

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 18, 2009**

AGENDA

- | | | |
|-------|-------------|---|
| 9:30 | Done | Presentations |
| 10:00 | Done | Presentation of the History Commission Annual Report |
| 10:10 | Done | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 10:10 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|----|-----------------|---|
| 1 | Approved | Streets into the Secondary System (Dranesville, Mount Vernon and Sully Districts) |
| 2 | Approved | Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Mount Vernon District) |
| 3 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5941 Colchester Road (Springfield District) |
| 4 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 3282 Annandale Road (Mason District) |
| 5 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 9310 Gunston Cove Road (Mount Vernon District) |
| 6 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 9915 Old Colchester Road (Mount Vernon District) |
| 7 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 11307 Stuart Mill Road (Hunter Mill District) |
| 8 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7401 McWhorter Place (Braddock District) |
| 9 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 2703 Groveton Street (Mount Vernon District) |
| 10 | Approved | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 8620 Ox Road (Springfield District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 18, 2009**

**ADMINISTRATIVE
ITEMS**

(continued)

- | | | |
|----|-----------------|---|
| 11 | Approved | Approval of Supplemental Appropriation Resolution AS 09137 for the Department of Family Services to Accept Grant Funding, on Behalf of the Northern Virginia Workforce Investment Board, from the Virginia Community College System for the Workforce Investment Act (WIA) Title I Adult, Youth and Dislocated Worker Program |
| 12 | Approved | Additional Time to Commence Construction for Special Exception SE 2005-SU-031, Unicorp National Developments, LLC (Sully District) |
| 13 | Approved | Authorization for Fairfax-Falls Church Community Services Board to Apply for and Accept a Grant from Substance Abuse and Mental Health Services for Primary and Behavioral Health Care Integration |
| 14 | Approved | Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept Funding from the 2009 Assistance to Firefighters Grant (AFG) from the U.S. Department of Homeland Security |

ACTION ITEMS

- | | | |
|---|---------------------------------|---|
| 1 | Approved | Approval of the Sale of Sewer Revenue Bonds, Series 2009 |
| 2 | Approved | Approval of Revisions to Personnel Regulations Modifying Eligibility Requirements for Public Safety Proficiency Pay, Expanding Family Medical Leave, and Clarifying Procedure for Assigning Civil Service Commission Appeal Panels (Chapters 4, 10 and 17) |
| 3 | Approved | Approval to Award Home Funds to the Brain Foundation; Reallocate Funds Within the Housing Trust Fund to Make Two Loans to the Brain Foundation (Mason District) |
| 4 | Approved
w/amendment | Approval of Recommendations for FY 2009 Awards of Federal Neighborhood Stabilization Program Funds Under the Silver Lining Plus Foreclosure Purchase Program to Reston Interfaith Housing Corporation, Pathway Homes, Inc., and Christian Relief Services of Virginia |

**INFORMATION
ITEMS**

- | | | |
|---|--------------|---|
| 1 | Noted | Planning Commission Action on Application 2232-S09-4, Fairfax County Department of Public Works and Environmental Services (Springfield District) |
|---|--------------|---|

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 18, 2009**

**INFORMATION
ITEMS**

(continued)

2	Noted	Planning Commission Action on Application 2232-D09-5, Fairfax County Department of Public Works and Environmental Services (Dranesville District)
10:40	Done	Matters Presented by Board Members
11:30	Done	Closed Session
PUBLIC HEARINGS		
3:00	Approved	Public Hearing on SEA 84-M-012 (Quan Q. Nguyen & Ngan T. Nguyen) (Mason District)
3:30	Approved	Public Hearing on SE 2008-DR-037 (Mark and Lyn Mcfadden) (Dranesville District)
3:30	Approved	Public Hearing on AR 83-S-011-03 (Ober Trust, Sarah Ober) (Springfield District)
3:30	Approved	Public Hearing on AF 2009-SP-001 (Mary T. Kincheloe, John T. Kincheloe And John T. Kincheloe) (Springfield District)
3:30	Approved	Public Hearing on AF 2009-SP-002 (Raymond S. Crawford Iii & Teresa A. Crawford) (Springfield District.)
3:30	Approved	Public Hearing on RZ 2008-LE-015 (Springfield Parcel C LLC) (Lee District)
3:30	Approved	Public Hearing on PCA 1998-LE-064 (Springfield Parcel C LLC) (Lee District)
4:00	Public hearing deferred to 7/13/09 at 3:30 p.m.	Public Hearing on RZ 2007-LE-007 (Franconia Two LP) (Lee District)
4:00	Approved	Public Hearing for the Leasing of County-Owned Property at 7936 Telegraph Road to Cricket Communications, Inc. (Lee District)
4:00	Approved	Public Hearing for the Leasing of County-Owned Property at 9220 Old Keene Mill Road to Cricket Communications, Inc. (Springfield District)
4:00	Approved	Public Hearing for the De-Creation/Re-Creation of a Small Sanitary District for Vacuum Leaf Collection Service (Providence District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
May 18, 2009

9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize the Odyssey of the Mind teams from Bailey’s, Belle View, Colvin Run, Nottingham and Stratford Landing Elementary Schools; Hughes Middle School; and Herndon and Thomas Jefferson High Schools for advancing to the world finals competition. Requested by Chairman Bulova.
2. CERTIFICATE – To recognize Sean Fletcher for his national accomplishment in swimming. Requested by Supervisor Hudgins.
3. CERTIFICATE – To recognize the Herndon High School Robotics Team 116 for advancing to the semi-final level of the competition held in Richmond. Requested by Supervisor Foust.
4. CERTIFICATE – To recognize Inova Fairfax Hospital for being named one of the nation’s 50 Best Hospitals by HealthGrades, an independent healthcare rating organization. Requested by Chairman Bulova.
5. PROCLAMATION – To designate May 2009 as Community Action Month in Fairfax County. Requested by Supervisor Foust.
6. PROCLAMATION – To designate May 28-31, 2009, as Springfield Days in Fairfax County. Requested by Chairman Bulova and Supervisors McKay, Herrity and Cook.
7. CERTIFICATE – To recognize the Reston Metrorail Access Group 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.

— more —

Board Agenda Item
May 18, 2009

8. 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.
9. PROCLAMATION – To designate May 17-23, 2009, as Public Works Week in Fairfax County. Requested by Chairman Bulova.

STAFF:

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

Board Agenda Item
May 18, 2009

10:00 a.m.

Presentation of the History Commission Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Bob Beach, Chairman, History Commission

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Board Agenda Item
May 18, 2009

10:10 a.m.

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

ENCLOSED DOCUMENTS:
Appointments to be Heard May 18, 2009

STAFF:
Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item
May 18, 2009

10:10 a.m.

Items Presented by the County Executive

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Board Agenda Item
May 18, 2009

ADMINISTRATIVE – 1

Streets into the Secondary System (Dranesville, Mount Vernon and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Bryn Mawr Parcel A	Dranesville	Laughlin Avenue (Route 1801) (Additional Right-of-Way (ROW) Only)
		Lowell Avenue (Route 1837) (Additional ROW Only)
		Emerson Avenue (Route 1811) (Additional ROW Only)
Cliff Edge	Dranesville	Cliff Edge Drive (Route 7220)
Collingwood Estates	Mt. Vernon	Glen Cove Court
		Collingwood Road (Route 628) (Additional ROW Only)
Pleasant Valley Road Properties	Sully	Pleasant Forest Drive
		Rosalie Ridge Drive
		Braddock Road (Route 620) (Additional ROW Only)
		Pleasant Valley Road (Route 609) (Additional ROW Only)

Board Agenda Item
May 18, 2009

TIMING:
Routine.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 - Street Acceptance Form

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

Board Agenda Item
May 18, 2009

ADMINISTRATIVE - 2

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Mount Vernon District)

ISSUE:

Board endorsement of traffic calming measures as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse traffic calming measures for Shenandoah Road (Attachment I), consisting of the following:

- Two speed humps on Shenandoah Road (Mount Vernon District)

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

TIMING:

Board action is requested on May 18, 2009.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria for Shenandoah Road. Subsequently, petitions were gathered from the community evidencing support for further study. A task force was formed with the community to develop a traffic calming plan to reduce the speed of traffic. Once a plan for Shenandoah Road was adopted and approved by staff and VDOT, the plan was submitted for approval to residents of the petition area in the community. On April 14, 2009, the Department of Transportation received written verification from the local supervisor confirming community support for the referenced traffic calming plan.

Board Agenda Item
May 18, 2009

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Shenandoah Road

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

Board Agenda Item
May 18, 2009

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5941 Colchester Road (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 5941 Colchester Road, Fairfax, VA 22030 (Tax Map No. 066-4-((06))-0001C).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, June 22, 2009, at 4:30 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, May 18, 2009, and the public hearing should be held Monday, June 22, 2009, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (I) (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

Board Agenda Item
May 18, 2009

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

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

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

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

On March 25, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. After receipt of the Notice the owner advised that he bought the property to demolish the fire damaged house but later found out that he could not finance the project. BAP staff continue to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community.

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

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At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, HCD will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of April 27, 2009 is \$220,156. It is estimated that the cost of demolition of the structures will be approximately \$30,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

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

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Board Agenda Item
May 18, 2009

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 3282 Annandale Road (Mason District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 3282 Annandale Road, Falls Church, VA 22042 (Tax Map No. 060-1-((33))-0001).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, June 22, 2009, at 4:30 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, May 18, 2009, and the public hearing should be held Monday, June 22, 2009, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (I) (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

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

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

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

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

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

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the

Board Agenda Item
May 18, 2009

Board's action, HCD will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of April 27, 2009 is \$220,156. It is estimated that the cost of demolition of the structure will be approximately \$30,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photograph

STAFF:

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

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Board Agenda Item
May 18, 2009

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 9310 Gunston Cove Road (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 9310 Gunston Cove Road, Lorton VA 22079 (Tax Map No. 107-4-((01))-0009B).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, July 13, 2009, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, May 18, 2009, and the public hearing should be held Monday, July 13, 2009, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (I) (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

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

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 9310 Gunston Cove Road was referred to the Blight Abatement Program (BAP) on December 30, 2003. Located on the subject property is an abandoned, dilapidated two story dwelling. The structure has been vandalized and it is covered with graffiti. Additionally the property contains evidence that it is being used as a racing track for all terrain vehicles by local youth. Large piles of debris litter the property and this property and structure pose an attractive nuisance to the community. The structure needs to be demolished and the site cleaned up.

The residential structure was constructed in 1900 according to Fairfax County Tax Records. The dwelling has been vacant since at least December 2003 when the blight program received its first complaint.

On October 8, 2004, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. Numerous times BAP staff has attempted to contact the owners and advise them of the blight determination to no avail. Finally on April 9, 2009, BAP once again notified the property owners and this time they were successful. The owners advised that they would pursue demolition. BAP staff continue to have concerns about this property and the negative visual impact and potential safety impact to the surrounding community. This item is being brought before the Board so that the owners will follow-through with their plan of demolition.

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

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At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, HCD will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of April 27, 2009 is \$220,156. It is estimated that the cost of demolition of the structure will be approximately \$30,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

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

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Board Agenda Item
May 18, 2009

ADMINISTRATIVE - 6

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

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 9915 Old Colchester Road, Lorton, VA 22079 (Tax Map No. 114-1-((01))-0015.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, June 22, 2009, at 4:30 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, May 18, 2009, and the public hearing should be held Monday, June 22, 2009, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (I) (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

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

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

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

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

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

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structure. The

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County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of April 27, 2009 is \$220,156. It is estimated that the cost of demolition of the structure will be approximately \$12,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photograph

STAFF:

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

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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for
11307 Stuart Mill Road (Hunter Mill District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 11307 Stuart Mill Road, Oakton, VA 22142 (Tax Map No. 036-2-((01))-0019).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, July 13, 2009, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, May 18, 2009, and the public hearing should be held Monday, July 13, 2009, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (I) (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

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

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 11307 Stuart Mill Road was referred to the Blight Abatement Program (BAP) on June 11, 2008. Located on the subject property is old farmhouse, a barn with a standing seam metal roof, and several other outbuildings, one of which has a collapsed roof and the others in various states of disrepair. Some of the structures are open and unsecured. Additionally the property is littered with debris and the old farmhouse contains graffiti and evidence of vandalism. The property owner, after receiving Notice, advised he was going to demolish the structures within 30 days but to date this has not occurred.

The two story residential structure was constructed in sometime in 1900 according to Fairfax County Tax Records. The dwelling has been vacant since at least September 7, 2006, when the present owner acquired the property.

Due to the age and condition of the dwelling staff feel that it is not economically feasible to repair it and recommends demolition. Staff also recommends the removal of the accessory structures as part of the demolition effort.

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

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance.

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State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of April 27, 2009 is \$220,156. It is estimated that the cost of demolition of the structures will be approximately \$50,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

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

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ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7401 McWhorter Place (Braddock District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7401 McWhorter Place, Annandale, VA 22003 (Tax Map No. 071-1-((01))-0038A).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, July 13, 2009, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, May 18, 2009, and the public hearing should be held Monday, July 13, 2009, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (I) (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

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

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 7401 McWhorter Place was referred to the Blight Abatement Program (BAP) on April 8, 2005. Located on the subject property is vacant, dilapidated one and one-half story structure. The structure has not been maintained for many years and the property is strewn with mattresses, a discarded couch, beer bottles and other trash and debris. Notice has been sent to the property owner of record on and she has not taken any significant action to mitigate the blighted conditions.

The structure which was once residential was constructed in 1947, but currently the property is zoned commercial according to Fairfax County Tax Records. The dwelling has been vacant since at least April 8, 2005, when the initial complaint was received by BAP staff. The dwelling is not economically feasible to repair and needs to be demolished.

On March 15, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. The owner advised that she wanted to demolish the structure and redevelop the property but to date this has not occurred. BAP staff continue to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance.

State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

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At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of April 27, 2009 is \$220,156. It is estimated that the cost of demolition of the structure will be approximately \$13,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

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

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ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 2703 Groveton Street (Mount Vernon District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 2703 Groveton Street, Alexandria, VA 22306 (Tax Map No. 093-1-((18H))-0306).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, July 13, 2009, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, May 18, 2009, and the public hearing should be held Monday, July 13, 2009, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (I) (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

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

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Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 2703 Groveton Street was referred to the Blight Abatement Program (BAP) on July 23, 2007. Located on the subject property are the remains of a house and a large open pit that contains a new basement foundation. This construction project was abandoned in 2006.

On March 25, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. Notice was received and signed for. On April 17, 2009, the owner's engineer filed a revised grading plan for county review. The owner's intent is to obtain a permit to demolish the existing structural remains and fill in the open pit as he does not have the finances to complete the project as originally planned.

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

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

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FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of April 27, 2009 is \$220,156. It is estimated that the cost of demolition of the structure will be approximately \$15,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photograph

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

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Board Agenda Item
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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 8620 Ox Road (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 8620 Ox Road, Fairfax Station, VA 22039 (Tax Map No. 097-3-((01))-0012).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, June 22, 2009, at 4:30 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, May 18, 2009, and the public hearing should be held Monday, June 22, 2009, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (I) (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

Board Agenda Item
May 18, 2009

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

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

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

The property located at 8620 Ox Road was referred to the Blight Abatement Program (BAP) on October 26, 2005. Located on the subject property is a fire damaged, one and one-half story dwelling with a full basement. The structure at present is open and unsecure. Notice has been sent to the property owner of record and to date he has not taken any action to mitigate the blighted conditions.

The residential structure was constructed in 1925 with an addition constructed sometime in 1956 according to Fairfax County Tax Records. The dwelling has been vacant since at least May 14, 2008, when it caught fire. The dwelling was extensively damaged by the fire and is not economically feasible to repair and needs to be demolished.

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

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

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2008)

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as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of April 27, 2009 is \$220,156. It is estimated that the cost of demolition of the structure will be approximately \$30,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

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Board Agenda Item
May 18, 2009

ADMINISTRATIVE - 11

Approval of Supplemental Appropriation Resolution AS 09137 for the Department of Family Services to Accept Grant Funding, on Behalf of the Northern Virginia Workforce Investment Board, from the Virginia Community College System for the Workforce Investment Act (WIA) Title I Adult, Youth and Dislocated Worker Program

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09137 in the amount of \$1,447,227 from the Virginia Community College System for the Workforce Investment Act (WIA) Title I Adult, Youth, and Dislocated Worker programs. This funding is being accepted on behalf of the Northern Virginia Workforce Investment Board to continue to provide employment and training services to economically disadvantaged youth and adults, and to displaced workers. No Local Cash Match is required to accept the award. The grant period is from February 17, 2009 to June 30, 2011. This funding has been made available as a result of the American Recovery and Reinvestment Act of 2009 (ARRA). When grant funding expires, the County is under no obligation to continue funding the program.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 09137 to accept funding from the Virginia Community College System in the amount of \$1,447,227 for WIA programs. This WIA funding is being accepted on behalf of the Northern Virginia Workforce Investment Board to continue to provide employment and training services to economically disadvantaged youth and adults, and to displaced workers. There will be 3/3.0 SYE grant positions created by this funding. Seasonal support will also be provided through the creation of exempt limited term positions to supplement summer youth activities.

TIMING:

Board approval is requested on May 18, 2009.

BACKGROUND:

The Northern Virginia Workforce Investment Board, established under the Workforce Investment Act (WIA) of 1998, administers programs within the Workforce Investment Area comprising the Counties of Fairfax, Loudoun, and Prince William and the Cities of Fairfax, Falls Church, Manassas, and Manassas Park. Through a Consortium Agreement, the parties to the Consortium designated Fairfax County as the grant recipient for all WIA activities.

The American Recovery and Reinvestment Act of 2009 provides stimulus allotments to supplement current program year WIA Title I Adult, Dislocated Worker and Youth program

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activities. The program was established to assist individuals to re-tool their skills and re-establish themselves in viable career paths. Services to adult and dislocated workers include assessment of skill levels, abilities, and aptitudes; career guidance; job search assistance; labor market information; referral to employers; and training services directly linked to employment opportunities aligned with areas of anticipated economic and job growth in the local area. Under ARRA, services to youth focus on preparation for post-secondary educational opportunities or employment, linking academic and occupational learning with an emphasis on providing summer employment and work experiences throughout the year. Programs include tutoring; mentoring by adults; paid and unpaid work experience; occupational skills training; leadership development; and needed supportive services. Up to 150 youth will be served in the program.

FISCAL IMPACT:

The \$1,447,227 award from the Virginia Community College System will support WIA Title I Youth, Adult and Dislocated Programs. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund as funds are held in reserve for unanticipated grant awards in FY 2009. As part of the *FY 2009 Carryover Review*, staff will recommend a reserve to address additional funding received as a result of the American Reinvestment and Recovery Act of 2009. This grant does not allow the recovery of indirect costs.

Reporting Requirements

In order to meet ARRA transparency and accountability requirements, the Virginia Community College System has established reporting requirements such as monthly expenditure and reimbursement reports. Additional federal reporting requirements are anticipated from the U.S. Department of Labor. Once these reporting requirements are made available, staff will notify the County Executive.

CREATION OF NEW POSITIONS:

These funds will be used to support 3/3.0 SYE new grant positions, as well as exempt limited term positions to supplement summer youth activities. The County has no obligation to fund these positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1: Notice of Obligation

Attachment 2: Supplemental Appropriation Resolution AS 09137

STAFF:

Verdia L. Haywood, Deputy County Executive

Nannette M. Bowler, Director, Department of Family Services

Juana María Díaz, Director, Self-Sufficiency Division

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ADMINISTRATIVE - 12

Additional Time to Commence Construction for Special Exception SE 2005-SU-031, Unicorp National Developments, LLC (Sully District)

ISSUE:

Board consideration of additional time to commence construction for SE 2005-SU-031, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six months additional time for SE 2005-SU-031 to September 25, 2009.

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 September 25, 2006, the Board of Supervisors approved Special Exception SE 2005-SU-031, subject to development conditions. The special exception application was filed in the name of Unicorp National Developments, LLC, to permit a drive-through pharmacy and drive-in financial institution (formerly referred to as a bank) in a Highway Corridor Overlay District, pursuant to Section 9-501 and 9-611 of the Fairfax County Zoning Ordinance, on the property located at 13928 Lee Highway, Tax Map 54-4 ((1)) 47A, 50, 55, 56 and 57 (see the Locator Map in Attachment 1). SE 2005-SU-031 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date unless the Board grants additional time. The expiration date would have been March 25, 2009. The development conditions are included as part of the Clerk to the Board's letter in Attachment 2.

On March 17, 2009, the Department of Planning and Zoning (DPZ) received a letter dated March 12, 2009, from Susan Bourgeois requesting six months additional time to commence construction for the project. The request for additional time was received prior to the date on

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which the approval would have expired; therefore, the special exception amendment will not expire pending the Board's action on the request for additional time (see Attachment 3). The applicant states demolition and rough grading are underway on the property. The site plan (#24838-SP-001-2) is in final review for bonding approval pending the applicant's fulfillment of conditions. The applicant anticipates that the bonds will be posted in a timely manner to continue with permit approvals to commence construction of the proposed improvements.

Staff has reviewed Special Exception SE 2005-SU-031 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit a drive-through pharmacy and drive-in financial institution (formerly referred to as a bank). Further, staff knows of no change in land use circumstances that affect the compliance of SE 2005-SU-031 with the special exception standards applicable to this use or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2005-SU-031 are still appropriate and remain in full force and effect. Staff believes that approval for the request for six months additional time is in the public interest and recommends that it be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of September 25, 2009.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated October 11, 2006, to Melanie M. Reilly, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated March 12, 2009, from Susan Bourgeois, requesting additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

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

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 13

Authorization for Fairfax-Falls Church Community Services Board to Apply for and Accept a Grant from Substance Abuse and Mental Health Services for Primary and Behavioral Health Care Integration

ISSUE:

Board approval for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept funding from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services (SAMHSA) for a grant for primary and behavioral health care integration designed to bring primary care into the community mental health sites for adults with serious mental illness and co-occurring disorders.

RECOMMENDATION:

The County Executive recommends that the Board authorize the CSB to apply for and accept SAMHSA funds of up to \$500,000 per year for four years, for a total possible award of \$2,000,000. Upon receipt of the actual award, the CSB will request expenditure authority and commensurate revenue increases of the actual award amount as part of *FY 2009 Carryover Review*.

TIMING:

Board action is requested on May 18, 2009. The grant submission deadline is May 27, 2009.

BACKGROUND:

Numerous large scale research studies confirm the nationwide trend of premature deaths, as much as 25 years earlier than the general population for adults who experience serious mental illness. The Josiah H. Beeman Commission report confirms our local experience that the CSB is treating large numbers of persons with serious medical illnesses and limited access to primary care. This SAMHSA grant opportunity addresses this critical issue by providing funds to establish primary care services and access strategies in public community mental health settings. The CSB, in partnership with PRS, our psychosocial rehabilitation partner and the Community Health Care Network (CHCN) seeks Board approval to apply for these funds to develop primary care services and linkages at two mental health sites. Eleven grants will be awarded nationwide, and if funds are received, new services must be underway by September 2009.

SAMHSA grant titled, Grants for Primary and Behavioral Health Care Integration (PBHCI) will develop primary care services for adults experiencing serious mental illness and the co-occurring disorders of mental illness and substance use disorder in community mental health sites.

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The CSB is the grant applicant, in partnership with CHCN and PRS and is proposing that this health care be provided by:

1. Expansion of the existing primary care pilot at the Woodburn Mental Health Center, jointly staffed by CSB and CHCN personnel and meeting the needs of only a small cohort of consumers at present.
2. Establishment of primary care services at the new PRS location in Tysons Corner which will serve consumers from the north and central regions of the County.
3. Expansion of existing Wellness Services across the mental health system with a targeted focus on proven research based, best practices

It is envisioned that teams which include a nurse practitioner, primary care physician, nurse care managers and peer counselors will be an effective model to assure medical screening, direct care and linkages to ongoing medical and specialty care. Some research and administrative support will also be necessary to meet SAMSHA requirements for data and outcome measures of individual health improvement.

FISCAL IMPACT:

If awarded, SAMHSA will provide funding of up to \$500,000 annually to cover personnel, data and technology infrastructure, equipment and training. Sustainability will be addressed through the development of medical service billing, offsets from Medicaid revenue related to medical billing and re-tooling of CSB medical and nursing workforce to a broader health care role, in partnership with primary care providers. There is no local cost sharing or match required.

CREATION OF NEW POSITIONS:

If awarded, this grant will fund up to 5/5.0 SYE new grant positions. The County has no obligation to continue the grant positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Announcement

STAFF:

Verdia Haywood, Deputy County Executive
George Braunstein, Executive Director, Community Services Board (CSB)
Mary Kudless, M.S.N., PMHCNS-BC, Deputy Director, CSB
Colton Hand, MD, CSB Medical Director

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ADMINISTRATIVE - 14

Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept Funding from the 2009 Assistance to Firefighters Grant (AFG) from the U.S. Department of Homeland Security

ISSUE:

Board approval for the Fairfax County Fire and Rescue Department (FRD) to apply for and accept funding, if received, from the FY 2009 U.S. Department of Homeland Security (DHS) Grant Program for the Assistance to Firefighters Grant in the amount of \$248,125, including the required 20 percent Local Cash Match of \$49,625. The program period is typically one year from the date of the award. If the actual award received or the Local Cash Match 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 per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fire and Rescue Department to apply for and accept funding, if received, from the FY 2009 U.S. Department of Homeland Security (DHS) Grant Program for the Assistance to Firefighters Grant in the amount of \$248,125, including the required 20 percent Local Cash Match of \$49,625.

TIMING:

Board approval is requested on May 18, 2009. Applications are due May 20, 2009.

BACKGROUND:

The Assistance to Firefighters Grant (AFG) program was originally authorized under the Defense Authorization Bill of 2001, Public Law 106-398, which amended Section 33 of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2201 et seq. This program supports the country's national preparedness goal to prevent, protect, respond, and recover from both terrorist attacks and catastrophic natural disasters. Congress has appropriated \$510 million to carry out the activities of the FY 2009 AFG program.

AFG awards aim to enhance response capabilities and to more effectively protect the health and safety of the public with respect to fire and other hazards. These grants enable local fire departments and emergency medical services organizations to purchase or receive training, conduct first responder health and safety programs, and buy equipment and response vehicles. Currently, FRD is the recipient of five AFG awards totaling \$750,004 in federal funds that support the Risk Watch program, Rapid Intervention Training and regional

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Incident Management Team training, and the purchase of a driver simulator and a flashover simulator.

Portable Forcible Entry Prop

If approved, funding in the amount of \$6,200 will be requested to purchase a mobile forcible entry simulator to be used at the Fire and Rescue Department's Training Academy. Certification as a Firefighter Level I and Level II by the National Fire Protection Association (NFPA) requires firefighters to be skilled at forced entry. The simulator provides a tool to test firefighter proficiency using standard, mechanical or hydraulic forcible entry tools on a variety of different doors. Currently firefighters are trained on donated structures that can only be used a few times, limiting training opportunities. In addition, the simulator is portable and can be transported to various locations to enhance the skills of truck and rescue companies.

Portable Fire and HazMat Training Prop

If approved, funding in the amount of \$144,425 will be requested to purchase a Portable Fire and HazMat FIRETRAINER® O-100.

Firefighters, to be certified as Firefighter Level I and Firefighter Level II by NFPA, must be proficient in extinguishing Class A, Class B, and Class C fires. Each class of fire burns different types of material and requires a specific extinguishing agent to inactivate. The FIRETRAINER® O-100 produces Class A, Class B, and Class C fires; providing opportunities for firefighters to learn how to choose the correct extinguisher and use proper extinguisher handling techniques.

DriveCam Driver Risk Management (DRM)

If approved, funding in the amount of \$97,500 will be requested to purchase DriveCam's Driver Risk Management (DRM) vehicle technology. Currently, FRD is partnering with DRM and the Fairfax County Risk Management Division in conducting a pilot program. The nine devices installed in front line emergency vehicles have allowed FRD to proactively identify unsafe behaviors and incorporate information learned into the driver training program.

This request will build on that pilot program, incorporating it into existing FRD driver safety efforts and building a comprehensive driver safety program. In the event of a crash, the device will provide unambiguous proof of exactly what occurred. Data, transmitted daily, is evaluated for risk events, providing the opportunity for FRD to coach, educate, and retrain vehicle operators before an accident occurs.

FISCAL IMPACT:

The total amount of these 2009 Assistance to Firefighters Grant proposals is \$248,125, including \$49,625 in required Local Cash Match. If these proposals are successful, the Fire and Rescue Department would receive \$198,500 in federal funding. This action does not

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increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2009.

The Local Cash Match requirement for fire departments serving populations over 50,000 is 20 percent of project costs. All non-federal matching funds must be in cash; in-kind contributions are not acceptable. The total anticipated Local Cash Match is \$49,625. The Local Cash Match is available from the Local Cash Match Reserve in Fund 102, Federal/State Grant Fund.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Chief Ronald L. Mastin, Fire and Rescue Department
Assistant Chief Daryl L. Louder, Fire and Rescue Department
Assistant Chief John J. Caussin, Jr., Fire and Rescue Department
Cathi Schultz Rinehart, Fiscal Services Division Director, Fire and Rescue Department

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ACTION - 1

Approval of the Sale of Sewer Revenue Bonds, Series 2009

ISSUE:

Board approval is needed to sell sewer revenue bonds in an amount not to exceed \$167 million on or about June 2, 2009. The bond proceeds will be used to fund a portion of the County's share of construction costs for Enhanced Nutrient Removal (ENR) facilities at the following wastewater treatment plants (WWTPs):

1. The County's Noman M. Cole Pollution Control Plant (NMCPCP)
2. The District of Columbia Water and Sewer Authority's (DC WASA) Blue Plains Advanced Wastewater Treatment Plant
3. Alexandria Sanitation Authority's (ASA) WWTP
4. Arlington County's WWTP
5. Loudoun Water's Broad Run WWTP

Bond proceeds will also be used for upgrades to meet current environmental regulations, renovations and replacements (R&R) of aging System infrastructure, to purchase additional treatment capacity, if needed by the Integrated Sewer System (System), and to fund required deposits to bond reserves. Coincidentally, Board approval is sought to strengthen several legal covenants in the General Bond Resolution and to adopt supporting financial policies, all intended to obtain high ratings on, and wide market acceptance of, the sewer revenue bonds.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached Series Resolution that will authorize the sale of sewer revenue bonds, adopt the attached amended and restated General Bond Resolution which will effect changes prospectively in key credit covenants, and adopt the attached Resolution adopting certain financial policies.

The attached Series Resolution supplements a bond resolution adopted in 1985. In summary, the Board of Supervisors should take the following actions

1. Adopt the Series Resolution to:
 - a) Authorize the sale of additional sewer revenue bonds in an amount not to exceed \$167 million.
 - b) Authorize the execution and delivery of a Continuing Disclosure Agreement.
 - c) Delegate authority to the County Executive or the County's Deputy County Executive / Chief Financial Officer, in consultation with the County's Financial Advisor, Public Financial Management (PFM), to:

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- i. Publish the Summary Notice of Sale in The Bond Buyer and distribute the Preliminary Official Statement (POS) and Official Notice of Sale (NOS) and Bid Form to interested bidders.
 - ii. Accept bids and award the bonds to the successful bidder.
 - iii. If market conditions dictate, sell the bonds in multiple, smaller series; sell bonds via a negotiated sale process; and/or sell bond anticipation notes.
 - iv. Designate U.S. Bank as the Paying Agent and Bond Registrar for the Bonds.
 - v. Designate U.S. Bank as the Depository of the Debt Service Reserve Account.
 - vi. Direct the authentication and delivery of bonds.
2. Adopt the amended and restated General Bond Resolution and thereby approve legally binding changes to the Rate Covenant and the Additional Bonds Test in the General Resolution governing all sewer revenue bonds by:
 - a) Excluding Nonrecurring Revenues and fund balance from:
 - i. the senior lien sewer revenue debt service coverage calculation, and
 - ii. the calculation of net revenues in senior lien additional bonds test (ABT), and
 - b) Increasing the minimum debt service coverage ratio on senior lien sewer revenue bonds and ABT from 1.0 times to 1.25 times.
3. Adopt a resolution embracing internal financial policies governing the Sewer Fund as follows:
 - a) The debt service coverage ratio (ratio of current year revenue to current year debt service) on senior lien sewer revenue bonds shall be at least 2.0 times, excluding nonrecurring revenue, such as availability fee revenue and fund balance. The Sewer Fund intends to meet this target by FY 2011.
 - b) The debt service coverage ratio on all sewer revenue debt service shall be at least 1.25 times, excluding nonrecurring revenue, such as availability fee revenue and fund balance. The Sewer Fund intends to meet this target by FY 2013.
 - c) The Sewer Fund will maintain a cash reserve equal to a minimum of 90 days of operating and maintenance expenses.

TIMING:
Immediate

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BACKGROUND:

The proceeds of the sale of the Series 2009 sewer revenue bonds, the first of a series of anticipated, future bond sales, will primarily be used to construct nutrient removal facilities, as required by the Commonwealth of Virginia, Department of Environmental Quality (DEQ), at certain WWTPs that provide wastewater capacity to the System. The new treatment facilities are required to reduce Total Nitrogen to less than 3.0 mg/l. The bond proceeds can also be used for additional capital needs of the system.

The bond sale is expected to occur on or about June 2, 2009, and close on or about June 17, 2009, in accordance with the schedule of events in Attachment I. The actual sale date will be determined by market conditions. The Series Resolution includes a maximum bond par amount of \$167 million in order to fund \$150 million of project costs. In addition to the project costs, the bonds will finance a deposit to the Debt Service Reserve Fund, which is required by the legal documents governing the sale of the County's sewer revenue bonds, and will finance costs of issuing the bonds. Existing bond ratings for the Sewer Revenue Bonds are Aa2 from Moody's and AAA from S&P and Fitch. Meetings with the rating agencies to evaluate the Sewer Revenue Bond credit were scheduled in early May.

Over the past year, the municipal market has been volatile, experiencing significant interest rate swings and periods of extremely diminished investor interest. Based on these market conditions, County staff, Bond Counsel, and Financial Advisors added flexibility to the bond resolution to provide multiple bond sale options. For example, this flexibility will allow the bond sale to be divided into smaller dollar amounts with several series issued to increase the number of firms bidding and thereby obtain the lowest possible interest rates. Also, the Series Resolution allows for a negotiated sale if beneficial. Increasing the Sewer Fund's options is a sound strategy for weathering this challenging financial market and ensuring the Sewer Fund has market access at favorable interest rates.

The Series Resolution (Attachment II) includes a provision which would permit the County Executive and Deputy County Executive/Chief Financial Officer to award the bonds to the most responsive bidder within the guidelines established by the Board. For example, the maximum interest rate on the bonds as established in the Series Resolution is 7.5%. In addition, for a competitive sale, staff will use an electronic bidding system to receive bids and participate in providing on-line public access to the Notice of Sale (Attachment VI), and Preliminary Official Statement (Attachment V). If a negotiated sale is used, the County will follow the County's purchasing guidelines and will coordinate closely with Bond Counsel and Financial Advisors to determine the most financially advantageous approach for the County.

The Sewer Fund issues bonds under the 1985 General Bond Resolution (General Bond Resolution) adopted by the County Board of Supervisors on July 29, 1985. The General Bond Resolution was last amended and restated on June 26, 1989. The General Bond Resolution includes a rate covenant under which the Sewer Fund has agreed to charge reasonable rates for the use of services rendered by the Sewer Fund. Furthermore, the

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Sewer Fund is required to adjust rates, from time to time, to generate “net revenues” (Gross revenues less operating expenses) sufficient to provide an amount equal to 100% (1.0 times) of its annual principal and interest requirements and the Sewer Fund’s annual commitments to fund its proportionate share of other jurisdictions’ debt service requirements. The Sewer Fund has been in compliance with all General Bond Resolution covenants.

Recent economic events have resulted in heightened scrutiny of municipal bond ratings, which have caused a reevaluation of the Sewer Fund’s credit strengths and weaknesses. Staff has concluded that the Sewer Fund should strengthen the current rate covenant in the General Bond Resolution to address known concerns of the rating agencies, without impacting current financial projections.

Except for redevelopment in existing commercial centers, like Tysons Corner, growth in the County is slowing, and, therefore, the Sewer Fund is shifting to more reliance on user charges (Sewer Service Charge revenue) and less on new connection charges (Availability Fee revenue) to cover future debt service payments related to new sewer revenue bond issues. The rating agencies expect that a highly rated credit, such as the sewer revenue bonds, will meet recurring expenditures with recurring revenues, rather than relying upon nonrecurring revenues such as Availability Fee revenue and fund balance.

Consequently, as marked in the amended and restated General Bond Resolution (Attachment III), staff is recommending Board approval for a change in the debt service coverage ratio, which is the margin of net revenues over annual debt service payments, for Senior debt. The new, annual debt service coverage requirement and ABT would exclude nonrecurring revenue (e.g., cash on hand and Availability Fee revenues) from the calculation and fund balance. The proposed change also increases the debt service coverage requirement from 1.0 times to 1.25 times (i.e., net revenues would be 1.25 times greater than debt service on senior lien sewer revenue bonds). These improvements, which are reflected in the appended General Bond Resolution, are feasible based on current financial projections. Staff has met with the rating agencies and may return to the Board with further requested changes, if appropriate, after feedback and assessment of the rating agency analysis. Minor, cleanup changes to the General Bond Resolution have also been made.

In addition to the proposed legally binding amendment to the debt service coverage requirement described above, in order to meet best financial management practices, Staff recommends that the Board adopt a separate resolution adopting certain financial policies related to the Sewer Fund (Attachment IV). These policies are intended to ensure that the Sewer Fund follows sound financial practices while Availability Fee revenue is decreasing and the current Capital Improvement Plan has increased. The proposed internal financial policies set targets for minimum debt service coverage ratios above and beyond the requirements set forth in the General Bond Resolution described above. It is common for utilities to adopt internal financial policies that are stricter than the legal, binding covenants

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required by their bond documents. The first proposed policy is to set the minimum debt service coverage requirement target for sewer revenue bonds (issued on a senior lien basis under the General Bond Resolution) at 2.0 times excluding nonrecurring revenues (i.e., net revenues would be 2 times greater than debt service on senior revenue bonds) and fund balance. Based on current projections, this policy is feasible beginning in FY 2011 and beyond. The second proposed policy is to set the minimum debt service coverage requirement target for all sewer bonds, including bonds used for payment for treatment by outside entities, at 1.25 times excluding nonrecurring revenues (i.e., net revenues would be 1.25 times greater than all sewer revenue debt service) and fund balance. Based on current projections, this policy is feasible beginning in FY 2013 and beyond. The third proposed policy is to establish a minimum cash balance equal to 90 days of operating and maintenance expenses. This level of cash reserves is considered appropriate by the rating agencies in order for utilities to maintain basic system operations. All of the proposed internal financial policies would give rating agencies and bond investors increased comfort regarding the continued financial health of the Sewer Fund.

FISCAL IMPACT:

Assuming level debt payments, a term of 30 years, and an interest rate of 5.5%, the annual principal and interest payment on \$150 million of project funds will be approximately \$10.98 million. Funding will be provided within the Sewer Fund therefore, the General Fund is not impacted. This bond sale is in conformance with the Sewer Fund's 10-year CIP, budget, and February 2009 Revenue Sufficiency and Rate Analysis study.

The Sewer Fund is currently projected to meet the proposed, internal financial policies; therefore, it is anticipated there will be no additional cost to meet the coverage and reserve targets.

ENCLOSED DOCUMENTS:

Attachment I – Bond Sale Schedule

Attachment II – Series Resolution

Attachment III – Amended and Restated General Bond Resolution

Attachment IV – Resolution Adopting Certain Policies Relating to the Finances of the System

Attachment V – Draft of Preliminary Official Statement (Separate from package, for Board Members) (Copy available in the Office of the Clerk to the Board)

Attachment VI – Notice of Sale

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STAFF:

Edward L. Long, Jr., Deputy County Executive

Robert A. Stalzer, Deputy County Executive

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

Leonard P. Wales, County Debt Manager, DMB

Randolph W. Bartlett, Deputy Public Works Director, DPWES

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

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ACTION - 2

Approval of Revisions to Personnel Regulations Modifying Eligibility Requirements for Public Safety Proficiency Pay, Expanding Family Medical Leave, and Clarifying Procedure for Assigning Civil Service Commission Appeal Panels (Chapters 4, 10 and 17)

ISSUE:

Changes are proposed Chapters 4, 10 and 17 of the Personnel Regulations to modify eligibility requirements for public safety proficiency pay, expand family and medical leave, and clarify the procedure for assigning Civil Service Commission appeal panels.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed revisions to Chapters 4, 10 and 17 of the Personnel Regulations. The Board Personnel and Reorganization Committee has reviewed and supports the proposed revisions.

TIMING:

Routine.

BACKGROUND:

Periodically the Department of Human Resources brings forward a package of proposed revisions to the Personnel Regulations for Board consideration. Such revisions address requests from agencies for specific changes and revisions to comply with state or federal regulations. The following summarizes the proposed revisions in this package:

Public Safety Proficiency Pay (Chapter 4)

The minimum requirement to move to the master officer level and receive the associated proficiency pay will be reduced from seven to five years for Police Officer II, Deputy Sheriff II and Fire Technician. This change was initiated by the Office of the Sheriff and concurred in by the Police and Fire Chiefs. This change is intended to increase the number of qualified candidates and thereby increase competitiveness for proficiency pay.

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Family Medical Leave (Chapter 10)

Language is added to Chapter 10 to address the new leave entitlements for military families as required in the amendments to the Family and Medical Leave of 1993. Entitlement now includes qualifying exigency leave permitting an eligible employee with a spouse, son or daughter, parent or parent-in-law in the National Guard or Reserves to take family leave due to a qualifying exigency resulting from the covered family member's active military duty or call to active duty status. Military caregiver's leave permits an eligible employee to take medical leave to care for a covered service member with a serious injury or illness.

Civil Service Commission Appeals Process (Chapter 17)

At the request of the Commission, Addendum 1 is revised to reflect a change in the methodology used to schedule appeal panels. Rather than scheduling panels on a monthly basis, panels are now being selected randomly which is more expeditious and equitable.

In accordance with the Merit System Ordinance, the Civil Service Commission (CSC) held a public hearing on the proposed revision on April 27, 2009. The Commission's comments are summarized in Attachment 2. The recommendations from the Commission will be included in the appropriate procedural memoranda to provide the clarity and information needed to ensure consistent implementation of the federal requirements. Additionally, staff will work with the Executive Director of the CSC to improve the process for future revisions to the regulations.

FISCAL IMPACT:

The fiscal impact associated with these revisions will be minimal and will be absorbed within agencies' budgets.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Chapters 4, 10 and 17 of the Personnel Regulations

Attachment 2: Comments from the Civil Service Commission

STAFF:

Edward L. Long, Jr., Deputy County Executive

Susan Woodruff, Director, Department of Human Resources

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ACTION – 3

Approval to Award Home Funds to the Brain Foundation; Reallocate Funds Within the Housing Trust Fund to Make Two Loans to the Brain Foundation (Mason District)

ISSUE:

Approval is requested to make a loan of up to \$229,992 of federal HOME Program Community Housing Development Organization (CHDO) set-aside funds to the Brain Foundation (TBF). The Board approved the allocation of \$402,624 for the FY 2009 HOME CHDO Set-Aside under the FY 2009 Consolidated Plan Annual Action Plan.

Approval is also requested to reallocate Fund 144 Housing Trust Fund funds in the amount of \$23,817 from Project 014013 Tier 1 (Pre-Development Fund for the Affordable Housing Partnership Program); \$29,651 from Project 014098 Magnet Housing; and \$4,623 from Project 013948 Braddock Glen for a loan of up to \$58,091 to Project 014310 The Brain Foundation.

The combined FCRHA loan proceeds will be used as permanent financing toward paying off \$138,083 of TBF's outstanding balance on its Virginia Housing Development Authority (VHDA) first trust (\$175,000), and to replace a short-term second trust that was provided to TBF by the National Housing and Health Care Trust, Inc. (\$150,000). The original loan funds were used by TBF in December 2008 for the acquisition and preservation of a foreclosed four-bedroom single family affordable housing unit on King Edward Court in Annandale (Mason District) for rental to extremely low-income tenants with brain injuries or illness.

RECOMMENDATION:

The County Executive recommends Board approval of the loan of \$229,992 from FY 2009 HOME CHDO set-aside funds and \$58,091 from reallocated Housing Trust Funds to the Brain Foundation.

TIMING:

Board approval on May 18, 2009, is requested in order to enable the loans to be executed to provide permanent financing for acquisition costs accrued by the Brain Foundation.

BACKGROUND:

Fairfax County receives funding each year from the U.S. Department of Housing and Urban Development (HUD) through the HOME Investment Partnerships Program. The HOME Program requires that at least 15% of each annual allocation be set aside for

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certified CHDOs. The Fairfax County Department of Housing and Community Development (HCD) issued a Request for Proposals (RFP) on August 25, 2008, with responses due on September 26, 2008. The Fairfax County Redevelopment and Housing Authority (FCRHA) approved this item at its April 30, 2009 meeting. The proposal recommended for funding from the RFP is described below.

The Brain Foundation

TBF is an all-volunteer, non-profit 501(c)(3) organization founded in 2003. TBF is operated by a fifteen-member volunteer Board of Directors. The mission of TBF is to enable those who are challenged with serious and persistent brain injury or illness to live with “dignity and safety in communities that provide them recognition, acceptance, protection, healing, and opportunity.”

Proposed CHDO Activity

TBF will provide affordable rental housing for four individuals with brain disease or illness. Under this project proposal, TBF will address the Fairfax County Consolidated Plan high priority need for affordable rental housing for individual homeless persons with very low incomes, especially those with special needs. TBF will accomplish this by providing affordable rental housing while coordinating case management and other supportive services for the tenants through Pathway Homes.

The proposed rents, which range from \$200 to \$300 per bedroom unit, meet the HUD housing affordability standard for a single person household whose annual income is 30% of the Area Median Income (AMI), currently \$20,650, and is less than the HUD requirement that HOME rental housing tenants make 60% of AMI or less at initial occupancy.

In order to assure compliance with the HOME rental housing requirements, a deed of trust will be placed on the assisted property ensuring that it is used for the purpose of providing affordable housing for the duration of the 30-year affordability period.

Tenant Selection and Supportive Services

TBF has an executed Memorandum of Understanding with Pathway Homes for the selection of Pathway Homes clients to reside in TBF rental units and the provision of about 10 hours of social services at each house per client, per week. Pathway Homes is a charitable organization which provides non-time-limited housing and supportive services to adults with serious mental illness in Northern Virginia. Pathway Homes case managers will work with tenants to develop an individual service plan, through which the tenants will develop and define goals and objectives based upon their medical needs and their personal aspirations. Pathway Homes staff will assist tenants through a broad range of services such as assistance in managing medications, appointments with Community Services Board psychiatric staff, the development of independent living skills, and transportation assistance for matters such as medical appointments. Pathway Homes staff

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are licensed social workers. All Pathway Homes programs are licensed by the Virginia Department of Mental Health.

Project Financing Plan

The HOME loan shall be amortized at 0% interest over 30 years. Based upon the amount of the HOME loan (\$229,992), the FCRHA shall retain an 71% interest in any accrued appreciation in the value of the unit, which shall be payable to the FCRHA in the event of a sale or transfer, or should the unit fail to continue to serve as affordable rental housing, or if any other repayment event is triggered, at any point throughout the affordability period. Repayment of the HOME loan shall be deferred so long as the unit adheres to the affordability requirements imposed during the 30-year affordability period. At the end of the affordability period, the deed of trust will expire, along with any requirement for TBF to repay the HOME funds and any shared equity.

The remaining funds (\$58,091 reallocated from the Housing Trust Fund) to be loaned to TBF for the purpose of paying off a portion of the remaining VHDA balance will be amortized at 2% interest over a 30-year period. Monthly payments shall be \$214.72. The loan will be serviced by the HCD Finance Division. The affordability period imposed under the Housing Trust Fund loan and stated in the deed of trust shall be for 30 years. The remaining balance on the VHDA trust will be paid off with TBF equity (\$37,917), along with any closing costs associated with executing these loans.

Under TBF's original CHDO RFP submission, the proposed HOME project showed a net negative monthly and annual cash flow. HCD staff determined that the project needed additional soft financing in order for the project to generate positive cash flow. Discretion to award funds in excess of those applied for is provided under the RFP, which reads in part, "HCD may award additional funds for the proposals submitted under this RFP based on project needs and number of affordable units." As a result of this determination, TBF's request for \$150,000 in HOME funds was increased to \$229,992, as the \$79,229 in additional funds is available under the FY 2009 CHDO RFP, and the overall FCRHA award was increased to \$288,083. The combination of these FCRHA loans and TBF owner equity will be sufficient to pay down the outstanding must-pay debt on this unit for VHDA and the interim lender, resulting in net positive cash flow for the project.

FISCAL IMPACT:

Funding in the amount of \$229,992 proposed to be reallocated within Fund 145, HOME Investment Partnerships Program, from Project 013954 CHDO Undesignated to Project 014310 The Brain Foundation. As of April 1, 2009, Project 013954 CHDO Undesignated had an available balance of \$402,624.

Funding in the amount of \$58,091 within Fund 144 Housing Trust Fund (\$23,817, Project 014013 Tier 1 (Pre-Development Fund for the Affordable Housing Partnership Program));

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\$29,651 Project 014098 Magnet Housing; and \$4,623, Project 013948 Braddock Glen) to Project 014310 The Brain Foundation.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, Real Estate, HCD

Aseem Nigam, Director, Real Estate Finance and Grants Management (REF&GM), HCD

Audrey Spencer-Horsley, Associate Director, REF&GM, HCD

Douglass Lynott, Senior Program Manager, REF&GM, HCD

Board Agenda Item
May 18, 2009

ACTION -4

Approval of Recommendations for FY 2009 Awards of Federal Neighborhood Stabilization Program Funds Under the Silver Lining Plus Foreclosure Purchase Program to Reston Interfaith Housing Corporation, Pathway Homes, Inc., and Christian Relief Services of Virginia

ISSUE:

Board approval of the FY 2009 federal Neighborhood Stabilization Program (NSP) Silver Lining Plus funding awards. Awards are recommended to Reston Interfaith Housing Corporation; Pathway Homes, Inc.; and Christian Relief Services of Virginia. The loan proceeds will be used by these non-profit organizations for the acquisition and preservation of foreclosed properties to provide affordable rental housing to extremely low-income (30% of Area Median Income (AMI)) and very low-income (50% of AMI) households. Awards are made in the form of deferred, no interest, equity share loans. Home Improvement Loan Program (HILP) loan funds may be used to cover eligible rehabilitation costs of acquired units. The Board approved the allocation of \$1,000,000 for the Silver Lining Plus Non-profit Foreclosure Purchase Program on November 17, 2008.

RECOMMENDATION:

The County Executive recommends Board approval of shared equity, second trusts and other related eligible project costs to Reston Interfaith Housing Corporation in an amount not to exceed \$228,600; Pathway Homes, Inc. in an amount not to exceed \$454,167; and Christian Relief Services of Virginia in an amount not to exceed \$203,534.

TIMING:

Board approval on May 18, 2009, is requested in order to enable projects to proceed and to meet the 18-month commitment requirement of the federal NSP.

BACKGROUND:

Fairfax County was awarded \$2,807,300 in NSP funding from the U.S. Department of Housing and Urban Development (HUD) through a special enactment of the Housing and Economic Recovery Act of 2008 (HERA) (Public Law 110-289, approved July 30, 2008) which appropriated \$3.92 billion nationwide for emergency assistance for the acquisition of foreclosed homes and other eligible activities for the purpose of stabilizing neighborhoods. The Fairfax County Department of Housing and Community Development (HCD) issued a Request for Proposals (RFP) on March 9, 2009, with responses due on April 6, 2009, for these funds. Proposals from four non-profit organizations were received in response to this

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RFP. These non-profits included Marian Homes, Inc.; Reston Interfaith Housing Corporation; Christian Relief Services of Virginia; and Pathway Homes, Inc.

A total of \$886,301 is recommended for award out of \$1 million in NSP funding available through the Silver Lining Plus RFP. Funding will be used by the three nonprofit organizations to acquire a total of 10 units to be rented to low income households or individuals. These acquisitions are not related to the 10 units proposed to be acquired and resold to first-time homebuyers as part of the foreclosure strategy approved by the Board of Supervisors on June 30, 2008. The Silver Lining Plus funds are federal NSP funds of which HCD's grant agreement with HUD was executed on March 3, 2009. The remaining uncommitted balance of \$113,699 will be used in a rolling RFP process in the future for qualified non-profits who wish to apply for available NSP funds.

The HCD Silver Lining Plus Selection Advisory Committee (SAC) was appointed to evaluate the proposals and make recommendations for funding. The Fairfax County Redevelopment and Housing Authority (FCRHA), at its meeting April 30, 2009, approved the following for funding awards, subject to the approval of the Board. HCD staff will perform the underwriting of all loans. The recommended awards included a cost recovery allowance per unit. A cost recovery allowance up to \$10,000 per unit for 10 proposed units will be awarded based on the non-profit awardees' ability to meet certain deliverables, within a specified time period, which include: unit acquisition (\$2,500); completion of unit rehabilitation (\$2,500); and tenant lease-up (\$5,000). HILP deferred loans, for any needed rehabilitation, will be funded from the HILP County funds, not to exceed 10% of the fair market appraised value of each property.

The recommended awards are as follows:

Reston Interfaith Housing Corporation, Inc. - \$228,600 (Target Areas: Reston and Herndon)

Reston Interfaith and its subsidiary Reston Interfaith Housing Corporation (RIHC), a non-profit Community Housing Development Organization (CHDO), has over a 39-year history of effective service to the community in areas of homelessness prevention and housing the homeless, emergency and supplementary food, housing development and management, a variety of social services, early childhood education, and advocacy in all service areas. The RIHC housing staff presently manages 38 low-income townhouse rentals that serve approximately 125 individuals. Two more units are scheduled to come online by July 2009. The proposed three townhouses purchased with NSP funds will be added to the inventory of the RIHC existing units.

RIHC applied for funding in the amount of \$198,600, plus additional HILP funds to acquire and perform necessary rehabilitation on three, 3-bedroom, foreclosed townhomes to serve three very low-income (50% or less of AMI) families as tenants. The HCD award recommendation of \$198,600 is the maximum loan amount permitted for three townhouses under the program and will provide enough subsidy by way of equity-share, deferred second

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trusts to assist RIHC in the purchase of these units. Final rent structures will be subject to the CDBG affordable rent standard in relation to income limits published by HUD. In addition, up to \$30,000 will be awarded in cost recovery funds contingent upon acquisition, rehabilitation, and tenant occupancy deliverables being completed within a nine-month timeframe.

Under its Silver Lining Plus proposal, RIHC also indicated that residents would receive supportive services inclusive of a social service case worker and individual service plans.

Pathway Homes, Inc. - \$454,167 (Target Areas: Fairfax Sections of Alexandria, Annandale, and Springfield)

Pathway Homes, Inc. is a non-profit corporation established in 1980. CSB contracts with Pathway to provide long-term residential services to adults with serious mental illness. Pathway operates housing programs as well as provides clinical and supportive services through collaborative partnerships. Pathway Homes has managed 142 housing units and currently owns 24 units.

Pathway Homes applied for funding under five separate applications totaling the amount of \$404,167, plus additional HILP funds to acquire and perform necessary rehabilitation on five foreclosed, 3-bedroom units including two condominiums, two townhouses, and one single family home to serve as group homes for 15 low-income (50% or less of AMI) adults with serious mental illness and/or co-occurring disorders. The HCD award recommendation of \$404,767 is the maximum loan amount permitted for these unit types under the program and will provide enough subsidy by way of equity-share, deferred second trusts. Final rent structures will be subject to the CDBG affordable rent standard in relation to income limits published by HUD. In addition, up to \$50,000 will be awarded in cost recovery funds contingent upon acquisition, rehabilitation, and tenant occupancy deliverables completed within a nine-month timeframe.

Under its Silver Lining Plus proposal, Pathway also indicated that residents would receive supportive services through CSB's Residential Intensive Care program which will provide the ongoing medication monitoring, mental health support services, and case management for the Pathway residents.

Christian Relief Services of Virginia - \$203,534 (Target Areas: Mason and Mount Vernon Districts)

Christian Relief Services of Virginia (CRSVA) is a non-profit organization that has 11 years of experience in housing development and currently owns 60 units, and has acquired and rehabilitated 45 scattered sites in Fairfax County which are used for CRS's Homes for the Homeless transitional housing program. CRSVA also operates 12 group homes in partnership with Pathway Homes, Psychiatric Rehabilitation Services and the CSB. The proposal will utilize an existing partnership with CSB.

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CRSVA applied for funding in the amount of \$367,068 plus additional HILP funds through the Silver Lining Plus RFP to acquire and perform necessary rehabilitation on four foreclosed single family homes to serve 16 extremely low and very low-income (30% and 50% or less of AMI) individuals with disabilities as tenants. The HCD award recommendation of \$183,534 is the maximum loan amount permitted for two units under the program and will provide enough subsidy by way of equity-share, deferred second trusts to assist CRSVA in the purchase of these units. Given that CRSVA does not have a recent track record with HCD or a detailed acquisition strategy, nor did the application include a signed agreement with CSB, the SAC recommended funding for only two units at this time. Final rent structures will be subject to the CDBG affordable rent standard in relation to income limits published by HUD. In addition, up to \$20,000 will be awarded in cost recovery funds contingent upon acquisition, rehabilitation, and tenant occupancy deliverables completed within a nine month timeframe.

Any NSP contract with CRSVA for these loans would require the unit rents to be capped at the appropriate, pre-calculated rate adjusted for family size. Under its Silver Lining Plus proposal, CRSVA also indicated that residents would receive supportive services through CSB.

The FCRHA is authorized to expend funds approved by the Board of Supervisors and HUD for the purpose of undertaking NSP eligible activities that involve capital costs, or where a loan, deferred trust, or other restricting conditions need to be imposed. Final terms of the respective loans to CRSVA, RIHC, and Pathway Homes will be in compliance with all applicable NSP, CDBG, and other federal requirements, and will be taken to the HCD Loan Underwriting Committee for review and approval. Any proposed changes or adjustments made to either project description submitted by the respective applicants shall be subject to the review and approval of the LUC, including any additional information required in the underwriting process.

LOAN TERMS:

In order to assure compliance with the NSP and CDBG requirements, a deed of trust will be placed on each assisted property ensuring that these properties are used for the purpose of providing affordable housing. The Silver Lining Plus Program loans will be provided by the FCRHA and will be no interest, equity-share, deferred loans. Subordinate financing shall require the approval of the FCRHA. No cash-out financing will be allowed. Loans become due and payable upon sale, transfer or failure to maintain the property as an affordable rental (non-profit). In addition, the FCRHA's share of the equity is required at that time. The affordability period imposed under the loans and stated in the deed of trust and promissory note shall be for 30 years. The principal loan amount and the FCRHA equity share are forgiven after 30 years.

In the event of sale or transfer of the property within the affordability period, the principal loan amount of the FCRHA Promissory Note plus the FCRHA equity share will be due. If the net sales price at the time of sale or transfer does not allow full repayment according to

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the terms of the FCRHA Promissory Note, the balance owed including the equity share will need to be paid by the seller. In any sale or transfer situation, FCRHA will have the Right of First Refusal. HILP loans will accrue simple interest from 4% to 6% per annum for the first ten years only. Upon sale, the interest accrued plus the principal loan amount will be payable to the FCRHA.

FISCAL IMPACT:

Funding in the amount of \$886,301 is available in Fund 142, CDBG Program, Project #014311 (Neighborhood Stabilization Program). The NSP amount of \$886,301 would be allocated for loans as follows:

- \$228,600 to Reston Interfaith Housing Corporation
- \$454,167 to Pathway Homes, Inc., and
- \$203,534 to Christian Relief Services of Virginia

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, Real Estate, HCD

Aseem Nigam, Director, Real Estate Finance and Grants Management (REF&GM), HCD

Audrey Spencer-Horsley, Associate Director, Grants Management, REF&GM, HCD

Kehinde Powell, Housing Community Developer, REF&GM, HCD

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Board Agenda Item
May 18, 2009

INFORMATION - 1

Planning Commission Action on Application 2232-S09-4, Fairfax County Department of Public Works and Environmental Services (Springfield District)

On Thursday, April 30, 2009, the Planning Commission voted unanimously (Commissioner Litzenberger absent from the meeting) to approve 2232-S09-4.

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

Application 2232-S09-4 sought approval to renovate and expand the existing West Ox Animal Shelter at 4500 West Ox Road to include extensive modifications/renovations to the existing structure and site and new construction integrated with the renovated structure. The proposed improvements will provide additional space to meet current and future needs, improve the space layout, and provide better animal care. (Tax Map 56-1 ((1)) 2).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 4/30/09 Commission meeting

Attachment 2: Vicinity maps

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Barbara J. Lippa, Executive Director, Planning Commission Office

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Board Agenda Item
May 18, 2009

INFORMATION - 2

Planning Commission Action on Application 2232-D09-5, Fairfax County Department of Public Works and Environmental Services (Dranesville District)

On Wednesday, May 6, 2009, the Planning Commission voted unanimously to approve 2232-D09-5.

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

Application 2232-D09-5 sought approval to renovate and expand the existing Dolley Madison Library at 1244 Oak Ridge Avenue, McLean, to renovate and expand upper level library spaces and renovate lower level support spaces. The proposed improvements will update this community library facility that first opened in 1967 and has outgrown its existing space and will accommodate current technologies, services, customer demand, and staffing. (Tax Map 30-2 ((1)) 3; 30-2 ((3)) 21, 24).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 5/6/09 Commission meeting

Attachment 2: Vicinity maps

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Barbara J. Lipka, Executive Director, Planning Commission Office

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10:40 a.m.

Matters Presented by Board Members

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Board Agenda Item
May 18, 2009

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. *Nicholas Theofilos v. Fairfax County*, Case No. CL-2009-0003344 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 2. *Kevin M. O'Brien, Victoria O'Brien, and WJMJ, LLC v. Board of Supervisors of Fairfax County, Virginia, Braddock Road Project, LLC, and The County of Fairfax, Virginia*, Case No. CL-2009-0006355 (Fx. Co. Cir. Ct.) (Mason District)
 - 3. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cesia C. Rivera*, Case No. CL-2008-0011521 (Fx. Co. Cir. Ct.) (Lee District)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
 - 5. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)

6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose O. Montecino and Maria Montecino*, CL-2009-0005331 (Fx. Co. Cir. Ct.) (Sully District)
7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David Strohl and Pamela L. Strohl*, Case No. CL-2008-0016691 (Fx. Co. Cir. Ct.) (Lee District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Chi*, Case No. CL-2008-0015530 (Fx. Co. Cir. Ct.) (Providence District)
9. *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)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gerson Arnez*, Case No. CL-2008-0010868 (Fx. Co. Cir. Ct.) (Springfield District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manuel Padilla Zapata*, Case No. CL-2009-0000541 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tito Vallejos*, Case No. CL-2009-0004251 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edwin Wendorff*, Case No. CL-2009-0000592 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)
14. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sonia Marlene Lopez De Cejas*, Case No. CL-2009-0002076 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)

15. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Juana E. Flores*, Case No. CL-2009-0002349 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Teresa Van Huet*, Case No. CL-2009-0002258 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Munoz*, Case No. CL-2009-0003770 (Fx. Co. Cir. Ct.) (Lee District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 9140 Backlick, LLC*, Case No. CL-2009-0006208 (Fx. Co. Cir. Ct.) (Mount Vernon District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio De Leon, a.k.a. Julio Daniel De Leon-Gramajo, and Filiberta Gonzales De Leon*, Case No. CL-2009-0006009 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose R. Reyes and Ana Gladis Valdez*, Case No. CL-2009-0006262 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph B. Howell, Garland Howell, and Teri Howell*, Case No. CL-2009-0006290 (Fx. Co. Cir. Ct.) (Mount Vernon District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel Park Futrell and You Sook Lund*, Case No. CL-2009-0006457 (Fx. Co. Cir. Ct.) (Mason District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Victor Castellon*, Case No. CL-2009-0006456 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Meena Joshi and Dheeraj Joshi*, Case No. CL-2009-0006507 (Fx. Co. Cir. Ct.) (Lee District)

25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Jones*, Case No. 09-0007023 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dirar Khatib*, Case No. 08-0031565 (Fx. Co. Gen. Dist. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hyo S. Kim*, Case No. 09-0007022 (Fx. Co. Gen. Dist. Ct.) (Sully District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yonis A. Rodriguez and Belen P. Rodriguez*, Case Nos. 09-0009169 and 09-0009171 (Fx. Co. Gen. Dist. Ct.) (Sully District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lester R. Kerfoot, Jr., and Carole Jean Kerfoot*, Civil Case Nos. 09-0010583 and 09-0010584 (Fx. Co. Gen. Dist. Ct.) (Lee District)

Board Agenda Item
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3:00 p.m.

Public Hearing on SEA 84-M-012 (Quan Q. Nguyen & Ngan T. Nguyen) to Amend SE 84-M-012 Previously Approved for an Office to Permit Modifications to Development Conditions (Hours of Operation), Located on Approximately 20,713 Square Feet Zoned R-5, HC and SC, Mason District

The application property is located at 4217 Evergreen Lane, Tax Map 71-2 ((2)) 27.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 30, 2009, the Planning Commission voted unanimously (Commissioner Litzenberger absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 84-M-012, subject to the Development Conditions dated April 24, 2009;
- Modification of the transitional screening requirement in favor of the existing onsite landscaping and as conditioned; and
- Waiver of the barrier requirement in favor of the existing onsite landscaping.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 18, 2009

3:30 p.m.

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

The application property is located at 1470 Ingleside Avenue, Tax Map 30-2 ((7)) (1) 8.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 6, 2009, the Planning Commission voted 11-0-1 (Commissioner Murphy abstaining) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-DR-037, subject to the proposed Development Conditions dated May 6, 2009;
- Modification of the transitional screening requirement along the western property line to permit the proposed landscaping, as depicted in Exhibit B of the proposed Development Conditions;
- Waiver of the barrier requirements along Ingleside Avenue and Meadowbrook Avenue and modification of the barrier requirements to the north and west, in favor of that shown on the SE Plat;
- Modification of the front yard requirements in a Commercial Revitalization District in favor of what is shown on the SE Plat;
- Reduction of the parking requirements in a Commercial Revitalization District to permit three spaces instead of four; and
- Waiver of the required trails construction along Ingleside Avenue and Meadowbrook Avenue, in favor of the future dedication of an additional seven feet of right-of-way along Ingleside Avenue, as set forth in the proposed Development Conditions.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 18, 2009

3:30 p.m.

Public Hearing on AR 83-S-011-03 (Ober Trust, Sarah Ober) Local A&F District Renewal Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 21.317 Acres Zoned R-C and WS, Springfield District

The application property is located at 8226 and 8228 Roseland Dr. Tax Map 96-4 ((1)) 7Z, 8Z, 10Z and 11Z.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on AR 83-S-011-03 will be held on May 14, 2009 and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 18, 2009

3:30 p.m.

Public Hearing on AF 2009-SP-001 (Mary T. Kincheloe, John T. Kincheloe and John T. Kincheloe, Trustee) Local A&F District Application Authorized by Chapter 115 (County Code) Effective June 30, 1983, Located on Approximately 261.88 Acres Zoned R-C and WS, Springfield District

The application property is located at 7900 My Way, 7875, 7901, 7925, 7955, 8001, 8009, 8015, 8021, 8025, 8031, 8037 and 8041 Evans Ford Rd. Tax Map 85-1 ((6)) 2; 85-3 ((2)) 18 – 20, 48 – 53; 85-4 ((1)) 1Z, 10Z, 20Z, 21Z, 22Z, 23Z; 85-4 ((6)) 2 and 3.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on AF 2009-SP-001 will be held on May 14, 2009 and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 18, 2009

3:30 p.m.

Public Hearing on AF 2009-SP-002 (Raymond S. Crawford III & Teresa A. Crawford) Local A&F District Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 21.24 Acres Zoned R-C and WS, Springfield District

The application property is located at 12655 Wiltonshire Drive, Tax Map 85-2 ((10)) 1 – 4.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on AF 2009-SP-002 will be held on May 14, 2009 and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 18, 2009

3:30 p.m.

Public Hearing on RZ 2008-LE-015 (Springfield Parcel C LLC) to Rezone from I-4 to C-4 to Permit Commercial Development (Portion of Parking Structure) with an Overall Floor Area Ratio of 0, Located on Approximately 29,983 Square Feet, Lee District

and

Public Hearing on PCA 1998-LE-064 (Springfield Parcel C LLC) to Amend the Proffers for RZ 1998-LE-064 Previously Approved for Commercial Development to Permit Site Modifications and Associated Changes to Proffers and Site Design with an Overall Floor Area Ratio of 1.12, Located on Approx. 9.7 Acres Zoned C-4

Application RZ 2008-LE-015 is located on the west side of Springfield Center Drive and to the southwest of the Springfield Metro Center Tax Map 90-4 ((1)) 11B pt.

Application PCA 1998-LE-064 is located at the terminus of Metropolitan Center Drive and to the southwest of the Springfield Metro Center Tax Map 90-2 ((1)) 56C pt.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 15, 2009, the Planning Commission voted 4-1-6 (Commissioners de la Fe, Litzenberger, Lusk, and Sargeant in favor; Commissioner Flanagan opposed; Commissioners Alcorn, Donahue, Hall, Harsel, Hart, and Lawrence abstaining; and Commissioner Murphy absent from the meeting) to recommend that the Board of Supervisors approve PCA 1998-LE-064, subject to the execution of proffers consistent with those dated April 8, 2009.

The Planning Commission then voted 5-1-5 (Commissioners de la Fe, Donahue, Litzenberger, Lusk, and Sargeant in favor; Commissioner Flanagan opposed; Commissioners Alcorn, Hall, Harsel, Hart, and Lawrence abstaining; and Commissioner Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2008-LE-015, subject to the execution of proffers consistent with those dated April 8, 2009;
- Modification of the transitional screening along the property boundary abutting multifamily dwellings in favor of that shown on the Generalized Development Plan; and
- Waiver of the barrier requirement along the property boundary abutting multifamily dwellings in favor of that shown on the Generalized Development Plan.

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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

Board Agenda Item
May 18, 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)
St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

Board Agenda Item
May 18, 2009

4:00 p.m.

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

ISSUE:

Public hearing for the leasing of County-owned property at 7936 Telegraph Road and identified as Tax Map Number 100-1 ((1)) 16, to Cricket Communications, Inc. for the purpose of installing a telecommunications base station.

RECOMMENDATION:

The County Executive recommends that the Board authorize County staff to execute a lease substantially in the form of the attached Lease Agreement.

TIMING:

On April 27, 2009, the Board of Supervisors authorized the advertisement of a public hearing for the leasing of County-owned property at 7936 Telegraph Road to Cricket Communications, Inc.

BACKGROUND:

The Board of Supervisors is the owner of real property located at 7936 Telegraph Road and identified as Tax Map Number 100-1 ((1)) 16. Cricket Communications proposes to collocate on an existing monopole located on County-owned property. The telecommunications facility will consist of six (6) cylindrical antennas mounted on an existing monopole and three equipment cabinets installed within an existing equipment compound near the ground base of the pole. The total area for the telecommunications facility will be approximately 150 square feet.

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

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

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment A – Resolution
Attachment B – Location Map
Attachment C – Draft Lease Agreement

STAFF:

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

Board Agenda Item
May 18, 2009

4:00 p.m.

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize County staff to execute a lease substantially in the form of the attached Lease Agreement.

TIMING:

On April 27, 2009, the Board authorized the advertisement of a public hearing for the leasing of County-owned property at 9220 Old Keene Mill Road to Cricket Communications.

BACKGROUND:

The Board of Supervisors is the owner of real property located at 9220 Old Keene Mill Road and identified as Tax Map Number 88-2 ((1)) 4. Cricket Communications proposes to construct a telecommunications facility on an existing Virginia Dominion Power electrical transmission pole and a base station on County-owned property. The telecommunications facility will consist of six (6) cylindrical antennas mounted on top of the Dominion electric transmission pole and two equipment cabinets installed near the ground base of the transmission tower and surrounded by a new board-on-board fence. The total area on the ground for the telecommunications facility will be approximately 150 square feet.

Cricket will enter into an agreement with Dominion Virginia Power for its required usage of the transmission power pole and also enter into an agreement with the Fairfax County Board of Supervisors for the required ground area needed for its ground equipment. Dominion Virginia Power concurs with the proposal to enter into an agreement with Cricket Communications.

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

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

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment A – Resolution
Attachment B – Location Map
Attachment C – Draft Lease Agreement

STAFF:

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

Board Agenda Item
May 18, 2009

4:00 p.m.

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

ISSUE:

Board approval of the De-Creation/Re-Creation of a Small Sanitary Districts for vacuum leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed petition within Providence District.

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

TIMING:

The Board deferred the public hearing from May 4, 2009 to May 18, 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 vacuum 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.

The submitted petition has been reviewed, and it is recommended that the submitted petition be approved. If approved, the modification will become permanent in July 2009.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Resolution and Map

STAFF:

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

Howard J. Guba, Deputy Director, DPWES