail Transportation Improvement District (the District) was created in February 2004 upon the petition of affected landowners within the District (the Petition). In late 2008 the Commonwealth of Virginia transferred control of the Dulles Toll Road to the Washington Metropolitan Airports Authority which is proceeding to market revenue bonds payable from the tolls to support the majority of funding for the project. In June 2007 the County, together with Loudoun County, entered into a local funding agreement with MWAA to provide for the local share of the project (the Funding Agreement).

On March 9, 2009, the District Commission met and passed a resolution finding that all of the conditions stipulated by the petitioners prior to the release of District funds have been met and requested the Board of Supervisors to direct County staff to take all steps necessary and prudent to release District revenues being held by the County, in accordance with the Petition and the Funding Agreement.

Paragraphs 4(d) and 4(g) of the Petition provided in general that the District Commission should not commit to pay any portion of the cost of the Phase I Transportation Improvements unless and until certain specified conditions were met. The conditions

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included, among other things, that there be commitments in place by all participating parties adequate to fund Phase I of the project, and that the District Commission be able to conclude in good faith, assuming no more than a 1.5% average annual growth rate in assessed values, that District Tax revenue collected at no more than a rate of 29 cents per \$100 of assessed value would be sufficient to pay the amounts reasonably anticipated to be due pursuant to the commitments being made and maintain reasonable and prudent reserves.

In its resolution, the District Commission found, among other things, that with the signing of the FFGA, together with the Funding Agreement and funds previously obligated by the Commonwealth, that all appropriate commitments to pay for Phase I of the project, and that the obligation of the District can be supported within the limitations on the District tax set forth in the Petition. Therefore, the Commission has requested the Board to permit staff to take all necessary steps to release the District funds previously collected and subsequently provided to support construction.

The District Commission has been briefed on a proposed Plan of Finance that would provide for the \$400 million capital contribution that included a combination of cash outlay, short term variable rate debt and long term fixed rate debt. Staff will return to both the Commission and the Board with details and documents necessary to support long term financing when necessary to support the expected cash flow requirements of the project.

FISCAL IMPACT:

The District has collected approximately \$108 million in tax revenue and interest to date. Current appropriations in Fund 121, Phase I Dulles Rail Transportation Improvement District total \$13.35 million. Staff has included a recommendation to increase the FY 2009 appropriation to \$26 million in the FY 2009 Third Quarter Review to accommodate expected request for draws to support project expenditures. Staff is completing the details of the anticipated draw schedule to ensure that the rate of District expenditures is consistent with the proportionate share of aggregate expenses experienced by the project.

ENCLOSED DOCUMENTS:

Attachment 1: Commission Resolution

STAFF:

Edward L. Long, Jr., Deputy County Executive  
Leonard P. Wales, County Debt Manager  
Richard Stevens, Dulles Rail Project Manager

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ACTION - 7

Authorization to Issue a Solicitation for Financing of Equipment Under a Master Lease-Purchase Agreement

ISSUE:

Board of Supervisors' authorization to issue a solicitation to establish a contract to provide lease-purchase financing for acquisition of equipment under a Master Lease Agreement.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize:

- (i) issuance of a solicitation (a draft, subject to final staff review, attached to indicate proposed format and structure) to establish a contract to provide lease-purchase financing for future acquisition of eligible equipment under the form of a Master Lease Agreement and
- (ii) execution of a Master Lease Agreement (a draft, subject to final staff review, also attached to indicate format and structure) with the successful bidder(s). The draft solicitation provides an alternative pricing model as the basis for setting lease rates under the Master Lease Agreement. It is further recommended that the Board of Supervisors authorize the County Executive to retain the option to return to use of the US Treasury Note standard as previously used under the Master Equipment Lease-Purchase Program to determine lease rates, if the County Executive determines that the US Treasury Note standard would best meet County requirements.

TIMING:

Immediate.

BACKGROUND:

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

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security. The Lease-Purchase Program provides the County and the Schools with rapid access to capital with low rates, stream-lined legal reviews and standardized documents.

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

In June 2008, the then-current contract expired and the County initiated the process to establish a replacement contract using the Board approved model. The County's financial consultants advised the Department of Purchasing and Supply Management that the volatile financial market was not conducive to our ability to secure a contract. The competitive bidding process was deferred and then conducted in January 2009; however, the County was not able establish a contract with any of the bids received. Further analysis indicated that the solicitation pricing model, "bids as a percentage of the annualized interest rate on either three, five, seven or ten-year Treasury Notes as reported by the Federal Reserve on a weekly basis" no longer accurately reflected the financing entity's costs for the funds. As the Board is aware, investor demand for US Treasuries have pushed yields to historic lows, well below the banking industry's true cost of funds. Therefore, the financial community was unwilling to extend financing to the County using Treasury Notes as the basis for determining lease rates under a new Master Lease.

The County's financial consultant recommends using an alternative pricing model that is expected to provide a reasonable rate of return to the financing entity, be acceptable to potential bidders, and provide a fair cost of funds to the County. The financial consultant advises that a model using LIBOR (The London Inter-Bank Offered Rate) Interest Rate Swap Index, as reported by the Federal Reserve, to determine the lease rates under the Master Lease is better suited to current financial conditions. Interest rate swaps are an agreement between two parties to exchange one stream of payments for another, over a set period of time. Swaps exchange fixed-rate payments for floating-rate payments based on LIBOR (The London Inter-Bank Offered Rate), the interest rate high-credit quality banks charge one another for short-term financing. This index is gaining acceptance among banks as a more accurate indicator of current cost of funds and appears to be relatively stable in today's market.

It should be emphasized that the County will not be engaging in interest rate swaps. Rather the contractor providing Master Lease-Purchase financing will be asked to use the Interest Rate Swaps index as referenced in the Federal Reserve Statistical Release, H15 Selected Interest Rates as a basis to determine the County's lease rates under the Master Lease for this and subsequent solicitations. Staff would also recommend that the County retain the option to return to the use of the US Treasury Note standard as previously used as market conditions stabilize, if it would offer the County a lower cost of funds or otherwise best meet County requirements.

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FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment I – Draft Invitation for Bid for Tax Exempt Master Lease Agreement

STAFF:  
Edward L. Long, Jr., Deputy County Executive  
Cathy A. Muse, Director, Department of Purchasing and Supply Management  
Leonard P. Wales, County Debt Manager

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ACTION - 8

Approval of Wolf Trap Foundation for the Performing Arts License Agreement  
(Dranesville District)

ISSUE:

Board approval of a License Agreement with Wolf Trap Foundation for the Performing Arts to permit Fairfax Connector buses to board and discharge passengers at a designated bus stop within premises of Wolf Trap National Park.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached License Agreement with Wolf Trap Foundation for the Performing Arts (Attachment I) and authorize the Director of Transportation to execute the finalized agreement on behalf of Fairfax County.

TIMING:

Board action is requested on March 30, 2009, to allow Fairfax Connector buses access and egress beginning May 21, 2009, to serve Wolf Trap employees and patrons.

BACKGROUND:

Wolf Trap Foundation for the Performing Arts has requested Fairfax County's Fairfax Connector bus system to operate bus service between West Falls Church Metrorail Station and Wolf Trap's Filene Center during the upcoming 2009 performance season. In order for Fairfax Connector buses to serve Wolf Trap, an agreement is required to specify what bus routes are to be operated and how these buses will traverse Wolf Trap property. County staff has negotiated with the management of Wolf Trap to develop a License Agreement (Attachment I). This agreement would permit Fairfax Connector buses access to and from this major park and recreational area, provide public transit service to a significant number of Wolf Trap patrons, and satisfy citizen requests to provide bus service for this venue. Negotiations between the two parties have resulted in a one year agreement which identifies a bus stop location and routing for the Fairfax Connector Bus Route # 480, West Falls Church Metro / Wolf Trap Filene Center. The License Agreement contains provisions for liability insurance as required by the County's Risk Management Division.

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FISCAL IMPACT:

The Wolf Trap Foundation for the Performing Arts will fully compensate Fairfax County for the cost of this service during this agreement term with the understanding that all revenue collected via the farebox will be credited against the monthly invoice at a rate of \$3.10 per/ride (Connector Bus Express Fare). There will be no fiscal impact to Fairfax County as a result of this agreement.

ENCLOSED DOCUMENTS:

Attachment I: Proposed License Agreement with Wolf Trap Foundation for the Performing Arts

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Rollo C. Axton, Chief, Transit Services Division, FCDOT  
Thomas N. Black, Chief, Fairfax Connector Section, FCDOT  
Andrew Suggs, Fairfax Connector Section, FCDOT

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ACTION – 9

Comments on Design Plans for the I-95/395 High Occupancy Toll Lanes Project (Mason, Lee, and Mount Vernon Districts)

ISSUE:

Board issuance of comments on the design plans for constructing High Occupancy Toll (HOT) Lanes on I-95/395.

RECOMMENDATION:

The County Executive recommends that the Board offer conditional concurrence with the design plans for constructing HOT Lanes on I-95/395, generally as presented at the February 9, 10, and 11, 2009, public hearings, subject to the following modifications, comments, and requests for additional coordination to ensure that the project remains fully in conformance with the Board's Environmental Agenda and the Fairfax County Comprehensive Plan:

- Coordinate plans to manage stormwater runoff, including sediment and erosion control, outfall treatments, and necessary easements, with the Fairfax County Department of Public Works and Environmental Services (for all locations) and the Fairfax County Park Authority Planning and Development Division (for park properties). The County wants to ensure in particular that areas of known existing stormwater management concern and stream degradation adjacent to the project are adequately addressed to provide stabilization during and at the completion of construction, so as not to exacerbate existing stream degradation. It is desirable that planned stormwater management facilities and areas identified on preliminary road plans be maximized and optimized where possible to help alleviate existing and future stormwater impacts due to the highway. The County requests the opportunity to provide input during the early stages of stormwater drainage designs to provide collaborative opportunities for implementation of identified watershed capital improvement projects. Also, the County would like the opportunity to review the portions of the construction plans dealing with stormwater and erosion and sedimentation control and will provide comments on these elements on a priority basis within the Virginia Department of Transportation's (VDOT's) established review timeframes.
- In order to reduce the expected significant traffic impacts on neighboring communities and the secondary street system of various Base Realignment and Closure (BRAC) installations being constructed along the I-95/I-395 corridor, direct access should be provided to and from the HOT lanes to/from the BRAC facilities where physically and operationally feasible. The cost of this direct access should be borne by the developers of the BRAC properties rather than at project cost.

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- The project team should provide the design exception documentation for the narrow shoulder widths along the corridor and identify specifically how they plan to address these constrained areas in terms of safety, both of transit and auto users.
- Slugging has been very successful in moving large numbers of people in the corridor. This project should ensure that this arrangement continues at its current levels.
- The project team must ensure that, at a minimum, the project meets the federal performance thresholds for High Occupancy Vehicle (HOV) lanes that are converted to HOT lanes. These lanes provide the fixed guideway miles that allow Northern Virginia transit systems to qualify for federal funding. Therefore, it is critical to the region that this level of service does not fall below the minimum standards. If the facility is not able to meet the standards to receive federal money, the project partners must replace the lost funding.
- Introduction of low occupancy vehicles on the HOV lanes compromises transit's efficiency. Provide some type of priority to transit at especially congested points along the facility, such as the access/egress points.
- In locations where feasible, construct new sound walls before existing sound walls are removed or, at a minimum, in those areas where pre-replacement is not feasible due to topographic changes, commit to replace the sound wall within a minimal time frame after removal so that residents are not left without sound protection for long periods of time.
- Further review should be given to the construction of sound walls adjacent to Laurel Crest, Gunston Corner, Laurel Hill Park, Edsall Gardens, Landmark Mews, Lincolnia Community Park, and Brighton Square to protect the public parks and the communities.
- Provide a suitable pedestrian bridge at Franconia-Springfield Parkway (F-S Parkway). The project should either provide a separate pedestrian bridge that is functional and has no conflict with the traffic or change the alignment of the pedestrian bridge to follow the alignment of the F-S Parkway and to have the bridge tie into the Metro/Parkway trail located east of I-95. In addition to tying into the trail, the bridge should also provide an at-grade tie-in at the location that is currently shown on the plans.
- Coordinate plans for the location of the 3,000 park-and-ride spaces throughout the corridor with Fairfax County Department of Transportation (FCDOT) Transit Services Division and Transportation Planning Division. As part of this commitment, construct at least 450 park-and-ride spaces in the Springfield/Lorton area to serve the HOT lanes.
- Coordinate with FCDOT Transit Services Division and VDOT's Bus Rapid Transit (BRT) study to determine the best provision of transit in the corridor.
- Coordinate the design of the ramps and lanes with all the public and private transit providers in the corridor in order to ensure they can adequately and safely accommodate buses.
- Coordinate with FCDOT Transit Services Division and other transit operators using the I-95/395 HOV lanes to address safety concerns raised by the limited number of

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refuge areas for disabled vehicles in the segment of the facility north of the Occoquan River.

- The project should provide a detailed plan for the emergency pull-outs and how these pull-outs impact the flow of traffic.
- Provide traffic mitigation during the construction phase and provide traffic management measures where neighborhoods are impacted by diverted traffic.
- When traffic is displaced as a result of the construction, develop traffic mitigation plans in accordance with the guidelines for temporary traffic management during construction adopted by the Fairfax County Board of Supervisors on September 22, 2008.
- Identify truck haul routes to be used for construction activity and ensure that construction vehicles associated with the project do not use local streets.
- Consider additional options for public transportation during construction.
- In identifying construction staging areas, work closely with the affected communities.
- Schedule regular briefings with the Board offices, County staff, community groups, and the general public on what to expect in the following months during the construction phase of the project.

TIMING:

The Board should take action on this matter as soon as possible to allow VDOT to proceed with the negotiations of a comprehensive agreement with their private partners, Fluor and Transurban. Final design and construction operations will follow once the agreement has been satisfactorily completed.

BACKGROUND:

Interstate I-95 from the Prince William County Line to the Springfield Interchange is on the County's Transportation Plan as a future 11-lane facility with HOV lanes. Interstate I-395 from the Springfield Interchange to the City of Alexandria line is on the County's Transportation Plan as a future 9-lane facility with HOV lanes. There are currently 10 lanes on I-95 and 8 lanes on I-395 plus auxiliary lanes at interchanges.

The I-95/I-395 HOT Lanes project will add capacity by expanding the existing HOV system from two to three lanes between Eads Street in Arlington to Dumfries, and will construct two new lanes south to Spotsylvania. The project is divided into the Northern and Southern sections. VDOT currently plans to design/build the Northern Section, which begins near the Pentagon in Arlington and ends near the Garrisonville Road (Route 610) area. The remaining stretch is the Southern Section which is to be constructed at a later date. HOV-3, motorcycles, buses, and emergency vehicles will use the HOV/Bus/HOT lanes free of charge. Non-HOV motorists will be able to access the HOV/Bus/HOT lanes by paying a toll. Tolls will be based on demand, also called congestion pricing. Tolls will change

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throughout the day according to real-time traffic conditions to manage the number of cars in the HOV/Bus/HOT lanes and keep lanes free of congestion.

The project will improve transit services and provide an in-line BRT station near the Lorton Virginia Railway Express (VRE) station. The project will also add 3,000 park-and-ride spaces throughout the corridor. The project is designed to provide congestion relief to all drivers, keep traffic moving on I-95/395 and provide a 70-mile facility for buses, carpoolers, sluggers, and vanpoolers to the Pentagon, Tysons Corner, and the Dulles area when combined with the I-495 Capital Beltway HOT Lanes.

The Virginia HOV/Bus/HOT lanes project is being developed as a public-private partnership between VDOT and Fluor-Transurban. VDOT will continue to own the I-95/395 roadway and Fluor-Transurban will construct, operate, and maintain the HOT lanes.

The Virginia Department of Rail and Public Transportation (DPRT) is also playing an active role in the project as the project will provide opportunities for expanded public transportation in the I-95/I-395 corridor.

Public Hearing Comments:

Three public hearings were held on February 9, 10, and 11, 2009. Approximately 300 people attended the three hearings. There were 186 total commenters. Of the 54 oral and 132 written comments received, approximately 28 indicated support of the project as proposed and 38 indicated opposition to the project. The remainder of the comments raised specific issues and concerns about the project.

Major concerns/comments received are summarized as follows:

- Concerns have been raised that the private sector will own HOV lanes that were built with public funding and that the project will create inequality.
- There are concerns that the HOT lanes will run 24 hours a day / 7 days a week and people will have to pay tolls to utilize the facility during non-peak hours, whereas now they can use the HOV facility during non-peak hours and weekends for free.
- Sluggers are concerned that the number of carpoolers might decrease and return to single occupancy vehicles, which would result in deterioration of a successful HOV system.
- There are concerns that with the introduction of more access and egress points throughout the corridor, more traffic congestion will be added in neighborhoods along the corridor.
- The project should reevaluate the need for sound walls in the corridor, considering the needs of the communities along the corridor.
- The new pedestrian bridge located south of the F-S Parkway will be much more dangerous for all users. The replacement bridge should provide equivalent access as the original bridge, which provides grade-separated crossing of I-95 and does not have at-grade crossings of multiple exit/entrance lanes on a high-speed facility.

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- There is a concern that the HOV speeds will deteriorate and Fluor-Transurban will not be able to maintain existing speeds.
- The project needs to inform the communities of the toll rates and the technology that will be used for accessing the HOT lanes facility.
- The project needs to mitigate the bottleneck at the 14<sup>th</sup> Street Bridge entering Washington, D.C. since the added volume will create longer queues at the bridge.

Project Cost and Schedule:

This project is a Public-Private Transportation Act (PPTA) project. VDOT is in the process of negotiations on a comprehensive agreement with their private partners, Fluor and Transurban.

The anticipated project schedule is as follows:

Commercial Close: Fall of 2009

Right-of-Way Acquisition: Starts after commercial close

Design/Construction: End of 2009 or early 2010

Completion/Opening of HOT Lanes: 3 - 4 years after start of construction

The cost of the project is not finalized and VDOT is in the process of finalizing the comprehensive agreement with Fluor-Transurban. The entire construction cost is to be funded by the private sector.

Right-of-Way Impacts:

The proposed project is anticipated to be located entirely within the existing right-of-way and therefore no permanent right-of-way taking will be required.

FISCAL IMPACT:

No Fairfax County funds are required for this project.

ENCLOSED DOCUMENTS:

Attachment 1: Design Public Hearing Brochure

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

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

Seyed A. Nabavi, Senior Transportation Planner, Capital Projects Section, FCDOT

Randy White, Countywide Transit Services Coordinator, Transit Services Division, FCDOT

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ACTION – 10

Approval of 2009 Zoning Ordinance Amendment Work Program

ISSUE:

Consideration and approval of the 2009 Zoning Ordinance Amendment Work Program.

RECOMMENDATION:

The County Executive recommends that the Board approve the 2009 Zoning Ordinance Amendment Work Program as recommended by the Development Process Committee, and as set forth in Attachments 2, 3 and 4.

TIMING:

Board action is requested on March 30, 2009.

BACKGROUND:

The Zoning Ordinance Amendment Work Program, originally initiated in 1983, contains requests for amendments to the Zoning Ordinance, which originate from the Board of Supervisors (Board), the Planning Commission, the Board of Zoning Appeals, staff, citizens, and industry representatives.

Enclosed as Attachments 1 and 2 are reference summary charts of the status of the 2008 Priority 1 Work Program and those items proposed for the 2009 Priority 1 Work Program, respectively. Attachment 3 is the entire 2009 Priority 1 list, which provides a description of the amendments that are proposed to be addressed over the next year. Attachment 4 is the 2009 Priority 2 list, and includes those items that will not be addressed this year, but will be retained for future Priority 1 consideration. Attachment 5 contains a list of new amendment requests that have been identified since the adoption of the 2008 Work Program, and Attachment 6 is the Planning Commission's recommendation on the proposed 2009 Work Program.

With regard to the status of the 2008 Priority 1 Work Program, a total of 34 items were included on Priority 1, of which 26 were originally approved by the Board, and 8 were added during the course of the year. A total of 14 items have been addressed, which includes 9 items that have been adopted, 3 authorized for public hearings, and 2 were addressed without requiring an amendment.

With regard to the proposed 2009 Work Program, on February 18, 2009, the Planning Commission's Policy and Procedures Committee reviewed the proposed 2009 Work Program. The Committee and subsequently the full Planning Commission on February 26,

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2009, endorsed the proposal, as presented by staff, with three modifications. The first modification is to move the commercial portable storage item from Priority 1 to Priority 2. The second modification is to add the existing Priority 2 item regarding the possible allowance of affordable and/or workforce dwelling units in certain commercial and/or industrial districts as a study item to Priority 1. The third modification is to add the two existing Priority 2 items pertaining to parking reductions in transit oriented areas and/or due to transportation demand management provisions to Priority 1, in preparation of the soon to be completed consultant parking study. Staff concurs with this recommendation.

At its March 16, 2009 meeting, the Board's Development Process Committee reviewed the proposed 2009 Work Program, as amended to reflect the Planning Commission's changes, and recommended the following changes for consideration by the full Board on March 30, 2009. It is noted that the attached Work Program has been amended to reflect the Development Process Committee's changes:

1. That staff study various options, including possible changes to the Zoning and/or Subdivision Ordinances, to see how best to preclude the creation of outlots abutting road intersections solely for the circumvention of the front yard provisions on corner lots, such as setback requirements, fence height limitations and accessory structure location requirements. Staff was further requested to report the findings of the study to the Board's next Development Process Committee meeting. [This item is listed as a study item as #24 on Priority 1 (Page 8)].
2. That consideration be given to increasing the amount of allowable commercial intensity and residential density in the PDH District. [Note: Increasing allowable commercial intensity is currently included as part of the Planned Development District Priority 1 Item #15 (Page 6) and increasing allowable residential density has now been incorporated into this Priority 1 item.]
3. Add a new item to Priority 1 to consider requiring special permit or special exception approval to allow for dancing and/or live entertainment in eating establishments. [This item is now listed as #3 on Priority 1 (Page 3).]
4. Add a new item to Priority 2 to consider limiting the amount of pavement and parking permitted in the front yard of single family detached lots in the R-5 and R-8 Districts. [This item is listed as Item #39 on Priority 2 (Page 17).]
5. Add a new item to Priority 2 to consider requiring a greater setback in areas influenced by tidal flooding. This item is in response to a recommendation made by the Board's Environment Committee resulting from climate changes. [This item is listed as Item #23(g) on Priority 2 (Page 13).]

Additionally, the Committee directed DPZ staff to coordinate with the Health Department to ensure that the current Zoning Ordinance requirement that a septic system can only be

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located on the same lot that it is serving, is adequate to safeguard environmentally sensitive areas from increased densities due to the use of alternative septic systems. Finally, it was noted that the item pertaining to adult video stores, Item #1 on Priority 1 (Page 3) is to be discussed with the Board in Closed Session on April 27, 2009.

As recommended by the Development Process Committee, a total of 24 amendment items are included on the 2009 Priority 1 list. This includes 3 items that have been authorized, 15 items are carryover from the 2008 Work Program, and there are 6 new items. The major carryover items from the 2008 Priority 1 Work Program include: Cellar Space/ Gross Floor Area, FARs in PDC and PRM Districts, Maintaining Neighborhood Character, Open Space, Planned Development Districts, Outdoor Lighting, R-C District, Residential Studios and Roll-Off Debris Containers. Additionally, the new items added to Priority 1 include Affordable/Work Force Dwellings in C and I Districts as a study item; Dancing and/or Live Entertainment in Eating Establishments; Truck Functioning as Billboards; Yards on Corner Lots as a study item; and changes resulting from State Code legislation, including Development in Dam Break Inundation Zones and from changes resulting from the 2009 Virginia General Assembly.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Summary Chart of the Status of 2008 Priority 1 Work Program  
Attachment 2 - Summary Chart of the Proposed 2009 Priority 1 Work Program  
Attachment 3 – Proposed 2009 Priority 1 Zoning Ordinance Work Program  
Attachment 4 - Proposed 2009 Priority 2 Zoning Ordinance Work Program  
Attachment 5 - New Requests Since March 2008  
Attachment 6 – Planning Commission Recommendation

STAFF:

Robert A. Stalzer, Deputy County Executive  
James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Eileen M. McLane, Zoning Administrator, DPZ  
Lorrie Kirst, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ

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## INFORMATION - 1

### Contract Award – Gregory Drive Treatment Facility/New Horizons (Lee District)

A total of 11 contractors were prequalified to bid for the construction of the Gregory Drive Treatment Facility/New Horizons, Project 04A002, Fund 311, County Bond Construction. Eight sealed bids were received and opened on February 11, 2009. This project will provide for construction of a 12,000 square-foot 16 bed treatment facility located at 8247 Gregory Drive in Alexandria. This project is included in the FY 2009 - FY 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Falls Church Construction Corporation. The firm's bid of \$2,547,225 is \$346,585 or 12% below the Engineer's Estimate of \$2,893,810. The second lowest bid of \$2,566,199 is \$18,974 or 1% above the low bid. There were seven bids below and one bid above the Engineer's Estimate. The contractor's experience in this type of work and an extremely competitive bidding environment are reflected in the lowest responsive and responsible bid.

Falls Church Construction Corporation has successfully completed several projects for Fairfax County and is considered a responsible contractor. They are currently the General Contractor on the Thomas Jefferson Library Renovation and Expansion.

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

This bid may be withdrawn after April 12, 2009.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Falls Church Construction Corporation in the amount of \$2,547,225.

#### FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$3,616,881 is necessary to award this contract and to fund the associated contingency and other project costs. Funding in the amount of \$4,789,589 is currently available in Project 04A002, Gregory Drive Treatment Facility in Fund 311, County Bond Construction.

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This project was partially funded by the General Fund in the amount of \$500,000 in response to a projected funding shortfall at the Design Development phase. Based on the favorable construction contract award, funding of \$500,000 will be returned to the General Fund as part of the FY 2009 Carryover Review.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders  
Attachment 2 – Vicinity Map

STAFF:

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

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## INFORMATION - 2

### Contract Award - Design of Transportation Improvement Projects, Task Order Contracts

Consulting engineering services are needed to provide transportation improvement design services for various Fairfax County projects which are not being designed by County staff and/or when these services are not part of a design contract with an outside firm. During the 2008 General Assembly session, Code of Virginia §2.2-4301 was revised to increase the monetary limits for architectural or professional engineering contracts relating to construction projects for multiple projects (task order contracts). The amount of a single contract was raised to a maximum of \$5 million per year with a maximum amount of \$1 million for a single project. Article 3, Section 4.C of the Fairfax County Purchasing Resolution was subsequently revised to adopt these higher limits by the Board of Supervisors (Board) on June 30, 2008. While these higher limits can be utilized on these contracts, a lower amount is anticipated based on experience with prior similar contracts and projected workload, yet still maintain flexibility for project assignments. The contracts will be for a one-year period, with an annual ceiling of \$2.5 million and a maximum value of \$1 million per project. The contract term is for a 12-month period with an option to renew for up to two years. Any increases in the \$2.5 million limit per year in excess of \$100,000 will be processed as a contract amendment in accordance with the Fairfax County Purchasing Resolution with notification to the Board.

The Department of Public Works and Environmental Services (DPWES) issued a Request for Qualifications indicating that multiple contracts may be awarded. A total of six engineering firms were interviewed by the Selection Advisory Committee (SAC). The engineering firms of PB Americas, Inc. Rinker Design Associates, P.C., and Volkert & Associates, Inc. were recommended by the SAC and approved by DPWES in accordance with the guidelines contained in the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that PB Americas, Inc. and Rinker Design Associates, P.C. do not have, and are not required to have a current Fairfax County Business, Professional and Occupational License because they are located in the Town of Herndon and the City of Manassas respectively. The Department of Tax Administration has verified that Volkert & Associates, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board, DPWES will proceed to award these contracts to PB Americas, Inc., Rinker Design Associates, P.C., and Volkert & Associates, Inc., in the amount of \$2.5 million each. The contracts will be renewable for two additional years.

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FISCAL IMPACT:

Funding for these contracts will be available from the applicable projects for which the engineering service is required. The amount of funding and the funding source will be identified prior to authorizing each task. DPWES will authorize individual task orders as they are identified.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Awardees and other firms interviewed  
(Copy of contracts available in Office of the Clerk to the Board)

STAFF:

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

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INFORMATION - 3

Amendment to a Memorandum of Agreement Between the Fairfax County Police Department and the Northern Virginia Regional Gang Task Force

The existing memorandum of agreement between the Fairfax County Police Department and the Northern Virginia Regional Gang Task Force is being amended for the purpose of complying with an upcoming programmatic review of the Bureau of Justice Administration grant. A few language edits and an addendum have been incorporated in order to meet certain specifications of the grant. None of the changes will impact the current operation of the Northern Virginia Regional Gang Task Force which currently operates under two Bureau of Justice Assistance grants.

Under this agreement, the Northern Virginia Gang Task Force and the Fairfax County Police work to facilitate sharing information in an effort to suppress criminal street gang crime and protect the region against the acts of violence that are associated with the culture of criminal street gangs.

The assigned Fairfax County Police personnel are members of the Northern Virginia Gang Task Force engaged in specific, directed investigations and intelligence gathering designed to support the prosecution and disruption of gang related crime in the Northern Virginia area.

Unless otherwise directed by the Board, the Fairfax County Police Department will sign the amended Memorandum of Agreement

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Memorandum of Agreement between the Fairfax County Police Department and the Northern Virginia Regional Gang Task Force (Separate from package)

STAFF:

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

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INFORMATION – 4

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

The Fairfax County transit system, the Fairfax Connector, provides fixed-route/fixed-schedule bus service utilizing a “modified turnkey business model” that places the operation and management of the service with a third party private sector provider under policies and procedures as established by the Board of Supervisors. On September 16, 2008, the Department of Purchasing and Supply Management (DPSM) issued a Request for Proposals (RFP#09-997213-10) - Operations and Management Services – Public Transportation Bus System. This RFP will result in a contract that provides for the continued operation and management of the Fairfax Connector Bus System utilizing the aforementioned business model whereby a third party private contractor provides labor, supervisory, technical, and managerial resources. The County provides the facilities, fuel, revenue and non-revenue vehicles, support equipment, and other ancillary services. The requirements contained in the RFP and evaluation criteria allow the County to make either a multiple or single vendor award depending on options organized by operating locations.

Options included in the contract are as follows:

- Option 1: West Ox Division and Reston-Herndon Division services combined under a single option and service provider, including:
  - Start-up and transition services for the West Ox Bus Operations Center and commencement of the new Fairfax Connector Centerville-Chantilly-Oakton Service, replacing and augmenting the Metrobus non-regional service on the 12s and 20s series routes and 2W route (as approved by the Board of Supervisors on February 25, 2008). This Fairfax Connector revenue service is to commence on June 29, 2009.
  - Start-up and transition services for the Reston-Herndon Division with revenue service commencing August 30, 2009.
- Option 2: Start-up and transition services for the Huntington Division with revenue service commencing on September 27, 2009, as a separate option.
- Option 3: Start-up and transition of all 3 operating divisions (West Ox, Reston-Herndon, and Huntington Divisions) under one option on the dates listed in Options 1 and 2 above.

The solicitation notice was posted on the County’s procurement notification system, and three firms responded with proposals by the closing date of October 20, 2008. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated

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the proposals in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposals, the SAC recommended that additional information and baseline criteria be obtained from all three proposers. The County advised the proposers that pricing was a major factor in the evaluation process in light of current and projected economic conditions. New pricing information was provided by the three proposers to the County on February 24, 2009.

Separately, a negotiating team consisting of some of the SAC members, additional FCDOT business experts, and a DPSM representative was formed. Negotiations were entered into with all three proposers based on the pricing information submitted on February 24, 2009. Negotiations were initiated with all three vendors on March 4 and 5, 2009. The vendors were each requested to submit their "Best and Final Price" by Monday, March 9, 2009. Following extensive review and analysis of the contract options and the Best and Final Offers from the vendors, it is recommended that the top rated offeror's final offer be accepted. This award recommendation will be submitted to the Purchasing Agent along with the Memorandum of Negotiation.

Unless otherwise directed by the Board, the Purchasing Agent will proceed to award the contract as a single award (Option 3 – all three operating divisions) to MV Contract Transportation, Inc. The total estimated amount of this contract based on 457,932 annual revenue hours of service for 5 years has a projected cost of \$201,893,395.

FISCAL IMPACT:

This contract supports a minimum of 457,932 annual revenue hours of service over a period of five years for a total five year contract cost, FY 2010 through FY 2014, of \$201,893,395. This level of service assumes the expansion of the West Ox Division to full day service beginning in FY 2010. It also assumes an adjustment in the current level of bus service at the Reston-Herndon and Huntington Divisions based on Lines of Business (LOBS) reductions currently under review by the Board. It is noted that, since the contract is based on a minimum level of service, revenue hours may be expanded from this level to support additional bus services for priority overcrowded routes and to implement consultant recommendations from the Transportation Development Plans. These additional hours would be supported by Commercial and Industrial Tax Funds for Transportation.

The first year requirement is \$37,617,097, which includes \$36,117,097 in support of bus services and \$1,500,000 for the establishment of a reserve from which to reimburse the contractor for engine and transmission failures, repainting of buses, and other bus maintenance requirements. This reserve will be maintained to support the needs of the contract term. FY 2010 funding is included in the FY 2010 Advertised Budget Plan to support the full first year requirement of \$37.6 million, as well as the cost of any additional revenue hours supported by Commercial and Industrial Tax Funds for Transportation.

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In addition to the FY 2010 through FY 2014 contract amount, an additional \$1,500,000 is required in FY 2009 for non-recurring contractor start up costs at three operating divisions, including the purchase of new equipment and the recruitment, hiring, and training (or retraining) of staff. Funding in support of this start-up requirement is currently available within the FY 2009 budget in Fund 100, County Transit Systems, and is available due to savings realized in FY 2009 from the delayed implementation of the new bus operations contract.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors for RFP# 09-997213-10

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Katharine D. Ichter, P.E., Director, Fairfax County Department of Transportation

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10:40 a.m.

Matters Presented by Board Members

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11:30 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. *Fairfax County Department of Public Works v. C. Ray Davenport, Commissioner, Virginia Department of Labor and Industry* (Fx. Co. Cir. Ct.)
  - 2. *Grinsis Yasmin Rivera v. Fairfax County Department of Family Services*, Record No. 2319-08-4 (Va. Ct. App.)
  - 3. *Robert J. Lewis, Trustee, et al. v. Board of Supervisors of Fairfax County, Virginia*, CL-2008-0016936 (Fx. Co. Cir. Ct.) (Braddock District)
  - 4. *Bourj, Ltd. v. Board of Supervisors of Fairfax County*, Case No. CL-2008-0017107 (Fx. Co. Cir. Ct.) (Braddock District)
  - 5. *Argiris Mallis v. Fairfax County*, Case No. CL-2008-0014296 (Fx. Co. Cir. Ct.) (Providence District)
  - 6. *Robert D. Scrimshaw v. Kevin C. Greenlief*, CL-2008-0011634 (Fx. Co. Cir. Ct.) (Lee District); *Robert D. Scrimshaw v. Kevin C. Greenlief*, CL-2008-0012973 (Fx. Co. Cir. Ct.) (Lee District); *Robert D. Scrimshaw v. Kevin C. Greenlief*, CL-2008-0013602 (Fx. Co. Cir. Ct.) (Lee District)
  - 7. *Light Global Mission Church v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2008-0016274 (Fx. Co. Cir. Ct.) (Sully District)

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8. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
9. *Glencourse Cluster Association v. Fairfax County* (Fx. Co. Bd. of Building Code Appeals) (Hunter Mill District)
10. *Fairfax County Redevelopment and Housing Authority v. James C. Riekse, Rajesh Kapani, Rajinder P. Kapani, Frederick L. Shreves, II, Trustee, Vincent J. Keegan, Trustee, Mortgage Electronic Registration Systems, Inc., and Weichart Financial Services*, Case No. CL-2007-0011400 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Hermilio Machicao*, Case No. CL-2008-0010800 (Fx. Co. Cir. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. Hermilio Machicao and J.A.M. Homes, Inc.*, Case No. CL-2008-0016138 (Fx. Co. Cir. Ct.) (Lee District)
12. *Krispy Kreme Doughnut Corporation and Damaged Sewer Facilities Serving the Gunston Commerce Center* (Tax Map Nos. 113-3((1)) parcels 5E, 5F, 5G, 5H1, 5H2, 5H3, 5J, and 5K1) (Mount Vernon District)
13. *Kirk Wiles and Jane Kincheloe Wiles v. Board of Zoning Appeals for Fairfax County, Virginia*, Case No. CL-2009-0003136 (Fx. Co. Cir. Ct.) (Springfield District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ominex, Inc., and Belleview SC Co., LLC*, Case No. CL-2008-0016278 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guy Kreiser, Josefina Kreiser, and Joanne S. Kreiser*, Case No. CL-2008-0008940 (Fx. Co. Cir. Ct.) (Mount Vernon District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Beltran Sanchez Carbajal, Sulma Patricia Flores de Sanchez, and Evelin Y. Mendoza*, Case No. CL-2007-0013442 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

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17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Corinne B. Boals*, Case No. CL-2008-0011677 (Fx. Co. Cir. Ct.) (Dranesville District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
19. *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)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Circle Towers, LLC*, Case No. CL-2008-0013591 (Fx. Co. Cir. Ct.) (Providence District)
21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hafiz Mohammad Imran*, Case No. CL-2008-0008257 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vladimir Altamirano and Sandra Altamirano*, Case No. CL-2008-0016938 (Fx. Co. Cir. Ct.) (Providence District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juvenal Meneses*, Case No. CL-2009-0002075 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pablo Almanza and Marcelina Almanza*, Case No. CL-2008-0016554 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio E. Ayala and Laura Sanchez*, Case No. CL-2008-0016939 (Fx. Co. Cir. Ct.) (Lee District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Issam Hineidi*, Case No. CL-2008-0016509 (Fx. Co. Cir. Ct.) (Providence District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ivy K. Inocencio and Marissa P. Gomez*, Case No. CL-2009-0002830 (Fx. Co. Cir. Ct.) (Mount Vernon District)

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28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Gutierrez and Julia B. Gutierrez*, Case No. CL-2009-0002829 (Fx. Co. Cir. Ct.) (Mount Vernon District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Soledad Marreros*, Case No. CL-2009-0002967 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Porfirio H. R. Bonilla and Gloria Alvarez Diaz*, Case No. CL-2009-0003062 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert J. Ayoub and Jack J. Ayoub*, Case No. CL-2009-0003281 (Fx. Co. Cir. Ct.) (Providence District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul L. Veeder*, Case No. CL-2009-0003259 (Fx. Co. Cir. Ct.) (Providence District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Edward DeMarr and Elizabeth DeMarr*, Case No. CL-2009-0003562 (Fx. Co. Cir. Ct.) (Providence District)
34. *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)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nest Estates, LLC*, Case No. CL-2009-0003771 (Fx. Co. Cir. Ct.) (Dranesville District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Munoz*, Case No. CL-2009-0003770 (Fx. Co. Cir. Ct.) (Lee District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Blanca Castillo*, Case No. CL-2009-0003879 (Fx. Co. Cir. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter Paul Mitrano*, Case No. 08-0029359 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Auto Sound Express, Inc., and Kleriotis, LLC*, Case No. 08-0037438 (Fx. Co. Gen. Dist. Ct.) (Lee District)

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40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan C. Cadima*, Case No. 09-0002346 (Fx. Co. Gen. Dist. Ct.) (Mason District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Crystal Lewis*, Case No. 09-0006932 (Fx. Co. Gen. Dist. Ct.) (Lee District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Trung Dinh-Chi Phan*, Case No. 09-0006933 (Fx. Co. Gen. Dist. Ct.) (Lee District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marguerite A. Thoburn*, Case No. 09-0006935 (Fx. Co. Gen. Dist. Ct.) (Providence District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Reynaldo D. Ventura*, Case No. 09-0006930 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tram Le and Phong Le*, Case No. 09-0006931 (Fx. Co. Gen. Dist. Ct.) (Providence District)
46. *Board of Supervisors of Fairfax County, Virginia, v. Jade Dunn Loring Metro, LLC, et al.*, Case No. CL-2008-0003247 (Fx. Co. Cir. Ct.) (Providence District)
47. *Board of Supervisors of Fairfax County, Virginia v. Park View Limited Partnership and Developers Surety and Indemnity Company*, Case No. CL-2009-0003280 (Fx. Co. Cir. Ct.) (Mount Vernon District)

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2:30 p.m.

Public Hearing on Proposed Amendments to Chapter 62 of The Code of the County of Fairfax, Virginia, to Adopt Amendments to the Statewide Fire Prevention Code and Fire Marshal Fees

ISSUE:

As amendments are adopted to the *Statewide Fire Prevention Code*, Chapter 62, Fire Protection, the county ordinances must be reviewed and updated to realign the county amendments with the state amendments. In addition, increases to the current fee structure are proposed. This is a revenue enhancement initiative that stems from the FY2010 Lines of Business Review.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendments to align Chapter 62, Fire Protection, with the *Statewide Fire Prevention Code* and to increase Fire Marshal fees.

TIMING:

On March 9, 2009, the Board authorized advertisement of a public hearing on March 30, 2009, at 2:30 p.m. If approved, the change would become effective on July 1, 2009.

BACKGROUND:

Section 27-97 of the *Code of Virginia* empowers the Virginia Board of Housing and Community Development to promulgate and adopt a state fire prevention code, now known as the *Statewide Fire Prevention Code*. Local governments are authorized under this section to adopt fire prevention regulations that are more stringent than the *Statewide Fire Prevention Code* and, as a result, the bulk of the county fire code consists of such amendments to the *Statewide Fire Prevention Code*. Periodically the *Statewide Fire Prevention Code* is amended which necessitates review and amendment to the county code. Recent adoption of the 2006 version of the *Statewide Fire Prevention Code* by the Virginia Board of Housing and Community Development necessitated review of the county fire code. The proposed changes ensure county amendments are in compliance with state amendments.

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During the Lines of Business Exercise for the FY2010 budget process, the current fee structure and cost recovery effort within the Fire Prevention Division were reviewed. Based on that review, an increase to the current fee schedule is proposed with these amendments. The fee increase will more closely align the fees with the cost of issuing permits and performing inspections. Fees range from \$25 for a home day care inspection to \$600 for a wholesale fireworks permit. The majority of permits will increase from \$100 to \$125 per permit.

Proposed amendments to Chapter 61, Building Provisions, recommend increased Fire Marshal fees for inspections performed outside of normal business hours and amend the language to address those inspections. The proposed amendments to Chapter 61 have been submitted separately to the Board of Supervisors for review and are contained in this board package.

FISCAL IMPACT:

Based on current estimates, an increase of \$475,000 per year is anticipated if the proposed amendments to Chapter 61 and Chapter 62 are adopted. It should be noted that this additional revenue has been included in the FY2010 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment I: Staff Report, Proposed Amendments to Chapter 62, Fire Protection, of *The Code of the County of Fairfax, Virginia*

STAFF:

Chief Ronald L. Mastin, Fire and Rescue Department  
Ann Killalea, Assistant County Attorney

Board Agenda Item  
March 30, 2009

2:30 p.m.

Public Hearing on Proposed Amendments to Chapter 61, Building Provisions, of The Code of the County of Fairfax, Virginia, Regarding Changes to Fire Marshal Fees

ISSUE:

A recent review of the current fee structure charged for mandated plan review and inspection services supports an increase of certain fees assessed by the Fire Marshal. These fees involve performing plan review and inspection services outside normal business hours, per reviewer or inspector. The change is necessary to more closely align the fees with the cost of performing these services. The proposed amendments to Chapter 61 adopt language to allow the rate to automatically adjust with any base hourly fee adjustments that affect plan reviews and inspections. This is a revenue enhancement initiative that stems from the FY2010 Lines of Business Review.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendments to Chapter 61 to increase the fees for plan review and inspection services performed outside of normal business hours.

TIMING:

On March 9, 2009, the Board authorized advertisement of a public hearing on March 30, 2009, at 2:30 p.m. If approved, the change would become effective on July 1, 2009.

BACKGROUND:

The Fire Prevention Division of the Fairfax County Fire and Rescue Department enforces the *Virginia Uniform Statewide Building Code* and Fairfax County local fire protection ordinances. Fees are levied for permits, plan reviews, and inspections. Current plan review and inspection fees, which were last adjusted in FY2009, are \$128 per hour, per reviewer or inspector. The Fire and Rescue Department recently reviewed the current fee structure and cost recovery effort within the Fire Prevention Division during the Lines of Business Exercise for the FY2010 Budget Process. As a result of the review, the department recommends an increase to existing fees for conducting reviews or inspections outside of business hours to a rate that is double the normal hourly rate. This will more closely align the fees with the cost of performing these services.

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Proposed amendments to Chapter 62, Fire Protection, recommend increased Fire Marshal fees for inspections performed outside of normal business hours and amend the language to address those inspections. The proposed amendments to Chapter 62 have been submitted separately to the Board of Supervisors for review and are contained in this board package.

FISCAL IMPACT:

Based on current estimates, an increase of \$475,000 per year is anticipated if the proposed amendments to Chapter 61 and Chapter 62 are adopted. It should be noted that this additional revenue has been included in the FY2010 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment I: Staff Report, Proposed Amendments to Chapter 61, Building Provisions, of *The Code of the County of Fairfax, Virginia*

STAFF:

Chief Ronald L. Mastin, Fire and Rescue Department  
Ann Killalea, Assistant County Attorney

Board Agenda Item  
March 30, 2009

2:30 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 8.1, Sections 8.1-3-6 and 8.1-3-9, Concerning Security Alarm Systems

ISSUE:

Public hearing to adopt amendments to Chapter 8.1 to increase the alarm registration fee and revise the false alarm violation fee scale. This is a revenue enhancement initiative that stems from the FY 2010 Lines of Business Review.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 8.1.

TIMING:

On March 9, 2009, the Board authorized the advertisement of a public hearing on March 30, 2009, at 2:30 pm. If adopted, the provisions of these amendments will become effective July 1, 2009.

BACKGROUND:

As part of the County's Lines of Business process, the Police Department reviewed the possibility of increasing the alarm registration fee and revising the false alarm violation fee scale upward. Both actions would update fees for the first time since November 1998, and bring the County in line with fees assessed in other nearby jurisdictions. Additionally, raising the false alarm fees should act to reduce violations which will proportionally reduce police staff hours required to respond to false alarms. Officers time can then be spent on more productive policing activities.

During the March 9, 2009 Board Meeting, a related question was raised regarding false security alarms that sound continually in unoccupied residences over a period of time, creating a nuisance to those in the surrounding area. This issue will be addressed in a separate response to the Board.

Alarm Registration Fee

The current registration fee for new alarm systems is \$10, per County Code Section 8.1-3-6 adopted in November 1998. Nearby jurisdictions require registration fees ranging from \$0 to \$50 (see table below); the proposed fee for Fairfax County would be \$25, well within that range.

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Jurisdiction	Current Registration Fee (\$)	Renewal Fee (\$)	Notes
Arlington County	30	0	Commercial only
City of Alexandria	0	0	
Howard County	25	0	
Loudoun County	0	0	
Montgomery County	30	10	Renewal every two years
Prince Georges County	50	50	Commercial only; renewal every two years
Fairfax County (current)	10	0	
<b>Fairfax County (proposed)</b>	<b>25</b>	<b>0</b>	

False Alarm Violation Fee

Fairfax County currently applies a progressive fee scale for false alarms, ranging from \$0 for the first two alarms in a twelve-month period, up to \$500 for each false alarm occurrence after eight during the same period. Rigorous tracking and enforcement of these violations by the Police Department's False Alarm Reduction Unit (FARU) has greatly reduced false alarms by almost 60% annually since 2001. It is expected that increasing fees – especially for frequent offenders - should reduce violations even further.

The proposed fee scale shown below does not distinguish between residential and commercial alarm users. However, the most frequent violators tend to be commercial alarm users, and they would pay significantly higher fees. In FY 2008, 557 false alarms fell into the 10<sup>th</sup> or greater occurrence category, and all were operated by commercial users. Both Montgomery and Loudoun County current fee schedules (commercial alarm users) are included for comparison purposes.

False Alarm Occurrence	Montgomery County Fee - Commercial (\$)	Loudoun County Fee - Commercial (\$)	Fairfax County	
			Current Fee (\$)	Proposed Fee (\$)
1 – 2	0 - 25	0	0	<b>0</b>
3	50	100	50	<b>100</b>
4	75	200	100	<b>150</b>
5	100	300	150	<b>200</b>
6	150	400	200	<b>250</b>
7	200	500	250	<b>300</b>
8	250	600	300	<b>350</b>
9	300	700	500	<b>500</b>
10	400	800	500	<b>600</b>
11	500	900	500	<b>700</b>
12	600	1,000	500	<b>800</b>
13	700	1,250	500	<b>900</b>
14	800	1,500	500	<b>1,000</b>
15 – 19	1,000 – 3,000	1,750 – 3,500	500	<b>1,500</b>
20 – 24	4,000	4,000	500	<b>2,000</b>
25 and above	4,000	4,000	500	<b>3,000</b>

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FISCAL IMPACT:

Alarm Registration Fee

The County currently averages 6,000 new alarm registrations annually. The increase from \$10 to \$25 per registration would result in \$90,000 additional annual revenue.

False Alarm Violation Fee

In FY 2008, the County raised \$743,000 from the collection of false alarm fees for 4,211 violations. Using the same violation rate, the County would see an annual increase of \$632,700 under the proposed fee schedule.

It should be noted that this additional revenue has been included in the FY 2010 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Amendments to Chapter 8.1, Security Alarm Systems

STAFF:

Colonel David M. Rohrer, Chief of Police  
Robert M. Ross, Assistant County Attorney

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Board Agenda Item  
March 30, 2009

2:30 p.m.

Public Hearing to Consider Amending Section 4-17.1-9, Chapter 4, of the Fairfax County Code Concerning Late Payment Penalties for Delinquent Personal Property Taxes

ISSUE:

Board adoption of a proposed ordinance to amend Chapter 4 of the Fairfax County Code in order to increase late payment penalties on personal property taxes from 10% to 25% when delinquencies are more than 30 days past due. This is a revenue enhancement initiative that stems from the FY 2010 Lines of Business review.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 4.

TIMING:

On March 9, 2009, the Board authorized advertisement of a public hearing to be held on March 30, 2009, at 2:30 p.m. If approved by the Board after the public hearing, these provisions will become effective July 1, 2009.

BACKGROUND:

The Department of Tax Administration (DTA) mails personal property tax bills to citizens more than 30 days in advance of the payment due date. If the property was not originally registered with the County on time, the initial tax bill also includes a *late filing penalty* of 10% (§ 4-17.1-7(A), Chapter 4, Fairfax County Code). Under Virginia Code, § 58.1-3916, once a late filing penalty is assessed, it “. . . shall become a part of the tax.”

Based on Virginia law, and § 4-17.1-9(A), Chapter 4, of the Fairfax County Code, payments received or postmarked after the due date are assessed a *late payment penalty* of 10% on the amount of the delinquent tax and late filing penalty, if any. The original tax bill mailed prior to the due date warns citizens of the late payment penalties and other consequences of non-payment. This is done to help citizens avoid the added costs and to ensure timely payment.

However, Virginia Code, § 58.1-3916 allows localities to charge a higher late payment penalty when certain delinquencies are more than 30 days past due: “in the case of delinquent tangible personal property tax more than 30 days past due, 25 percent of the tax due on such tangible personal property” can be charged. If the proposed ordinance is adopted, the original bill will warn of a 10% late penalty if the tax is not paid by the due date and will warn that the penalty will increase to 25% if paid more than 30 days late.

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Following the original tax bill, a delinquent personal property bill is mailed to citizens once a delinquency occurs. The delinquent bill shows the original liability, plus a 10% late payment penalty. Under the proposed ordinance, the first delinquent personal property bill will give citizens another chance to avoid the higher penalty of 25%, as long as they promptly pay the delinquency.

The increased penalty for late payment is solely applicable to personal property taxes (vehicles and business personal property). If adopted, this code change would take effect as of July 1, 2009. Citizens with any personal property delinquencies that are still outstanding as of June 1, 2009, will be sent a delinquent tax bill at that time, giving them 30 days to make payment and warning them of the increased penalty provision about to go into effect. The late payment penalty for any applicable delinquencies that remain unpaid after July 1, 2009, will subsequently be increased to 25%.

It should be noted that in accordance with Virginia law, DTA has the authority to waive late filing penalties and/or late payment penalties if the failure to file or pay on time was due to no fault of the taxpayer or if it was due to some fault on the part of the County.

FISCAL IMPACT:

While the County has an excellent personal property collection rate of approximately 98%, roughly 88,000 personal property tax bills are paid late each year. Accordingly, staff estimates that increasing the late payment penalty to 25% for extended delinquencies could generate approximately \$1.5 million in additional annual revenue. Whereas the increased penalty might encourage some citizens to pay earlier, late payment trends are reasonably constant. This revenue has already been factored into the FY 2010 Advertised Budget Plan. The revenue stream will be monitored during FY 2010 in order to make any adjustments that might be necessary based on any changes in historical payment patterns.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Ordinance Amendment to Section 4-17.1-9(A), Chapter 4, of the Fairfax County Code, Increasing the Late Payment Penalty for Extended Personal Property Delinquencies

STAFF:

Kevin C. Greenlief, Director, Department of Tax Administration  
Michael Long, Senior Assistant County Attorney

Board Agenda Item  
March 30, 2009

2:30 p.m.

Public Hearing to Consider the Adoption of Article 17.3, Chapter 4, of the Fairfax County Code to Impose a License Tax on Certain Motor Vehicles Not Otherwise Displaying Current License Plates

ISSUE:

Board adoption of an ordinance to amend Chapter 4 of the Fairfax County Code to impose a \$100 annual license tax on certain vehicles that do not display current Virginia license plates and that should display such license plates. This is a revenue enhancement initiative that stems from the FY 2010 Lines of Business review.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 4.

TIMING:

On March 9, 2009, the Board authorized advertisement of a public hearing to be held on March 30, 2009, at 2:30 p.m.

BACKGROUND:

As part of its Target program, the Department of Tax Administration ("DTA") investigates reports of vehicles that may not be in proper compliance with the registration requirements for personal property taxation. If a suspected vehicle is reported with Virginia license plates, this information is automatically matched against the Virginia Department of Motor Vehicle ("DMV") database, and an assessment is made as may be appropriate. If the vehicle has expired Virginia license plates, it is still subject to personal property taxation, but DTA has no enforcement authority to require the display of a current Virginia license plate.

For out-of-state license plates reported to DTA, staff must manually research these accounts to determine the appropriate tax liability. If DTA determines that a car with out-of-state plates is normally "garaged, docked or parked" in Fairfax County, an assessment is made for the appropriate liability period pursuant to Virginia Code §§ 58.1-3519 and 58.1-3903. But again, DTA has no enforcement authority to require the display of current Virginia license plates. In other words, DTA may determine that a vehicle with out-of-state license plates is in fact subject to County personal property laws because the vehicle has taxable situs within the County. At the same time, the vehicle may still display a current license plate from another state. DTA has experienced many cases where a person is assessed and pays the local personal property tax on a vehicle with out-of-state plates based on the

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situs of the vehicle, but the owner does not purchase and display current Virginia plates. As a result, citizens making reports to DTA often assume the County has taken no action.

While DTA has no license plate enforcement authority, a section of Virginia law does allow the County to impose a license tax of \$100 per year until such time as the vehicle owner obtains and displays current Virginia license plates on the vehicle. DTA can assess and collect this tax, along with the normal personal property tax.

Specifically, Virginia Code § 15.2-973 provides that “any locality may adopt an ordinance imposing a license tax, in an amount not exceeding \$100 annually, upon the owners of motor vehicles which do not display current license plates” and which are not otherwise exempted by statute. While the proposed ordinance applies to both in-state and out-of-state vehicles, practically this should provide an incentive for those with out-of-state plates to properly register their vehicles with the Virginia DMV upon local taxation. Arlington County adopted a similar tax in 2008.

Statutory exemptions are specified in the proposed ordinance. These typically pertain to certain farm equipment that is not prevalent in the County. State law also exempts from this tax vehicles that are in public dumps or “automobile graveyards;” vehicles in the possession of licensed junk dealers or licensed motor vehicle dealers; vehicles which are stored on private property for a period not in excess of 60 days for the purpose of removing parts for the repair of another vehicle; any vehicle regularly stored within a structure; vehicles being held or stored by or at the direction of any governmental authority; and, consistent with Virginia law, the proposed ordinance will not be applicable to any vehicle owned by a member of the armed forces on active duty. Finally, under Virginia law, new residents with vehicles licensed in another state have thirty days to register with the Virginia Department of Motor Vehicles and obtain Virginia license plates. Such vehicles are temporarily exempt from the license tax under the proposed ordinance during that thirty-day grace period.

If adopted, the proposed ordinance shall become effective on July 1, 2009. DTA will assess and collect the \$100 fee authorized by this initiative, and revenue received will be available to the General Fund. The license plate tax will be billed to applicable vehicle owners along with the local personal property tax.

**FISCAL IMPACT:**

The proposed ordinance sets the annual license tax at the state authorized maximum of \$100. Most of these cases already entail manual research, and the various exemptions are expected to keep the number of vehicles subject to this tax relatively low. DTA currently assesses personal property taxes on approximately 2,400 vehicles per year that also display out-of-state license plates. Data is not available on how many Virginia registered vehicles are not otherwise displaying current license plates. Based on the lack of data, and to be conservative given the exemptions, it has been assumed that no more than 10% of the out-of-state vehicles might actually be subject to the proposed license plate tax.

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Accordingly, a revenue increase of \$24,000 has already been factored into the FY 2010 Advertised Budget Plan. The revenue stream will be monitored during FY 2010 in order to make any adjustments that might be necessary based on actual experience with this tax.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Ordinance to Adopt Article 17.3 to Impose an Annual License Tax of \$100 on Vehicles Not Otherwise Displaying Current Virginia License Plates

STAFF:

Kevin C. Greenlief, Director, Department of Tax Administration  
Michael Long, Senior Assistant County Attorney

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2:30 p.m.

Public Hearing on the Adoption of an Ordinance to Amend and Readopt Fairfax County Code Section 82-1-32 to Increase Fines for Parking Violations

ISSUE:

Public hearing to consider the adoption of an ordinance to amend Fairfax County Code Section 82-1-32 to increase the fines for parking violations, to make other administrative changes, and to delete obsolete language and to simplify administration. This is a revenue enhancement initiative that stems from the FY 2010 Lines of Business review.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Code Section 82-1-32.

TIMING:

On March 9, 2009, the Board authorized advertisement of a public hearing to be held on March 30, 2009, at 2:30 p.m. If adopted by the Board following this public hearing, the increased fines and other changes would become effective for parking violations occurring on and after July 1, 2009.

BACKGROUND:

In conducting the recent Lines of Business review, the Board requested that staff consider proposing increases in the present fines for parking violations. Except for accessible parking violations that are \$500 for each violation, the County Code now imposes fines for parking violations that range from \$20 for parking meter violations to \$40 for all other parking violations. Most of the parking meters are located near Metro stations. In addition, there is a late fee of \$25 that is imposed on persons who do not pay within fifteen days from the date of the issuance of the notice of the parking violation. The ordinance being proposed generally increases all parking fines to \$50 for each violation; provided, however, the fine for a violation of Fairfax County Code Section 82-5-7, which involves parking certain commercial vehicles in residential areas, would increase from \$40 to \$100.

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The ordinance also proposes to delete duplicative and obsolete language, to better define the notice given to violators, and to establish a twenty-one day period in which a person issued a notice of a parking violation either may pay the ticket or advise the County that he or she wants to appeal the notice of violation to the appropriate court. The late fee would remain at \$25, but language is added to clarify that the late fee may be waived when the delay was not the fault of the person who was issued the notice of violation.

Also, the Board inquired as to the maximum possible fine that could be imposed for parking violations. All parking offenses are classified by state law as traffic infractions, and the maximum penalty for traffic infractions is set by Virginia Code §§ 46.2-100 and 46.2-113. That maximum penalty for traffic infractions is \$250 per violation. However, while in theory the County could impose fines of up to \$250 for parking violations, there is a lower practical limit, because Virginia law gives persons the option of going to court to contest a parking offense. The Virginia Supreme Court has established a payment schedule of fines for such violations that generally calls for payment of a parking fine of \$20 and a court processing fee of \$51 for a total amount of \$71. Rule 3B:2(4) of the Rules of the Supreme Court of Virginia. The proposed increase to \$50 for most violations is a significant increase in the present County fine, and that newly-increased fine generally would remain low enough to encourage most violators to prepay parking tickets using the County's administrative procedure in lieu of pursuing a court appeal that would consume additional staff time and that may result in lower fines and overall County revenues.

FISCAL IMPACT:

If the proposed ordinance is adopted as proposed, staff estimates that the higher fines will generate additional revenues of \$626,120. This revenue was not included in the County Executive's proposed FY 2010 Budget.

ENCLOSED DOCUMENT:

Attachment 1: Draft Ordinance to Amend Fairfax County Code Section 82-1-32

STAFF:

Kevin C. Greenlief, Director, Department of Tax Administration  
David J. Ferris, Manager, Policy and Planning, Fairfax County Police Department  
Michael Long, Senior Assistant County Attorney

Board Agenda Item  
March 30, 2009

2:30 p.m.

Public Hearing to Consider the Adoption of Article 17.2, Chapter 4, of the Fairfax County Code to Establish Local Vehicle Registration License Fee

ISSUE:

Board adoption of a proposed ordinance Article 17.2, Chapter 4, of the Fairfax County Code in order to impose a Local Vehicle Registration License Fee. This is a revenue enhancement initiative that stems from the FY 2010 Lines of Business Review.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed ordinance Article 17.2, Chapter 4.

TIMING:

On March 9, 2009, the Board authorized advertisement of a public hearing to be held on March 30, 2009, at 2:30 p.m. If approved by the Board following the public hearing, the local vehicle registration license fee would become effective on and after July 1, 2009. The fee for tax year 2009 would be added, as applicable, to the personal property bills mailed during the summer of 2009.

BACKGROUND:

For years, Fairfax County imposed a local vehicle registration license fee pursuant to Virginia Code, § 46.2-752. As part of its FY 2007 budget actions, the Board of Supervisors abolished the requirement to display a vehicle decal and abolished the fee itself on April 3, 2006.

In its deliberation of the County Executive's FY 2010 Advertised Budget Plan, a revenue option before the Board is the possible reinstatement of a local vehicle registration license fee. The option to impose a fee without requiring the physical display of a decal was specifically authorized by a 2006 General Assembly amendment to the aforementioned statute. In authorizing the local registration fee, Virginia Code, § 46.2-752(G) now states that "nothing in this section shall be construed to require a county, city, or town to issue a decal or any other tangible evidence of a local license to be displayed on the licensed vehicle if the county's, city's, or town's ordinance does not require display of a decal or other evidence of payment."

The Department of Tax Administration (DTA) and the Department of Information Technology (DIT) have confirmed that they are able to resume billing a local vehicle registration license fee on the FY 2010 personal property tax bills to be mailed during the summer of 2009,

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assuming the Board adopts the proposed ordinance. Since the former programming infrastructure is still in place, there are no programming costs as a result of this initiative, nor will there be any significant operational problems associated with implementing the proposed ordinance.

Imposition of the fee without requiring an actual decal display is preferable, because it helps eliminate taxpayer confusion about payment deadlines. When a decal used to be required, thousands of citizens would come to the Government Center to purchase their decal in order to display it by October 5<sup>th</sup> (even though the display deadline was clearly communicated as being November 15<sup>th</sup>). If the Board required the display of a physical decal, citizen traffic at the Government Center would rise significantly once again. This would be contrary to the reduced 'walk-in' traffic experienced since the elimination of the physical decal and would be contrary to the FY 2010 Lines of Business Cashiering reduction being recommended in DTA.

Some facilities, such as Regional Parks and the County landfill, might find some benefit in returning to a physical decal requirement. However, their business operations have accommodated the lack of a decal since 2006, and the potential benefits do not outweigh the increased cashier counter traffic associated with a decal. Additionally, citizen reaction overwhelmingly endorsed eliminating the need to scrape off and reattach annual decals. While the fee may be a budget necessity, elimination of the physical decal would continue to be a convenience to the public. Furthermore, use of a physical decal would increase implementation costs by nearly \$500,000 due to required inventory, postage, and Exempt Limited Term salaries.

The County did not experience any decrease in its tax collection rate or in the compliance of vehicle registrations once the decal was abolished in 2006. Therefore, the revenue gain from imposing a local vehicle registration license fee can be accomplished without any detrimental impact to operations by doing so without actually requiring the display of a decal itself. For perspective, approximately 57 other jurisdictions in Virginia currently impose a local vehicle registration license fee without actually requiring the display of a physical decal.

**FISCAL IMPACT:**

Based on the previous fee amount of \$25 for most vehicles, it is estimated that reinstating a local vehicle registration license fee will generate approximately \$20 million per year.

Furthermore, Virginia Code, § 46.2-752(A) authorizes the County to impose a local vehicle registration license fee at a rate not to exceed the state rate. Since the base state rate is now \$33 for passenger vehicles of 4,000 pounds or less, and \$38 for heavier passenger vehicles, the Board of Supervisors can consider adopting these higher vehicle registration fees. At the maximum state rates, the FY 2010 revenue gain is estimated to be approximately \$27 million, in lieu of the \$20 million stated above. Under any scenario,

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motorcycle fees and cab registration fees are generally limited to \$18 and \$23 respectively by state code. If adopted, the new fees would go into effect as of July 1, 2009.

In order to give the Board maximum flexibility, the proposed ordinance is based on state maximum rates. Advertising these rates allows the Board to consider adopting the highest rate, or something less than the maximum, following public hearing. Pending Board action, revenue from the local vehicle registration license fee has not yet been factored into the FY 2010 Advertised Budget Plan.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Ordinance to Adopt Article 17.2, Code of the County of Fairfax, Imposing a Local Vehicle Registration License Fee

STAFF:

Kevin C. Greenlief, Director, Department of Tax Administration  
Michael Long, Senior Assistant County Attorney

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3:00 p.m.

Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees

ISSUE:

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

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

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

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

**PROPOSED SEWER SERVICE CHARGE RATE SCHEDULE**

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

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

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

<b>PROPOSED AVAILABILITY FEE RATE SCHEDULE</b>				
<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
\$6,896	\$7,310 (\$7,310)	\$7,750 (\$7,750)	\$7,750 (\$8,215)	\$7,750

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

**RECOMMENDATION:**

The County Executive recommends that the Board of Supervisors adopt the proposed sewer ordinance amendment.

**TIMING:**

Public Notices of the sewer rate revisions were advertised on March 5, 2009 and March 12, 2009, in the Washington Times (See Attachment II). The public hearing will be held on March 30, 2009 at 3:00 p.m. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2010 Advertised Budget Plan. FY 2010 sewer rates will become effective on July 1, 2009.

**BACKGROUND:**

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

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

Chesapeake Bay Program. These rate increases are consistent with this year's Rate Study recommendations.

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

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

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

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

Similarly, with regard to Availability Fees and commercial fixture unit rates, a four-year rate schedule is proposed. Availability Fees are one-time "tap fees" paid by sewer customers to connect to the system. The revenue from Availability Fees is used to offset the costs of expanding major treatment facilities. FY 2009 through FY 2011 rates are indexed at 6.0 percent. Indexing recognizes the time value of money being used now to construct capacity

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for future customers. The FY 2012 and FY 2013 rates will be held equal to the FY 2011 rate pending a more detailed pricing analysis planned later this year.

FISCAL IMPACT:

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

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

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

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

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

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

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

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

**ENCLOSED DOCUMENTS:**

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

Attachment II - Staff report prepared by the Department of Public Works and Environmental Services

(Copies of PRMG's "Rate Study" are available upon request)

**STAFF:**

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

Randy Bartlett, Deputy Public Works Director, DPWES

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

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3:00 p.m.

Public Hearing on Proposed Amendments to Chapters 2 (Property Under County Control), 61 (Building Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), and 112 (Zoning Ordinance) of the Code of the County of Fairfax, Virginia (County Code) Re: Adjustment of the Fees Charged for Plan Review and Inspection and Permit Services

ISSUE:

Adjustment of the fees charged for permit, plan review and inspection services to align the fees with the actual cost of providing these services. The fee adjustments are needed to achieve a recovery of at least 90 percent of the costs incurred, as previously set by the Board. This is a revenue enhancement initiative that stems from the FY 2010 Lines of Business review.

PLANNING COMMISSION RECOMMENDATION:

On March 12, 2009, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Adoption of the proposed amendments to Chapters 2, 61, 101, 104 and 112 of the *Code of the County of Fairfax, Virginia* as set forth in the staff report dated February 9, 2009, with the addition of staff's recommended changes to Par. (a)(3) of Sect. 101-2-9 (Fees) of the proposed Subdivision Ordinance amendment and to Par. 7 of Section 17-109 (Fees) of the proposed Zoning Ordinance amendment, as distributed and dated March 12, 2009; and
- That the proposed amendments become effective at 12:01 a.m. on July 1, 2009 and that the revised fees shall be applicable to any submission(s) after that date.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapters 2 (Property under County Control), 61 (Building Provisions), 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control), and 112 (Zoning Ordinance) of the County Code.

TIMING:

The public hearing is scheduled on March 30, 2009, to coincide with discussions of the FY 2010 Advertised Budget Plan. If approved, these amendments shall become effective at 12:01 a.m. on July 1, 2009. The revised fees are applicable to any submissions after this date.

**BACKGROUND:**

The proposed amendments would increase fees related to site and building plan review, permit processing, and site and building inspections to align these fees with the actual cost of the services provided. This proposal does not include any revisions to the fees charged by the Fire Marshal for site and building plan review and inspection.

The last increase to site and building code related fees had an effective date of July 1, 2005 (FY 2006). Since that time, costs to process plans and permits and perform inspections have increased because personnel and operating costs have risen and the amount of staff time required for each project has increased. Staff is spending more time on each project because of the increasingly complex issues associated with infill and redevelopment projects and county, state and federal requirements such as those relating to the Chesapeake Bay Preservation Ordinance, storm drainage and erosion and sediment control.

Most building plan review and inspection fees will increase by 27 percent: However permits associated with new residential building construction will increase by 50 percent due to a greater disparity between actual costs and fees currently collected. New residential projects are requiring more review and inspection time due to a shift in this work from larger single builder type projects to much smaller, more dispersed, and customized residential projects. Most site related fees will increase by 39 percent: However, "infill" grading plans associated with non-bonded subdivisions will increase by 100 percent. Infill grading plans are requiring significantly more review time and oversight due to more complex and rigorous requirements of storm drainage, erosion and sediment control, and water quality issues.

The proposed amendments (Attachment A of the Staff Report) would increase fees by the percentages indicated below with some minor variation in individual fees due to rounding:

Table 1-Summary of Proposed Fee Adjustments\*

<b>Category</b>	<b>Proposed Percent Increase</b>
Site Related Review and Inspection Fees (except as shown below)	39%
Site Related Inserts, waivers, and bonding fees**	0%
Infill grading plans	100%
Base Fee for building, electrical, mechanical and plumbing permits	31%
New Commercial & Commercial Alteration Building Permit Fees*** Residential Alteration Building Permit Fees	27%
New Residential Permit Fees	50%
Amusement Device Fees	Fees updated per 2006 version of Virginia Amusement Device Regulations

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\*All fees are proposed to be effective on July 1, 2009.

\*\*No adjustment to the site development fees related to inserts, waivers and bonding are proposed since the fees for these services are already in alignment with the associated costs.

\*\*\* Fees associated with vertical transportation equipment (escalator and elevator plan review and inspections) and home improvement contractor licensing fees are not affected by the proposed fee increase.

The proposed increases would result in fees comparable to similar surrounding jurisdictions. The fee comparison table in Attachment B of the Staff Report compares Arlington, Loudoun, and Prince William Counties' site related fees with Fairfax County's current and proposed fee increases. Although it is difficult to precisely compare fees of these jurisdictions due to the type and level of review and inspection provided by each jurisdiction, the comparison reveals that Fairfax County's proposed site related fees for plan review and inspection of site improvements fall in the middle range for the region. Attachment C of the Staff Report contains information regarding cost comparisons for building code related fees for commercial and residential development respectively. Fairfax County's proposed building code related fees for both commercial and residential development are on the low end of the range.

In preparing the proposed fee increase, staff met with industry representatives from the Northern Virginia Building Industry Association (NVBIA), the National Association of Industrial and Office Properties (NAIOP), and the Engineers & Surveyors Institute (ESI) on several occasions to discuss the County's need to increase fees. Official feedback was received from NAIOP and NVBIA. The feedback provided in letter form (Attachments D and E of the Staff Report) contained a number of suggestions for greater efficiencies on the part of DPWES. These suggestions will be evaluated over the next several months by County staff and with stakeholders.

One specific suggestion from industry is to phase in the fee increases over a period of time. Staff does not support this suggestion because the primary impetus behind the fee adjustment is to align fees with costs to achieve a 90 percent recovery rate as previously mandated by the Board. The costs used to develop the proposed fees reflect cost-cutting measures already implemented by LDS, such as a significant reduction in staff. In addition, the costs to be recovered were reduced by excluding costs related to services that directly benefit the public at large, such as code enforcement and amendments. Therefore the costs to be recovered were greatly reduced before the analysis was done to determine the percentage increases needed to bring fees in line with costs.

Another suggestion offered by industry is to base fees on the actual time spent on review and inspection. The analysis performed by County staff included a review of staff time spent on review and inspection activities and this information was used in determining the new fees. However, based on past experience, charging fees for customers by calculating actual time on each project are administratively unwieldy and were not an efficient way of doing business for the County or industry.

**SUMMARY OF AMENDMENTS:**

The amendments propose to increase all fees related to site plan review and site inspections, (except those related to inserts, waivers and bonding) and increase all fees related to permits, plan review and inspection of building improvements (except fees associated with vertical transportation equipment and home improvement contractor licensing). The details of the proposed amendments are summarized below. As noted above, the percentage increase indicated in the summary may vary with individual fees due to rounding.

**Proposed Adjustments to Fees for any work or construction on any land dedicated or proposed for dedication to public use under Chapter 2 (Property Under County Control)**

The proposed adjustments are to fees related to any work or construction on any land dedicated or proposed for dedication to public use. To ensure that fees are commensurate with the costs associated with the service, staff recommends that fees related to permits required for work or construction on public property be increased by 39 percent. All fees are set to recover 90 percent of the actual cost of the service provided.

**Proposed Adjustments to Fees for Plan Review and Inspections under Chapters 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control) and 112 (Zoning Ordinance):**

The proposed adjustments to fees include fee increases for plan review and inspections. To ensure that fees are commensurate with the costs associated with the service, staff recommends that fees related to plan and document review and field inspections be increased by 39 percent and fees for infill grading plans in non-bonded subdivisions be increased by 100 percent. All fees are set to recover 90 percent of the actual cost of the service provided.

**Proposed Adjustments to Fees for Permits, Plan Review and Inspections under Chapter 61 (Building Provisions):**

- The proposed adjustments to building code related fees are associated with permit, plan review and inspection services. The result of comparing today's actual costs against fees charged is that fees associated with buildings, additions, or enlargements to single family detached dwellings and townhouses should be increased 50 percent; and all other building-code related fees should be increased 27 percent with the exception of the base fee applying to building, electrical, mechanical and plumbing permits, which will increase by 31 percent. All fees are set to recover 90 percent of the actual cost of the service provided.
- Language requiring any amendment to an original permit to be paid for and issued prior to final inspection of a permitted project will be moved to County Code § 61-1-3 (d) (1) (A) 5, Amendment of Permit, to consolidate the language in the appropriate place. No change was made to the content of the language contained in this provision.

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- References to the Virginia Uniform Statewide Building Code (VUSBC) throughout Article 1 of Chapter 61 of the County Code are being changed from the VUSBC to USBC to reflect the reference as cited throughout the Virginia Administrative Code and the Virginia Uniform Statewide Building Code.
- Language in County Code § 61-1-3(d)(1)(B)(5) regarding non-permitted work is altered to reflect an additional fee when an individual is cited for failure to obtain a permit as required by the USBC. An additional fee of \$85.00 will be assessed for those permits obtained pursuant to a written directive or order from the Building Official or designee for failure to obtain a permit required by the USBC. This fee will be in addition to all permit fees otherwise required and is assessed to defray the additional costs of the code enforcement action.
- The language authorizing the Building Official or his designee to request verifiable cost data from permit applicants in County Code § 61-1-3 (d)(2)(O) *Tenant Layouts* is being replicated in additional sections relating to fees that are calculated based upon estimated cost of construction; County Code § 61-1-3 (d)(2)(C) *New Structures*, and County Code § 61-1-3 (d)(2)(D) *Basement Finishing* and County Code § 61-1-3 (d)(2)(K) *Repairs and Alterations*. The replication of this language in similar sections in the County Code will reinforce the authority staff has within the USBC to require accurate cost of construction values while publishing the requirement in a more accessible place for citizens.
- Language to create a distinction between the fees for a partial demolition versus an entire demolition is being added to County Code § 61-1-3(d)(2)(E). There is a difference in the inspection and review requirements depending on the scope of the demolition that should be reflected in the fee structure.
- The fees for Amusement Devices are currently located under mechanical equipment installation fees in County Code § 61-1-3(d)(4)(A). Amusement devices (carnival rides) are governed by the Virginia Amusement Device Regulations (VADR). The language referring to amusement devices is being relocated to its own section in County Code § 61-1-3(d)(8) Amusement Devices, to reflect the distinction between equipment regulated by the USBC and amusement devices that are regulated by the VADR. Additionally, the fees that localities may charge for the permitting and inspection of amusement devices are established by the State within the VADR. The fees for amusement devices are being updated to reflect the current fee amounts that are authorized by the 2006 version of the VADR.

In summary, the land development fees assessed by DPWES were last increased July 1, 2005. Since that time, DPWES' actual costs associated with the review of site and building plans, issuing of permits, and inspection of site and building improvements have increased. In order to align fees with the actual cost of the services provided, the proposed amendment increases fees related to site and building plan review, permit processing and site and building inspections. The proposed fee increases would result in an overall recovery rate of

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approximately 90 percent as previously mandated by the Board. The feedback received from NAIOP and NVBIA contained a number of suggestions for greater efficiencies on the part of DPWES. These suggestions will be evaluated over the next several months by County staff and with stakeholders. Finally, staff is committed to continual review of expenses and reduction of costs as necessitated by the economy.

REGULATORY IMPACT:

The primary impact of the proposed amendments is to increase fees related to land development that are included in County Code Chapters 2, 61, 101, 104 and Article 17 of Chapter 112 .

In addition, the proposed amendments to County Code Chapter 61 establish separate permit fees for partial demolitions and demolitions of entire structures, revise the permit fees for amusement devices to reflect the fee amounts that are authorized by the 2006 versions of the Virginia Amusement Device Regulations, and establish an additional fee when an individual is cited for failure to obtain a permit as required by the USBC.

FISCAL IMPACT:

If adopted by the Board, it is anticipated that the proposed amendments to the fee schedules will yield additional revenue of approximately \$5.5 million annually starting in FY 2010. This revenue estimate is based on a revised FY 2009 revenue estimate which is less than the FY 2009 Adopted Budget Plan. At the time of the Board's Development Process Committee meeting on December 12, 2008, staff discussed the proposed fee increases and the additional revenue of \$6 million assuming workload remained at a certain level. However, due to a continuing downward trend in the number of plans approved and permits issued from FY 2008 to FY 2009 and substantially less revenues to date, the FY 2009 revenue estimate is adjusted downward. Any more drastic reduction in plan and permit activity may have a negative impact on the projected revenue. Staff in LDS will work in close coordination with the Department of Management and Budget to monitor these trends. The projected additional revenue is included in the FY 2010 Advertised Budget.

ENCLOSED DOCUMENTS:

Attachment I- Staff Report

Attachment II- Planning Commission Recommendation

STAFF:

Eileen McLane, Zoning Administrator, DPZ

Jimmie D. Jenkins, Director, DPWES

Howard Guba, Deputy Director, DPWES

James Patteson, Director, Land Development Services, DPWES

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3:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Zoning Fee Schedule

ISSUE:

The proposed Zoning Ordinance amendment increases the application fees for variances, special permits, special exceptions, rezonings and amendments thereto by up to 200% to achieve up to a 75% cost recovery rate. The amendment also proposes an increase in the fee for appeals of the Zoning Administrator's decision from \$375 up to \$2,455, the fee for zoning compliance letters for single family lots from \$90 up to \$110, the fee for all other zoning compliance letters from \$265 up to \$310, the fee for non-residential use permits from \$40 up to \$65, the fee for temporary special permits administratively approved from \$130 up to \$200 and the fee for sign permits from \$50 up to \$90. In addition the amendment establishes the following: a fee of up to \$50 for home occupation permits, a fee of up to \$500 for interpretation of approved zoning applications, fees for conceptual plans and amendments thereto that are consistent with the fees for final development plans and a fee for applicant requested deferral of a public hearing up to \$130 for hearings before the Board of Zoning Appeals (BZA) and up to \$1000 for hearings before the Planning Commission or Board of Supervisors (Board).

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on Thursday, March 12, 2009 and the Commission deferred its decision to Wednesday, March 25, 2009. On March 25, 2009, the Planning Commission voted 8-0-3 (Commissioners Flanagan, Hart, and Murphy abstaining; Commissioner Hall not present for the vote) to recommend that the Board of Supervisors adopt the proposed Zoning Ordinance Amendment (Zoning Fee Increases), as set forth in the handout dated March 25, 2009 and titled "Planning Commission Alternative A (75% Cost Recovery), Revised." (A copy of the handout is attached to this recommendation.)

RECOMMENDATION:

The County Executive recommends proposed Alternative A (75% Cost Recovery option) as advertized and set forth in the Staff Report dated February 9, 2009 with the following exceptions, deletion of fees for applicant requested deferrals and conceptual plans.

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TIMING:

Board of Supervisor's authorization to advertise – February 9, 2009; Planning Commission public hearing - March 12, 2009 with decision deferred to March 25, 2009; Board of Supervisors' public hearing - March 30, 2009 at 3:00 p.m.

BACKGROUND:

In response to the County's need to identify additional revenue sources in a time of increasing fiscal constraints, the proposed Zoning Ordinance amendment is structured to increase current zoning fees enough to recover up to 75% of the costs incurred by the Department of Planning and Zoning (DPZ) in the acceptance and processing of zoning applications, zoning permits and compliance letters; and to establish new applications fees for interpretations of approved zoning applications, conceptual plans, deferrals of certain zoning applications and home occupation permits. For rezoning, special exception and special permit zoning applications, based on the last five years, DPZ recovers an average of approximately 25% of its costs. With the exception of appeals, the recovery rate for zoning permits and zoning compliance letters averages 50%. The current recovery rate for appeals is only 11%. In the case of interpretations of approved zoning applications, conceptual plans and home occupation permits, fees have never been levied, although staff resources are routinely expended.

The Board has increased zoning fees three times since 1996, with the exception of sign permits which were last increased in 1991. In 1996, the fees, for the most part, were increased by 50%. Exceptions to this 50% increase included appeals and some types of special permit/special exception applications, and in 1996 a new fee was established for zoning compliance letters. In July 2003, concurrent with the adoption of the FY 2004 Budget, the Board increased all zoning application fees by 15% and established a new fee for Non-Residential Use Permits. In response to the FY 2006 Budget Guidelines to realize a 50% recovery rate and concurrent with the adoption of the FY 2006 Budget, the Board increased all fees by approximately 55%, with the exception of the fee for Non-Residential Use Permits which was not increased.

In mid 2008, the County Executive directed DPZ to review application fees with the goal of attaining a 75% cost recovery rate. In response, DPZ staff not only examined increasing current fees, but also considered several new fees, including fees for interpretations of approved zoning applications, conceptual plans, home occupation permits and fees for applicant requested deferrals of public hearings before the BZA, Planning Commission and Board. The recovery rate is based on those costs incurred by the Zoning Evaluation Division (ZED) and the Zoning Administration Division (ZAD) (personnel and operating) and the Planning Division (PD) (personnel costs related to planning and environmental reviews of zoning applications). DPZ has also analyzed the impact of a 100% increase in fees to achieve a 50% recovery rate.

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On December 12, 2008, at the Board's Development Process Committee meeting, staff presented the fee increases proposed to achieve a 75% cost recovery rate and the proposed new fees. The Committee directed staff to advertise the proposed amendment with a fee increase to achieve up to a 75% cost recovery. It is noted that the County Executive's proposed FY 2010 budget includes a 75% cost recovery rate for existing fees as well as the new fees listed above.

An amendment to the Zoning Ordinance is required to increase zoning fees and to establish new fees. Staff has met with representatives of the Northern Virginia Building Industry Association (NVBIA) on several occasions to discuss the proposed fee increases and has posted the proposed amendment along with the public hearing dates and times on the Department's Web site. A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

The proposed amendment does not revise the regulations or requirements for land development; however, the proposed amendment would increase the costs to applicants filing zoning applications, sign permits, non-residential use permits, appeals and zoning compliance letters. The amendment would also establish new fees for interpretations of approved zoning applications, conceptual plans, applicant requested deferrals of public hearings and home occupation permits, which have previously been processed without charge.

FISCAL IMPACT:

At a 75% cost recovery rate, the recommended fee adjustments and new fees would generate an estimated \$2,001,078. This revenue has been included in the County Executive's FY 2010 proposed budget. It is anticipated that there will be minimal administrative costs associated with the implementation of the proposed new fees.

ENCLOSED DOCUMENTS:

Attachment 1 – 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  
Regina M. Coyle, Director, Zoning Evaluation Division (ZED), DPZ  
Donna F. McNeally, Assistant Director, ZED, DPZ  
Leslie B. Johnson, Senior Deputy Zoning Administrator, DPZ

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3:00 p.m.

Public Hearing on the Proposed Creation of a Stormwater Service District

ISSUE:

Board adoption of an ordinance to enact an Appendix O to the Fairfax County Code which would establish a Stormwater Service District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to enact an Appendix O to the Fairfax County Code for the purpose of establishing a Stormwater Service District.

TIMING:

The Board of Supervisors authorized advertisement on March 9, 2009, for a Public Hearing to be held on March 30, 2009, at 3:00 p.m.

BACKGROUND:

Based on the findings and information contained in the attached Staff Report dated February 18, 2009, the County Executive has proposed in the FY 2010 Advertised Budget the creation of a Stormwater Service District, as authorized by Va. Code Ann. §§15.2-2400 to -2403.1 (2008). The Stormwater Service District would provide a stable funding source for stormwater management including reinvestment in the existing Stormwater systems, and design and construction of new systems to improve Stormwater quality and county streams. Funding for these programs is necessary to ensure compliance with state and federal Stormwater mandates.

The Department of Tax Administration (DTA) advises that it is able to bill and collect the stormwater tax rate as part of the normal billing process.

A separate Public Hearing Board Item, to establish the Tax Rate for the Stormwater Service District, is contained in this Board Package.

FISCAL IMPACT:

Since FY 2006, the Board of Supervisors had dedicated the value of one penny of the real estate tax, or approximately \$20 million annually to stormwater capital projects. In FY 2009, due

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to budget constraints, staff and operating costs were charged to the stormwater penny fund, resulting in approximately \$15 million remaining for capital project support. The proposed levy of \$0.015 per \$100 of assessed value will provide approximately \$20 million in a typical budget year for capital project implementation and reinvestment, an amount roughly equal to the value of the dedicated penny. The remaining funding from the service district will support the staff and operating costs. The proposed effective date of the service district and tax rate is July 1, 2009. Therefore, during the service district's first year, taxpayers will be billed for the second half of calendar year 2009, generating approximately \$15 million for the stormwater program in FY 2010. It is anticipated that approximately \$5 million will remain unexpended within the Stormwater Management Program, in FY 2009 based on project timelines and completion schedules. This funding will be available at year-end, in order to support a total stormwater program of approximately \$20 million in FY 2010. It is estimated that beginning in FY 2011, the stormwater program will be fully supported by a projected \$30 million annually, enabling much needed capital projects to move forward.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report dated February 18, 2009

Attachment 2 - Draft Ordinance to adopt the creation of Stormwater Service District No.1

STAFF:

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

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3:00 p.m.

Public Hearing on the Proposed Establishment of a Tax Rate on all Real Property Situated Within the Stormwater Service District of Fairfax County

ISSUE:

Board establishment of a tax rate of \$0.015 per \$100 of assessed valuation on all real property situated within Fairfax County's Stormwater Service District that is subject to assessment and levy of the County's regular ad valorem real property tax. This is a revenue enhancement initiative that stems from the FY 2010 Lines of Business Review.

RECOMMENDATION:

The County Executive recommends that the Board establish a tax rate of \$0.015 per \$100 of assessed valuation on all real property situated within the Stormwater Service District that is subject to assessment and levy of the County's regular ad valorem real property tax.

TIMING:

The Board of Supervisors authorized advertisement on March 9, 2009 for a Public Hearing to be held on March 30, 2009 at 3:00 p.m.

BACKGROUND:

Based on the findings and information contained in the attached Staff Report dated February 18, 2009, the County Executive has proposed in the FY 2010 Advertised Budget the creation of a "service district", as authorized by Va. Code Ann. §§ 15.2-2400 to -2403.1 (2008). This district would levy its own tax of \$0.015 per \$100 of assessed valuation of real property. That rate would yield a projected \$30 million in a typical budget year, and after funding staff and operating costs, approximately \$20 million would remain for program implementation, an amount roughly equal to the value of the original dedicated penny.

The Department of Tax Administration (DTA) advises that it is able to bill and collect this additional tax rate as part of the normal billing process.

A separate Public Hearing Board Item, to create the Stormwater Service District, is contained in this Board Package.

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FISCAL IMPACT:

Since FY 2006, the Board of Supervisors had dedicated the value of one penny of the real estate tax, or approximately \$20 million annually to stormwater capital projects implementation and reinvestment. In FY 2009, due to budget constraints, staff and operating costs were charged to the stormwater penny fund, resulting in approximately \$15 million remaining for capital project support. The proposed levy of \$0.015 per \$100 of assessed value will provide approximately \$20 million in a typical budget year for capital project implementation, an amount roughly equal to the value of the dedicated penny. The remaining funding from the service district will support the staff and operating costs. The proposed effective date of the service district and tax rate is July 1, 2009. Therefore, during the service district's first year, taxpayers will be billed for the second half of calendar year 2009, generating approximately \$15 million for the stormwater program in FY 2010. It is anticipated that approximately \$5 million will remain unexpended within the Stormwater Management Program, in FY 2009 based on project timelines and completion schedules. This funding will be available at year-end, in order to support a total stormwater program of approximately \$20 million in FY 2010. It is estimated that beginning in FY 2011, the stormwater program will be fully supported by a projected \$30 million annually, enabling much needed capital projects to move forward.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report dated February 18, 2009

Attachment 2 - Board Resolution establishing tax rate of \$0.015 per \$100 of assessed valuation on real property situated within the Stormwater Service District

STAFF:

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

Board Agenda Item  
March 30, 2009

3:00 p.m.

Public Hearing to Consider Amending the Fairfax County Code for Regulatory Services Dealing with Private Schools and Child Care, Onsite Sewage Disposal Systems, Well Water Supply Systems, Food Service Establishments, and Water Recreation Facilities

ISSUE:

Public hearing to consider amendment of Sections 30-2-7, 43.1-3-1, 43.1-3-5, 43.1-3-11, 43.1-5-1, 43.1-6-1, 43.1-7-1, 43.1-7-2, 68.1-1-6, 68.1-5-8, 68.1-9-1, 69.1-1-6, 69.1-1.7, 69.1-1-8, 69.1-1-18, 69.1-1-21, 70.1-1-4, 70.1-2-1, and 70.1-3-1 of the Fairfax County Code relating to fees charged for certain regulatory services provided by the Health Department. This is a revenue enhancement initiative that stems from the FY 2010 Lines of Business Review.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed ordinance amendments.

TIMING:

On March 9, 2009 the Board authorized advertisement of this Public Hearing. If approved, the provision of these amendments will become effective July 1, 2009.

BACKGROUND:

The County imposes fees on certain services provided by the Health Department. The current fees have not been increased since 2003. After review and study of existing fees, staff has prepared amendments to Sections 30-2-7, 43.1-3-1, 43.1-3-5, 43.1-3-11, 43.1-5-1, 43.1-6-1, 43.1-7-1, 43.1-7-2, 68.1-1-6, 68.1-5-8, 68.1-9-1, 69.1-1-6, 69.1-1.7, 69.1-1-8, 69.1-1-18, 69.1-1-21, 70.1-1-4, 70.1-2-1, and 70.1-3-1 of the Fairfax County Code relating to fees charged for certain regulatory services provided by the Health Department.

These amendments seek to achieve the goal of providing partial cost recovery for regulating well water supply systems, onsite sewage disposal systems, and public establishments including food service establishments and water recreation facilities. The recommended fee increases are comparable to fees charged by neighboring jurisdictions for similar services.

While the County Executive recommends adoption of the entire range of fee increases, the Board could approve the fee increases individually or could remove individual fee increases from the total package of recommended changes.

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<b>Fee Description</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Private School and Daycare Facilities – New	\$175.00	\$220.00
Private School and Daycare Facilities – New – 1 Jan – 31 Mar	\$131.25	\$165.00
Private School and Daycare Facilities – New – 1 Apr – 30 Jun	\$87.50	\$110.00
Private School and Daycare Facilities – New – 1 Jul – 30 Sep	\$43.75	\$55.00
Private School and Daycare Facilities – Renewal	\$150.00	\$190.00
Private School and Daycare Facilities – Late Renewal After 30 September	\$50.00	\$65.00
Sewage Disposal Contractor – New	\$60.00	\$150.00
Sewage Disposal Contractor – Renewal	\$45.00	\$150.00
Sewage Disposal Contractor – Late Renewal Fee after 31 Jan	\$65.00	\$200.00
Sewage Disposal System – New Application	\$150.00	\$200.00
Sewage Disposal System – Expansion	\$90.00	\$125.00
Sewage Disposal System – Re-evaluation	\$95.00	\$130.00
Sewage Handlers - First Truck – Renewal	\$565.00	\$710.00
Sewage Handlers - Each Additional Truck – Renewal	\$285.00	\$360.00
Sewage Handlers - First Truck – Late Renewal after 31 Jan	\$690.00	\$865.00
Sewage Handlers - Each Additional Truck – Late Renewal after 31 Jan	\$440.00	\$550.00
Sewage Handlers - First Truck - New – (1 Jan - 31 Mar)	\$565.00	\$710.00
Sewage Handlers - Each Additional Truck – New – (1 Jan - 31 Mar)	\$285.00	\$360.00
Sewage Handlers - First Truck - New - (1 Apr - 30 Jun)	\$423.75	\$530.00
Sewage Handlers - Each Additional Truck – New – (1 Apr - 30 Jun)	\$213.75	\$270.00
Sewage Handlers - First Truck – New – (1 Jul - 30 Sep)	\$282.00	\$355.00
Sewage Handlers - Each Additional Truck – New – (1 Jul - 30 Sep)	\$142.50	\$180.00
Sewage Handlers - First Truck – New – (1 Oct - 31 Dec)	\$141.25	\$180.00
Sewage Handlers - Each Additional Truck – New – (1 Oct - 31 Dec)	\$71.25	\$90.00
Water Well System – New Application	\$175.00	\$200.00
Water Well Contractor	\$150.00	\$150.00
Water Well Contractor – Late Renewal Fee after 31 Jan	\$200.00	\$200.00
Water Well Routine Water Sample Evaluation and Analysis	\$20.00	\$25.00
Water Recreation Facilities – Seasonal Pool 0 - 2,000 Ft <sup>2</sup>	\$230.00	\$290.00
Water Recreation Facilities – Seasonal Pool 2,001 - 10,000 Ft <sup>2</sup>	\$288.00	\$360.00
Water Recreation Facilities – Seasonal Pool > 10,000 Ft <sup>2</sup>	\$345.00	\$430.00
Water Recreation Facilities – Year-Round Pool 0 - 2,000 Ft <sup>2</sup>	\$288.00	\$360.00
Water Recreation Facilities – Year-Round Pool 2,001 - 10,000 Ft <sup>2</sup>	\$345.00	\$430.00
Water Recreation Facilities – Year-Round Pool > 10,000 Ft <sup>2</sup>	\$403.00	\$505.00
Each Additional Pool In A Multi-Pool Facility	\$173.00	\$220.00
Each Therapeutic Or Spa Pool	\$52.00	\$65.00
Therapeutic Or Spa Pool Only	\$230.00	\$285.00
Water Park	\$690.00	\$865.00
Interactive Water Feature 0 – 2,000 Ft <sup>2</sup>	\$200.00	\$250.00
Interactive Water Feature 2,001 – 10,000 Ft <sup>2</sup>	\$250.00	\$315.00
Interactive Water Feature > 10,000 Ft <sup>2</sup>	\$300.00	\$375.00

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Portable Toilet – New	\$60.00	\$75.00
Portable Toilet – Renewal	\$45.00	\$60.00
Portable Toilet – Late Renewal Fee after 31 Jan	\$65.00	\$85.00
Plan Review – Site Development	\$65.00	\$85.00
Plan Review – Building Permit	\$50.00	\$75.00
Plan Review – Public Establishments	\$200.00	\$250.00
Plan Review – Alternative Sewage Systems	\$150.00	\$200.00
Plan Review – Alternative Discharge Sewage Disposal Systems	\$150.00	\$200.00
Sewer and Water Evaluations	\$200.00	\$250.00
Inspection – Re-inspection Fee	\$0.00	\$100.00
Inspection – Preliminary Fee	\$0.00	\$100.00
Plan Review – Re-review Fee	\$0.00	\$50.00
Plan Review – Subdivision per Lot	\$0.00	\$50.00
License – Soil Consultant	\$0.00	\$150.00
Re-Instatement of Permit	\$0.00	\$200.00
Food Safety Workshop Fee	\$0.00	\$25.00
Food Service Establishment Application, Renewal after 31 December	\$110.00	\$150.00

FISCAL IMPACT:

The proposed fee increases will generate a projected \$301,000 in FY 2010. This revenue has been included in the FY 2010 Advertised Budget.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed amendments to Sections 30-2-7, 43.1-3-1, 43.1-3-5, 43.1-3-11, 43.1-5-1, 43.1-6-1, 43.1-7-1, 43.1-7-2, 68.1-1-6, 68.1-5-8, 68.1-9-1, 69.1-1-6, 69.1-1.7, 69.1-1-8, 69.1-1-18, 69.1-1-21, 70.1-1-4, 70.1-2-1, and 70.1-3-1 of the Fairfax County Code

STAFF:

Gloria Addo-Ayensu, MD, MPH, Director of Health  
Thomas Crow, Director, Division of Environmental Health  
Corinne N. Lockett, Assistant County Attorney

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3:30 p.m.

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

ISSUE:

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

RECOMMENDATION:

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

TIMING:

After the hearing, but before adopting a resolution or ordinance creating the CDA, the Board must mail a copy of the proposed ordinance or resolution to the petitioning landowners or their attorney, and they have 30 days to decide whether to withdraw their petition. If after 30 days, the petition is still supported by the 51% minimum requirement, the Board can adopt the ordinance or resolution and create the CDA. Va. Code Ann. section 15.2-5156.

BACKGROUND:

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

On July 21, 2008, the Board of Supervisors adopted 16 Principles for Public Investment in Support of Commercial Redevelopment ("Principles") in order to provide policy guidance related to requests for public investment in designated redevelopment,

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revitalization and other strategic areas of the County and endorsed a process whereby such requests would be evaluated.

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

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

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

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

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

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

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

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

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

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

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment 1: CDA Petition submitted by Edens & Avant, which includes the proposed MOU as Exhibit E

Attachment 2: Proposed CDA Ordinance

STAFF:

Anthony H. Griffin, County Executive

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

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

Board Agenda Item  
March 30, 2009

3:30 p.m.

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

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

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Thursday, March 26, 2009. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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March 30, 2009

3:30 p.m.

Public Hearing on PCA 2004-LE-012 (Redbrick Development Group, LLC and MDP Groveton, LLC) to Amend the Proffers for RZ 2004-LE-012 Previously Approved for Mixed Use Development to Permit Site Modifications and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 1.80, Located on Approximately 4.59 Acres Zoned PRM, CRD and HC, Lee District

The application property is located in the southwest quadrant of the intersection of Richmond Highway and Memorial Street, Tax Map 92-2 ((1)) 13A; 93-1 ((1)) 97 and 98; 93-1 ((38)) (1) 1, 4 and 7.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 12, 2009, the Planning Commission voted 7-0-3 (Commissioners Donahue, Flanagan, and Sargeant abstaining; Commissioners Hall and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2004-LE-012, subject to the execution of proffers consistent with those dated March 11, 2009, and the Conceptual Development Plan Amendment;
- Waiver of the service drive requirement along Richmond Highway;
- Modification of the transitional screening yard requirements and waiver of the barrier requirements along the eastern and western property lines; and
- Waiver of Sect. 6-0303.8 of the Public Facilities Manual to permit the use of an underground detention facility and a separate underground water quality control facility in a residential area, subject to the Development Conditions for Waiver #22564-WPFM-002-1 dated December 2, 2008.

The Planning Commission voted 7-0-3 (Commissioners Donahue, Flanagan, and Sargeant abstaining; Commissioners Hall and Harsel absent from the meeting) to approve FDPA 2004-LE-012, subject to Board approval of PCA 2004-LE-012.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
March 30, 2009

3:30 p.m.

Public Hearing on SE 2007-MA-034 (TD Bank, N.A.) to Permit a Drive-In Financial Institution in a Highway Corridor Overlay District and Modifications and Waivers in the CRD. Located on Approximately 28,083 Square Feet Zoned C-8, HC, CRD and SC, Mason District

The application property is located at 7209 Little River Turnpike, Tax Map 71-1 ((1)) 89.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on Wednesday, March 18, 2009. The Commission deferred its decision to Wednesday, March 25, 2009. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
March 30, 2009

3:30 p.m.

Public Hearing on RZ 2008-HM-016 (THI IV Dulles Airport LLC) to Rezone from PCD and AN to PDC and AN to Permit Hotel Development with an Overall Floor Area Ratio of 0.89, Located on Approximately 6.38 Acres, Hunter Mill District

and

Public Hearing on PCA 86-C-029-11 (THI IV Dulles Airport LLC) to Amend the Proffers for RZ 86-C-029 Previously Approved for Commercial Development to Delete Land Area in Order to Include it in RZ/FDP 2008-HM-016 and to Permit Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.89 on the Subject Property, (The Overall FAR of RZ 86-C-029 will Decrease from 0.72 to 0.71.), Located on Approximately 6.38 Acres Zoned PDC and AN, Hunter Mill District

The application property is located on the west side of Sunrise Valley Drive and on the north side of Dulles Corner Drive, Tax Map 15-2 ((2)) 1.

PLANNING COMMISSION RECOMMENDATION:

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

- Approval of PCA 86-C-029-11;
- Approval of RZ 2008-HM-016, subject to the execution of proffers consistent with those dated March 5, 2009;
- Modification of the loading space requirement, in favor of the loading spaces depicted on the CDP/FDP;
- Modification of PFM Standard 12-0702.1B2, to permit reduction of the minimum planting width requirement from eight feet to six feet, as shown on the CDP/FDP and described in the proffers; and
- Modification of the peripheral parking lot landscaping requirements, in favor of the landscaping shown on the CDP/FDP.

The Planning Commission voted unanimously (Commissioner Harsel absent from the meeting) to approve FDP-2008-HM-016, subject to the Development Conditions dated March 4, 2009, and subject also to Board approval of PCA 86-C-029-11.

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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  
March 30, 2009

4:00 p.m.

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

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

PLANNING COMMISSION RECOMMENDATION:

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

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

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

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

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item  
March 30, 2009

4:00 p.m.

Public Hearing on Proposed Plan Amendment ST06-III-UP2 for the Lake Anne Village Center, Located in Reston in the Vicinity of North Shore Drive and Village Road (Hunter Mill District)

ISSUE:

Plan Amendment (PA) ST06-III-UP2 proposes to add guidance to encourage the revitalization of the Lake Anne Village Center in Reston. The Village Center is located south of Baron Cameron Avenue in the vicinity of North Shore Drive and Village Road and consists of approximately 41 acres centered on Washington Plaza. It is located in the UP5 Reston Community Planning Sector of the Upper Potomac Planning District. The subject area is currently planned for residential uses at medium and high densities, and for Village Center uses, including retail uses up to .25 FAR and additional office uses. The existing plan recommendations for the Village Center are derived from the Reston Master Plan, which is incorporated by reference into the Fairfax County Comprehensive Plan.

In 2005, an economic analysis of the retail market for the businesses in Lake Anne, together with community input obtained through focus groups and a design charrette, identified a need for more specific guidance in the Comprehensive Plan to encourage and guide revitalization efforts and create more vitality in the Village Center.

The proposed Plan text shown in the Staff Report, dated February 10, 2009, would add options for redevelopment throughout the Village Center to increase the residential and employment populations of the Village Center. In addition, the options would allow an increase in the amount of planned retail uses to expand the retail environment in the Village Center. The proposed amendment provides ranges for the mix of land uses to allow for flexibility in redevelopment and seeks to create a more vibrant, social, and active place. Finally, the amendment proposes urban design guidelines to ensure future redevelopment is compatible with the existing design of Washington Plaza.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held Wednesday, March 11, 2009 and the Commission deferred its decision to Wednesday, March 18, 2009. On March 18, 2009 the Planning Commission voted 10-0-1 (Commissioner Hall abstaining; Commissioner Harsel absent from the meeting) to recommend that the Board of Supervisors approve ST06-III-UP2, as shown on pages 2 through 16 of the handout dated March 18, 2009, entitled "Proposed Changes to Lake Anne Plan text"

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RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation for Plan Amendment ST06-III-UP2. The recommended plan text seeks to protect the historic quality and enhance the long-term viability of Lake Anne Village Center.

TIMING:

Planning Commission public hearing– March 11, 2009  
Planning Commission decision – March 18, 2009  
Board of Supervisors’ public hearing – March 30, 2009

BACKGROUND:

On December 4, 2006, the Board of Supervisors (Board) authorized Plan Amendment ST06-III-UP2 to consider changes to the Comprehensive Plan for the current Lake Anne Village Center and selected adjacent areas to guide revitalization in the area. Lake Anne Village Center is historically significant because it was the first phase developed in the planned community of Reston and its distinctive architecture and urban form put Lake Anne at the leading edge of the “New Town” movement in the United States in the 1960s. In recognition of this significance, Washington Plaza and the adjacent buildings in the parking area to the north were designated as the Lake Anne Village Center Historic Overlay District in 1983. Due to changing retail market conditions in the 1980s and 1990s, Lake Anne began experiencing a decline in the economic viability of the businesses on Washington Plaza. In recognition of the need to stimulate reinvestment and promote revitalization, the Board created the Lake Anne Village Center Commercial Revitalization Area in 1998. This plan amendment furthers the efforts to encourage appropriate revitalization while protecting the historic qualities of the Lake Anne Village Center.

This Plan amendment required a Chapter 527 Traffic Impact Analysis review. Under the Virginia Chapter 527 Traffic Impact Analysis Regulations, adopted by the General Assembly of 2006, localities are required to submit Comprehensive Plans and amendments to Comprehensive Plans that will substantially affect transportation on state-controlled highways to the Virginia Department of Transportation (VDOT), in order for the agency to review and provide comments on the impact of the item submitted. VDOT Chapter 527 comments regarding this proposed Plan amendment are included as Attachment 2.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report for Proposed Plan Amendment ST06-III-UP2  
Attachment 2 - Virginia Department of Transportation Chapter 527 Comments On  
Lake Anne Traffic Impact Analysis  
Attachment 3 - Proposed Changes to Lake Anne Plan text  
Attachment 4 - Planning Commission Verbatim

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Fred R. Selden, Director, Planning Division (PD), DPZ  
Heidi T. Merkel, Senior Planner, PD, DPZ  
Loren C. Bruce, Planner, PD, DPZ  
Daniel B. Rathbone, Director, Transportation Planning Division (TPD), FCDOT  
Daniel R. Southworth, Senior Transportation Planner, Planning Section, TPD, FCDOT

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Board Agenda Item  
March 30, 2009

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Culmore Residential Permit Parking District, District 9 (Mason District)

ISSUE:

Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Culmore Residential Permit Parking District (RPPD) District 9.

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 Culmore RPPD, District 9.

TIMING:

On February 23, 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 March 30, 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 September 25, 2002 and December 23, 2008. The proposed District expansion includes the following street: Courtland Drive (Route 2943) from Washington Drive (Route 794) to the southern boundary of 61-2((17)) (E) parcel 29 and the southern boundary of 61-2((17)) (A) parcel 27 (Attachment II).

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 September 25, 2002 thereby satisfying Code fee requirements.

On December 6, 2008, staff conducted a peak parking demand survey for Courtland Drive. This survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning block were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning block, thereby satisfying Code parking requirements.

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to expand the Culmore RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$1100. 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  
Maria Turner, FCDOT  
Hamid Majdi, FCDOT

Board Agenda Item  
March 30, 2009

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Establishing the Northern Virginia Community College Residential Permit Parking District, District 39 (Braddock District)

ISSUE:

Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Northern Virginia Community College Residential Permit Parking District (RPPD), District 39.

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 Northern Virginia Community College RPPD, District 39.

TIMING:

On February 23, 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 March 30, 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.

Petitions requesting establishment of the RPPD were received on December 19, 2008. The proposed District establishment includes the following street block: Raleigh Avenue (Route 2472) from Wakefield Drive (Route 1029) to Chapel Drive (Route 2473)

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(Attachment II).

The signatures on the petitions 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 December 19, 2008, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to establish the Northern Virginia Community College RPPD. It is further recommended that the parking restrictions be in effect 7:00 a.m. to 7:00 p.m. Monday through Friday.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$1100. 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  
Maria Turner, FCDOT  
Hamid Majdi, FCDOT

Board Agenda Item  
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4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Georgetown Pike/Walker Road Turn Lane (Dranesville District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project R19301, Georgetown Pike/Walker Road Turn Lane Improvements, Fund 124, County and Regional Transportation Projects.

RECOMMENDATION:

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

TIMING:

On March 9, 2009, the Board authorized advertisement of a public hearing to be held on March 30, 2009, commencing at 4:00 p.m.

BACKGROUND:

This project consists of installation of a right turn lane on southbound Walker Road to westbound Georgetown Pike. Project length is approximately 250 linear feet, and includes installation of concrete sidewalk, and the replacement of the traffic signal system at the intersection of Georgetown Pike and Walker Road.

The construction of this project requires the acquisition of a deed of dedication, a sight distance easement, and a grading agreement and temporary construction easement on one property. Although the Land Acquisition Division (LAD) has been negotiating to acquire these land rights since January 21, 2009, as of this date, LAD has been unable to reach resolution with the property owner due to concerns about the project. Thus, condemnation is necessary.

In order to commence construction of this project on schedule, it is necessary for the Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, VA. Code Ann. §15.2-1904 and 15.2-1905 (2008). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

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FISCAL IMPACT:

Funding in the amount of \$500,000 is currently appropriated in Project R19301, Georgetown Pike/Walker Road Turn Lane, Fund 124, County and Regional Transportation Projects. This amount is sufficient for land acquisition and future construction costs.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

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

STAFF:

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

Howard J. Guba, Deputy Director, DPWES

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4:30 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Mini-Warehousing Establishments in the PDC District

ISSUE:

The proposed amendment allows mini-warehousing establishments as a secondary use in the PDC District with limitations when shown on an approved development plan or by special exception approval.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on Wednesday, March 25, 2009, and the Commission deferred its decision to March 26, 2009.

On Thursday, March 26, 2009, the Planning Commission voted unanimously (Commissioners Hall and Litzenberger absent from the meeting) to recommend that the Board of Supervisors approve the proposed Zoning Ordinance amendment (mini-warehousing establishments in the PDC District) as set forth in the memorandum to the Planning Commission dated March 23, 2009, with the following change:

Revise Par. 15A of Sect. 6-206, Use Limitations, to read: "Loading and unloading areas shall be located, screened, and/or fully enclosed as required to minimize the potential for adverse impacts on adjacent property. All other activities associated with the use shall be conducted completely indoors in a multi-story structure."

The Commission also recommended that the proposed Zoning Ordinance amendment have an effective date of 12:01 a.m. on the day following adoption by the Board of Supervisors.

RECOMMENDATION:

The County Executive concurs with the staff and Planning Commission recommendation.

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TIMING:

Board of Supervisors' authorization to advertise – February 9, 2008; Planning Commission public hearing – February 26, 2009, public hearing deferred to March 25, 2009; Board of Supervisors' public hearing – March 30, 2009 at 4:30 p.m.

BACKGROUND:

The proposed Zoning Ordinance amendment is on the 2008 Priority 1 Zoning Ordinance Amendment Work Program. The current Zoning Ordinance does not allow a self storage or mini-warehouse establishment in the PDC District. As such, the land use objective of Comprehensive Plan/Area Plan Amendment APR#04-II-4M, which was adopted by the Board of Supervisors on July 11, 2005 and provides for office and personal storage uses up to a 1.25 Floor Area Ratio (FAR) in Subarea #20 of the McLean Community Business Center, cannot be implemented. The proposed amendment would allow self-storage, defined as a mini-warehousing establishment under Article 20 of the Zoning Ordinance, as a secondary use in the PDC District, subject to use limitations when shown on an approved development plan or by special exception approval. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 1.

On February 26, 2009, the Planning Commission deferred the public hearing on the amendment to a date certain of March 25, 2009, to allow citizens additional time to review the proposed language. As such, no recommendation from the Planning Commission or staff is provided with the publication of this Agenda Item. Such recommendations will be forwarded under separate cover at or before the Board's public hearing on this matter.

REGULATORY IMPACT:

The proposed amendment would facilitate the implementation of a land use objective in the adopted Comprehensive Plan by allowing mini-warehousing establishments in the PDC District as a secondary use, subject to use limitations when shown on an approved development plan or by special exception approval.

FISCAL IMPACT:

Staff does not anticipate any significant fiscal impact as a result of this amendment.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Board Agenda Item  
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STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Michelle O'Hare, Deputy Zoning Administrator, DPZ

Board Agenda Item  
March 30, 2009

4:30 p.m.

Public Hearing to Establish the Grove at Huntley Meadows Community Parking District  
(Lee District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Grove at Huntley Meadows 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 Grove at Huntley Meadows CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on March 9, 2009, for March 30, 2009, at 4:30 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 Grove at Huntley Meadows 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 Grove at Huntley Meadows CPD

STAFF:

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

Board Agenda Item  
March 30, 2009

REVISED

4:30 p.m.

Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2010

ISSUE:

Public hearing for public review and comment before the Fairfax County Board of Supervisors (Board) on the Proposed Consolidated Plan One-Year Action Plan for FY 2010 as issued by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board submit all comments on the Proposed One-Year Action Plan for FY 2010 to the CCFAC for its consideration and recommendation to the Board for final Board action at the April 27, 2009 meeting.

TIMING:

Board action on the Proposed One-Year Action Plan for FY 2010 is scheduled for April 27, 2009.

BACKGROUND:

A Proposed Consolidated Plan One-Year Action Plan for FY 2010 (One-Year Action Plan for FY 2010) has been issued by the CCFAC for public review and comment. In accordance with the Fairfax County Citizen Participation Plan for the Consolidated Plan, a public hearing is required to be held before the Board to allow citizens the opportunity to comment on the One-Year Action Plan for FY 2010. On March 9, 2009, the Board authorized advertisement of a public hearing on the proposed document to be held on March 30, 2009. Citizens may express their views on housing and community development needs, fair housing, and the County's community development program. The document was released March 10, 2009 to meet the federal requirement for a 30-day public comment period.

The U.S. Department of Housing and Urban Development (HUD) requires the submission of this document as part of the planning and application aspects of four federal programs from which Fairfax County receives annual funding allocations. The four programs are Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). In addition, the document describes the Continuum of Care for homeless services and programs in the Fairfax community, and the Consolidated Community Funding Pool (CCFP). The CCFP was established by the Board and provides funding for community-based programs by nonprofit organizations through a competitive solicitation process.

The One-Year Action Plan for FY 2010 also includes the public and private resources available for housing and community development activities, and the CCFP funding priorities adopted by the Board. In accordance with federal requirements, the One-Year Action Plan for FY 2010 contains several certifications, including drug-free workplace, affirmatively furthering fair housing, prohibition of excessive force, and lobbying requirements, which will be signed by the County Executive following Board action in April 2009.

Funding levels incorporated in the One-Year Action Plan for FY 2010 by the CCFAC reflect the funding levels of FY 2009 until HUD notification of FY 2010 grant awards. The proposed use of funds identified in the One-Year Action Plan for FY 2010 is summarized below. A description for each activity is provided in the attached Proposed Consolidated Plan One-Year Action Plan for FY 2010.

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

<b><u>HOME Funds</u></b>	<b><u>FY 2010 Grant</u></b>	<b><u>Reallocated Prior Year Funds</u></b>	<b><u>Total</u></b>
Silver Lining Initiative {Formerly Homebuyer Equity Loan Program (HELP)}	\$1,215,667		\$ 1,215,667
Tenant Based Rental Assistance (TBRA) Homeless	\$ 275,000	\$217,090	\$ 492,090
TBRA - Partnership for Permanent Housing and Homeless	\$ 327,764		\$ 327,764
CHDO Set-Aside	\$ 367,302		\$ 367,302
HOME Administration	\$ 144,940	\$ 78,000	\$ 222,940
Rehabilitation of FCRHA Properties	\$ 78,000		\$ 78,000
Fair Housing	\$ 21,928		\$ 21,928
American Dream Down Payment Initiative	<u>\$ 18,081</u>		<u>\$ 18,081</u>
<b>TOTAL</b>	<b><u>\$2,448,682</u></b>	<b><u>\$295,090</u></b>	<b><u>\$ 2,743,772</u></b>

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

**Other Funding**

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

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

<b><u>NSP Funds</u></b>	<b>SUBTOTALS</b>
Silver Lining Initiative (Formerly Homebuyer Equity Loan Program (HELP))	\$ 1,526,570
Silver Lining Plus (Nonprofit Rental Purchase Program)	\$ 1,000,000
General Administration	<u>\$ 280,730</u>
<b>TOTAL</b>	<b><u>\$ 2,807,300</u></b>
<b>Emergency Shelter Grant (ESG)</b>	<b>\$ 265,518</b>
<b>Housing Opportunities for Persons with AIDS (HOPWA) - Estimated</b>	<b>\$ 180,000</b>

REVISED

This is the eleventh year that the CCFP has been included in the Consolidated Plan One-Year Action Plan. Beginning with FY 2000, the former Community Funding Pool and the CDBG Affordable Housing funds and Targeted Public Services funds were merged into a single Consolidated Community Funding Pool. The CCFP consolidates the solicitation and award processes by establishing a single application process with a common set of funding priorities and proposal evaluation criteria for programs of community based nonprofit organizations.

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

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

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

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

The One-Year Action Plan for FY 2010 is being circulated for review and comment by citizens, service providers and other interested parties during the formal public comment period which ends at 4:30 p.m. on April 9, 2009. Following the public hearing on March 30, 2009 and the public comment period, the CCFAC will consider all comments received on the One-Year Action Plan for FY 2009, and will forward its recommendation to the Board for final action on April 27, 2009.

FISCAL IMPACT:

Total entitlement funding anticipated of \$10,100,219 has been recommended in this item: for CDBG – Fund 142 (\$5,928,982), HOME – Fund 145 (\$2,448,682), ESG (\$265,518), and HOPWA (\$180,000 estimated) and are based on the funding levels of FY 2009 until HUD notification of FY 2010 grant awards. The total funding includes reallocated funds of prior year monies of \$1,277,037. Total program income anticipated of \$362,281 has also been recommended: for CDBG – Fund 142 (\$310,070) and HOME – Fund 145 (\$52,211).

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REVISED

NSP Fund 142 (\$2,807,300) funds were awarded on January 30, 2009 and the County received its grants agreement from HUD, effective March 3, 2009. The County will receive the funds following execution of the written agreement with HUD.

Funding for the HOPWA Program is estimated and actual funding will depend on the final allocation made available to Northern Virginia jurisdictions through the Northern Virginia Regional Commission and the District of Columbia, recipient of the funds. The CSBG and County General Funds for the CCFP are based on the proposed FY 2010 County budget and will be revised subject to the final federal entitlement amounts for the CSBG program and the appropriation of local General Funds by the Board for FY 2010.

**ENCLOSED DOCUMENTS:**

**Attachment 1: Proposed One-Year Action Plan for FY 2010 (Available online at <http://www.fairfaxcounty.gov/rha/consplan/3-9-09fy2010conplan.pdf> ) (Separate from package)**

**STAFF:**

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

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Board Agenda Item  
March 30, 2009

4:30 p.m.

Public Hearing on SEA 90-M-003-3 (Montessori School of Northern Virginia, Inc.) to Amend SE 90-M-003 Previously Approved for a Private School of General Education, Nursery School and Child Care Center to Permit an Increase in Enrollment in Students from 135 to a Maximum of 179, Addition of Land Area, Building Additions and Associated Modifications to Site Design and Development Conditions, Located on Approximately 3.23 Acres Zoned R-2, Mason District

The application property is located at 6820 Pacific Lane, Tax Map 71-2 ((8)) A and 93B.

PLANNING COMMISSION RECOMMENDATION:

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

- Approval of SEA 90-M-003-3, subject to the Development Conditions dated February 17, 2009, and
- Modification of the transitional screening requirements in favor of that shown on the SEA Plat, as conditioned.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
March 30, 2009

5:00 p.m.

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

ISSUE:

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

RECOMMENDATION:

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

TIMING:

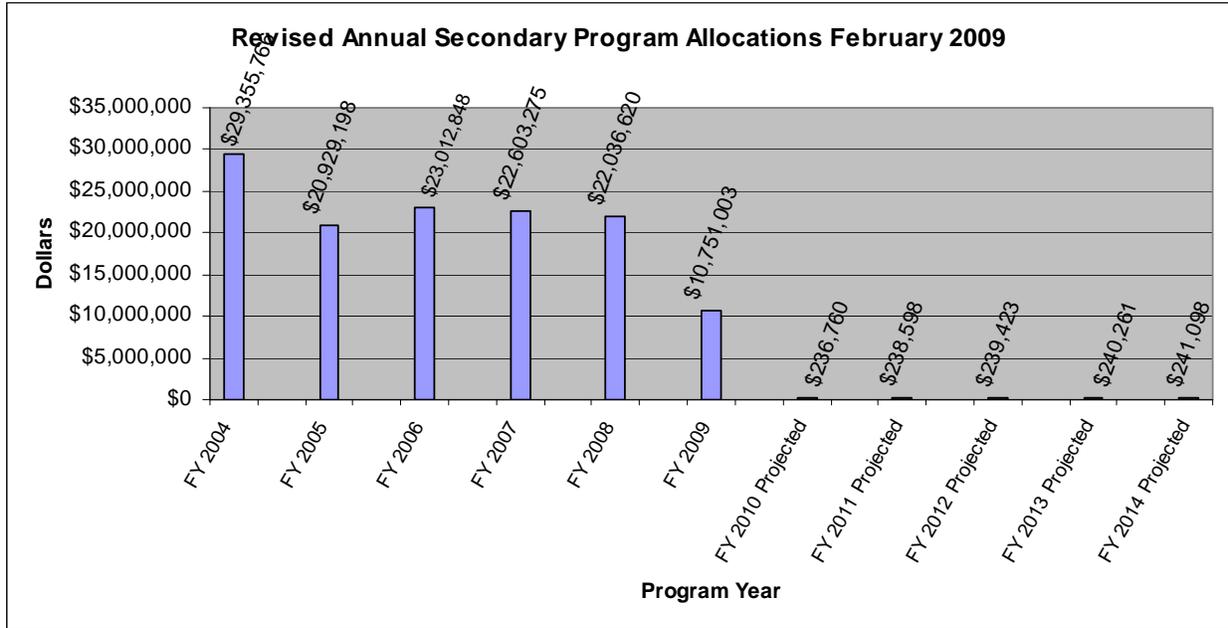
The Board of Supervisors is requested to act on this item on March 30, 2009, following the public hearing.

BACKGROUND:

The proposed Secondary System Construction Program has been prepared by VDOT, in coordination with County staff, pursuant to Section 33.1-70.01 of the *Code of Virginia*. This is an update of the previous Program which was the subject of a public hearing before the Board of Supervisors on June 30, 2008. Project schedule information is also included in the Program.

The total FY 2009 through FY 2014 Revised Secondary Road Program is \$11.9 million. This is a \$65.7 million decrease, or decrease of 82 percent from the original FY 2009 to 2014 Secondary Road Program approved on June 30, 2008. This reduction is primarily the result of significantly lower transportation revenue.

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



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

Table B: Secondary Program Comparison

2003-2008	\$138,335,526
2004-2009	\$153,442,084
2005-2010	\$113,686,186
2006-2011	\$131,445,086
2007-2012	\$ 78,270,291
2008-2013	\$119,121,972
2009-2014 Initial	\$ 65,722,518
2009-2014 Revised	\$ 11,947,143

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

- No or minimal future funding of three cost center budgets. Over the life of the revised Program, there is a \$1.2 million decrease in traffic calming funds; a \$17.2 million decrease in traffic services (including the installation of traffic signals); and a \$250,000 decrease in pipe, entrance, and drainage funds.

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- Updated cost estimates and project schedules from the estimates provided in June 2008. A summary of these changes in cost estimates and project schedules between the initial 2008 Program and the proposed Program is included as Attachment II.
- VDOT and Fairfax County will enter into a formal agreement with the Federal Highway Administration (FHWA) for advanced construction of the portion of Telegraph Road from Beulah Street to Leaf Road, just south of Hayfield Road. FHWA will construct this portion of Telegraph Road in conjunction with the construction of Mulligan Road, using funds from Fairfax County, the Secondary Six Year Program, and the federal government.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

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

STAFF:

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

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Karyn Moreland, Chief, Capital Projects Section, FCDOT

Carl Winstead, Coordination and Funding Division, FCDOT

Leonard Siegel, Arlington/Fairfax Preliminary Engineering Manager, VDOT

Jan Vaughan, Arlington/Fairfax Preliminary Engineering, VDOT

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7:00 p.m.

Public Hearing on the County Executive's Proposed FY 2010 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2010 - 2014 (CIP) (With Future Fiscal Years to 2019) and the Current Appropriation in the FY 2009 Revised Budget Plan

ENCLOSED DOCUMENTS:

None.

Board Members are requested to bring to the meeting the following documents previously forwarded to them:

1. *FY 2009 Third Quarter Review*
2. FY 2010 Advertised Budget Plan: County Executive's Proposal,
3. Advertised Capital Improvement Program for Fiscal Years 2010 – 2014 (With Future Fiscal Years to 2019)

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

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

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