

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
OCTOBER 19, 2009**

**AGENDA**

9:00	<b>Done</b>	Presentations
10:00	<b>Done</b>	Presentation of the Barbara Varon Award
10:10	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:10	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Streets into the Secondary System (Providence District)
2	<b>Approved</b>	Authorization to Advertise a Public Hearing for the Enlargement, De-Creation/Re-Creation of Small Sanitary Districts for Refuse and/or Leaf Collection Service (Dranesville, Mount Vernon and Providence Districts)
3	<b>Approved</b>	Authorization to Advertise a Public Hearing to Consider a Proposed Amendment to the Public Facilities Manual Related to Traffic Calming and Cut-Through Measures
4	<b>Approved</b>	Authorization to Advertise a Public Hearing to Consider Amending the Fairfax County Code Section 82-1-32 and Chapter 82, Article 5, Related to the Parking of Motor Vehicles
5	<b>Approved</b>	Extension of Review Periods for 2232 Review Applications (Dranesville, Hunter Mill, Mason, Mount Vernon, and Providence Districts)
6	<b>Approved</b>	Authorization to Advertise a Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Planned Development District Recreational Fees
7	<b>Approved</b>	Authorization to Advertise a Public Hearing to Expand the Potters Glen Community Parking District (Lee District)
8	<b>Approved</b>	Authorization for Department of Housing and Community Development and Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the U.S. Department of Housing and Urban Development Through the Continuum of Care Homeless Assistance Program, and Authorization for Consolidated Plan Certifications

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
OCTOBER 19, 2009**

**ADMINISTRATIVE  
ITEMS**

(continued)

9           **Approved**           Authorization for Alcohol and Drug Services to Apply for and Accept a Grant for a *Maternal and Child Health Grant* from CareFirst for Substance Abuse Screening and Referral for Medical Staff Throughout Northern Virginia

**ACTION ITEMS**

1           **Approved**           Renewal of a Memorandum of Understanding Between the Fairfax County Police Department and the United States Marshals Service

2           **Approved**           Adoption of a County Energy Policy

3           **Approved**           Endorsement of Spot Roadway, Pedestrian, Bike, and Bus Stop Transportation Projects

4           **Approved**           Authorization to File Testimony in the Application of Virginia Electric and Power Company For a 2009 Statutory Review of the Rates, Terms and Conditions Pursuant to Section 56-585.1.A of the Code of Virginia, SCC Case No. PUE-2009-00019

5           **Approved**           Approval of Resolution to Include Spotsylvania County as a Member of the Virginia Railway Express (VRE) and Amend the VRE Master Agreement

6           **Approved;**  
**Public hearing set for  
12/7/09 at 4:30 p.m.**           Proposed Phase II Dulles Rail Transportation Improvement District — Fixing Date for Public Hearing, Scheduling Additional Board Meeting to Hold Public Hearing and Consider Creation of District, Authorizing Public Notice of Hearing, and Authorizing Delivery of Copy of Landowner Petition and Public Hearing Notice to Herndon Town Council (Dranesville and Hunter Mill Districts)

7           **Approved**           Approval to: 1) Accept an Award of \$1,000,000 of Federal Neighborhood Stabilization Program Funds Through the Virginia Department of Housing and Community Development for the Fairfax County's Silver Lining Plus Program and 2) Award Neighborhood Stabilization Program Funds, Other Federal Funds, and the Home Improvement Loan Program Funds to Various Non-Profits

8           **Approved**           Approval of Funding for Construction Claims for the Huntington Metrorail Station Parking Garage

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
OCTOBER 19, 2009**

**CONSIDERATION  
ITEMS**

1	<b>Supervisor Hyland selected as voting delegate. Supervisor Gross as voting alternate</b>	2009 Virginia Association of Counties Annual Meeting
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**INFORMATION  
ITEMS**

1	<b>Noted</b>	Award of Contract for Professional Engineering Services for Waste-to-Energy Facility
2	<b>Noted</b>	Quarterly Status Report on the Board's Second Four-Year Transportation Program
3	<b>Noted</b>	Service Changes to FAIRFAX CONNECTOR Routes to Be Implemented in November 2009
10:25	<b>Done</b>	Matters Presented by Board Members
11:15	<b>Done</b>	Closed Session

**PUBLIC  
HEARINGS**

3:30	<b>Public hearing deferred to 11/16/09 at 3:30 p.m.</b>	Public Hearing on RZ 2009-PR-002 (Square 1400, L.C.) (Providence District)
3:30	<b>Deferred decision to 11/16/09 at 3:00 p.m.</b>	Public Hearing on RZ 2005-HM-028 (Pedro & Carmen M. Toscano, Jr.) (Hunter Mill District)
3:30	<b>Deferred decision to 11/16/09 at 3:00 p.m.</b>	Public Hearing on SE 2007-HM-023 (Pedro & Carmen M. Toscano, Jr.) (Hunter Mill District)
3:30	<b>Public hearing deferred to 12/7/09 at 3:00 p.m.</b>	Public Hearing on SEA 89-L-080 (Sunoco, Inc. (R&M)) (Lee District)
3:30	<b>Public hearing deferred to 11/16/09 at 3:00 p.m.</b>	Public Hearing on AR-01-H-001 (HIU Newcomb Family LLC, Mariette H., Sarah, Hana, Lani Charles Newcomb and Anna Newcomb Bradford) (Dranesville District)

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
OCTOBER 19, 2009**

**PUBLIC  
HEARINGS**

(continued)

3:30	<b>Approved</b>	Public Hearing on SEA 91-D-025-03 (Cricket Communications, Inc.) (Dranesville District)
4:00	<b>Approved</b>	Public Hearing on Proposed Amendment to Article 7 of Chapter 61 (Building Provisions) of <i>The Code of the County of Fairfax, Virginia</i> , Re: Addition of Civil Penalties Provision for Violations of the Virginia Maintenance Code
4:00	<b>Approved</b>	Public Hearing to Establish the Lee Community Parking District (Lee District)
4:00	<b>Approved</b>	Public Hearing on a Proposal to Prohibit Through Truck Traffic on Memorial Street, Harrison Lane, Lockheed Boulevard, Southgate Drive, Lenclair Street, Queens Road and Groveton Street as Part of the Residential Traffic Administration Program (Lee and Mount Vernon Districts)
4:30	<b>Done</b>	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



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

**Monday**  
**October 19, 2009**

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9:00 a.m.

PRESENTATIONS:

1. CERTIFICATE – To recognize Maureen Ribble for her selection as Ms. Virginia Senior America 2009, and advancement to the Ms. Senior America competition held in Atlantic City. Requested by Supervisor Hyland.
2. PROCLAMATION – To designate November 2009 as Adoption Awareness Month in Fairfax County. Requested by Chairman Bulova.
3. PROCLAMATION – To designate October 19-24, 2009, as Operation Medicine Cabinet Cleanout Week in Fairfax County. Requested by Chairman Bulova.
4. PROCLAMATION – To designate November 2009 as American Indian Heritage Month in Fairfax County. Requested by Chairman Bulova.
5. CERTIFICATE – To recognize Robin Thompson for founding the ART of Driving program. Requested by Chairman Bulova.
6. PROCLAMATION – To designate November 2009 as Pancreatic Cancer Awareness Month in Fairfax County. Requested by Chairman Bulova.
7. PROCLAMATION – To designate October 2009 as Breast Cancer Awareness Month in Fairfax County. Requested by Supervisor Herryty.
8. CERTIFICATE – To recognize Kala Quintana, Lauren Williamson and Meghan Hoffman of the Burke Conservancy for organizing Doggie Dip and to present to the Board of Supervisors the funds raised for the Fairfax County Animal Shelter. Requested by Supervisor Cook.

— more —

Board Agenda Item  
October 19, 2009

9. CERTIFICATE – To recognize Jim Dedes for his years of service to Fairfax County.  
Requested by Supervisor Hudgins.
10. PROCLAMATION – To designate October 24, 2009, as VolunteerFest 2009.  
Requested by Chairman Bulova.

STAFF:

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

Board Agenda Item  
October 19, 2009

10:00 a.m.

Presentation of the Barbara Varon Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Sharon Bulova, Chairman, Board of Supervisors

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Board Agenda Item  
October 19, 2009

10:10 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard October 19, 2009

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item  
October 19, 2009

10:10 a.m.

Items Presented by the County Executive

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Board Agenda Item  
October 19, 2009

ADMINISTRATIVE – 1

Streets into the Secondary System (Providence District)

ISSUE:

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

RECOMMENDATION:

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

**Subdivision**

**District**

**Street**

Amanda Place II

Providence

Amanda Court

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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Board Agenda Item  
October 19, 2009

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing for the Enlargement, De-Creation/Re-Creation of Small Sanitary Districts for Refuse and/or Leaf Collection Service (Dranesville, Mount Vernon and Providence Districts)

ISSUE:

Board authorization to advertise a public hearing for the Enlargement, De-Creation/Re-Creation of Small Sanitary Districts for refuse and/or leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing at 4:00 p.m. on Monday, November 16, 2009, to consider the following changes to small sanitary districts for refuse and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 Within Dranesville District (6811, 6813 & 6815 Wemberly Way)	Enlarge	Refuse	Approve
Small District 13 Within Dranesville District (1801 Barbee St.)	Enlarge	Refuse	Approve
Small District 1 Within Mt. Vernon District (1111B & 1111C I St.)	Enlarge	Refuse	Approve
Small District 1 Within Providence District (2710 & 2712 Welcome Dr.)	De-Create/ Re-Create	Remove Refuse & Leaf	Approve

TIMING:

Board of Supervisors' authorization to advertise on October 19, 2009, is required for a Public Hearing to be held on November 16, 2009, at 4:00 p.m.

Board Agenda Item  
October 19, 2009

BACKGROUND:

The Department of Public Works and Environmental Services is responsible for reviewing petitions for Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' Adopted Criteria. The attached petitions meet the Board of Supervisors' Adopted Criteria. The modifications to the sanitary districts will become permanent in January 2010 upon Board approval of the Public Hearing.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Proposed Resolution and Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item  
October 19, 2009



ADMINISTRATIVE – 3

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing before the Planning Commission and a public hearing before the Board of Supervisors to consider the proposed amendment to the PFM.

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

TIMING:

The Board is requested to take action on October 19, 2009, to provide sufficient time to advertise the proposed Planning Commission public hearing on November 18, 2009, at 8:15 p.m., and Board of Supervisors public hearing on December 7, 2009, at 4:00 p.m.

BACKGROUND:

The County's RTAP program, administered by FCDOT, assists communities in controlling traffic and parking in residential neighborhoods. Two of the RTAP tools utilized to control traffic are traffic calming and cut-through restrictions. Traffic calming measures are physical devices built within the roadway to slow traffic without restricting access. Cut-through measures include access restrictions such as turning prohibitions, diverters, or other traffic calming devices to reduce the volume of traffic traveling through a designated neighborhood. Typically, under the RTAP, existing subdivision streets are retrofitted with traffic calming and cut-through measures. However, such measures also may be utilized in the design of new subdivision streets and for newly constructed streets that have not yet been accepted into the State's secondary road system.

Board Agenda Item  
October 19, 2009

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

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

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

PROPOSED AMENDMENTS:

The proposed amendment updates the PFM by:

- Replacing the traffic calming provisions with a reference to the RTAP requirements and VDOT standards. Specifically, references to VDOT and the RTAP standards are being added to the PFM: one for existing streets, § 7-0101.5A, and the other for new streets, § 7-0101.5B. Section 7-1200 and Plates #37-7 (37M-7) thru #45-7 (45M-7) are being removed from the PFM, except for the community support requirements provided in §7-1207.1 and §7-1207.2 which are being retained as new §§ 7-0101.5B(1) and 7-0101.5B(2), respectively.

Board Agenda Item  
October 19, 2009

- Removing the RTAP standards related to cut-through, which are not used by developers, by deleting § 7-1300 in its entirety.

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

FISCAL IMPACT:

None.

REGULATORY IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I - Staff Report Dated October 19, 2009.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Howard Guba, Deputy Director, DPWES

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Board Agenda Item  
October 19, 2009

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider Amending the Fairfax County Code Section 82-1-32 and Chapter 82, Article 5, Related to the Parking of Motor Vehicles

ISSUE:

Authorization to advertise a public hearing to consider amending the Fairfax County Code by adopting amendments to Sections 82-1-32, 82-5-1, 82-5-20.1, 82-5-26 and adopting new Section 82-5-26.1 to clarify language, enhance traffic flow and facilitate the enforcement of parking violations.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing at 4:30 p.m. on Monday, November 16, 2009, to consider the adoption of the proposed amendments to clarify language, enhance traffic flow and facilitate the enforcement of parking violations.

TIMING:

Board action is requested on October 19, 2009, to provide sufficient time to advertise the proposed public hearing on November 16, 2009, at 4:30 p.m.

BACKGROUND:

Changes to a variety of parking-related code sections in Chapter 82 of the Fairfax County Code were presented to the Board of Supervisors Transportation Committee on June 15, 2009. The committee approved these changes which are summarized below:

Section 82-1-32. Supplemental enforcement of parking.

Language clarification that more specifically designates the vehicle owner as the responsible party in matters dealing with parking violations; modification makes language consistent with state law.

Section 82-5-1. Parking prohibited in Specified Places.

(a) (3) Extends prohibition to parking of motor vehicles to within twenty (20) feet of an intersection, consistent with state law.

Board Agenda Item  
October 19, 2009

(a) (5) Extends prohibition to parking of motor vehicles to within twenty (20) feet of a crosswalk, whether or not crosswalk is located within an intersection; provides increased visibility for both pedestrians and motorists. (Related subsection (a) (6) repealed.)

Section 82-5-20.1. Stopping vehicle of another; blocking access to premises; damaging or threatening commercial vehicle or operator thereof.

(a) (2) Prohibits parking, whether intentional or not, of motor vehicles in a way that blocks access to and from commercial parking lots; allows for free movement of vehicles into and out of parking lots.

Section 82-5-26. Parking vehicles without proper license and registration on highways.

Prohibits parking of motor vehicles on highway if they do not display current state license tags on both front and rear, if required by state of registration; current language prohibits parking only if both a license tag AND a current safety inspection sticker is not displayed.

Section 82-5-26.1. Parking vehicles without proper safety inspection sticker on highways.

Prohibits parking of motor vehicles on highway if they do not display a current safety inspection sticker if required by state of registration (see Section 82-5-26 above).

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Amendments to Fairfax County Code Section 82-1-35 and Chapter 82, Article 5, Parking of Motor Vehicles.

STAFF:

Robert A. Stalzer, Deputy County Executive

Colonel David M. Rohrer, Chief of Police

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

Ellen Gallagher, FCDOT

Board Agenda Item  
October 19, 2009

ADMINISTRATIVE – 5

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FSA-P96-9-2 to December 26, 2009; applications FS-D09-55, FS-D09-56, FS-M09-57, FS-P09-58, and FS-H09-63 to January 1, 2010; application FS-P09-50 to January 2, 2010; application FSA-V05-35-1 to January 10, 2010; and application 2232A-D04-7-1 to January 14, 2010.

TIMING:

Board action is required on October 19, 2009, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review periods for applications FS-P09-50, FS-D09-55, FS-D09-56, FS-M09-57, FS-P09-58, FS-H09-63, FSA-P96-9-2, FSA-V05-35-1, and 2232A-D04-7-1, which were accepted for review by the Department of Planning and Zoning between July 29, 2009, and August 17, 2009. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

Board Agenda Item  
October 19, 2009

- FS-P09-50            Clearwire US LLC  
Antenna colocation on existing water tank  
3300 Gallows Road  
Providence District
- FS-D09-55            New Cingular Wireless PCS LLC  
Antenna colocation on existing (tree pole) monopole  
1927 Pimmit Drive  
Dranesville District
- FS-D09-56            Clearwire US LLC  
Antenna colocation on existing tower  
6300 Georgetown Pike  
Dranesville District
- FS-M09-57            Clearwire US LLC  
Rooftop antennas  
6066 Leesburg Pike  
Mason District
- FS-P09-58            Clearwire US LLC  
Antenna colocation on existing water tank  
1766 Chain Bridge Road  
Providence District
- FS-H09-63            Clearwire US LLC  
Rooftop antennas  
2231 Colts Neck Road  
Hunter Mill District
- FSA-P96-9-2           Verizon Wireless  
Replacement antennas  
1950 Old Gallows Road  
Providence District
- 2232A-D04-7-1        Verizon Wireless  
Replacement antennas  
Georgetown Pike and Dolley Madison Boulevard intersection  
Dranesville District
- FSA-V05-35-1         Verizon Wireless  
Additional antennas  
5845 Richmond Highway  
Mount Vernon District

Board Agenda Item  
October 19, 2009

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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Board Agenda Item  
October 19, 2009



ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Planned Development District Recreational Fees

ISSUE:

The proposed Zoning Ordinance amendment increases the minimum expenditure per dwelling unit for recreational facilities required in the PDH, PDC and PRM Districts from \$1500 to \$1600.

RECOMMENDATION:

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

TIMING:

Board action is requested on October 19, 2009, to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on November 19, 2009, at 8:15 p.m., and for the proposed Board of Supervisors' public hearing on January 26, 2010, at 4:00 p.m.

BACKGROUND:

The proposed amendment revises the recreational facility provisions in the PDH, PDC, and PRM Districts and is in response to a 2007 request by the Board that an adjustment to the per unit recreational expenditure be reconsidered by the Board every two years. Given that it has been two years since the Board previously considered adjustments to the P district recreational fee, this amendment is now being brought forward for the Board's consideration.

The current Zoning Ordinance provisions require developed recreational facilities as part of the open space requirement to be provided in all PDH, PDC and PRM Districts which contain a residential component. The developed recreational facility component is based on a minimum expenditure of \$1500 per dwelling unit. The recreational facilities must either be provided on-site by the developer, and/or the Board may approve the provision of the facilities on land which is not part of the subject P district. It is noted that in affordable dwelling unit developments the per dwelling unit expenditure does not apply to the affordable dwelling units.

The \$1500 expenditure has been in effect since 2007 and was last adjusted based on the Construction Cost Index (CCI) increase between 1997 and 2007. According to the

Board Agenda Item  
October 19, 2009

Architects Contractors Engineers Guide to Construction Costs, 2009 Edition, Volume XL, the CCI has increased by 7% since 2007. Given the 7% increase in construction costs since 2007, it is appropriate to adjust the current \$1500 fee accordingly. The proposed amendment increases the per dwelling unit recreational facilities expenditure from \$1500 to \$1600 in the PDH, PDC, and PRM Districts, which is a 7% increase.

It is highly likely that construction costs will continue to rise. Therefore, it is recommended that the per unit recreational expenditure continue to be reviewed every two years. If an increase is warranted based on the CCI, staff will recommend that the Board consider amending the Zoning Ordinance accordingly.

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

REGULATORY IMPACT:

The proposed amendment increases the minimum expenditure per dwelling unit for recreational fees required in the PDH, PDC and PRM Districts from \$1500 to \$1600. No additional reviews or staff time are required by this amendment.

FISCAL IMPACT:

The proposed amendment increases the developers cost of each dwelling unit in the PDH, PDC and PRM Districts by \$100. Given that there would be no additional review required by staff, there would be no additional staff costs. If the P district recreation amenity contribution is increased, it could result in additional on-site and/or off-site recreational facilities being provided to serve the recreational needs of a P district development.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive  
John W. Dargle, Jr., Director, Fairfax County Park Authority (FCPA)  
James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Eileen M. McLane, Zoning Administrator, DPZ  
Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ  
Andrea L. Dorlester, Senior Park Planner, Park Planning Branch, FCPA

Board Agenda Item  
October 19, 2009

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Expand the Potters Glen Community Parking District (Lee District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for November 16, 2009, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to expand the Potters Glen CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on October 19, 2009, to provide sufficient time for advertisement of the public hearing on November 16, 2009, at 4:00 p.m.

BACKGROUND:

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

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

Board Agenda Item  
October 19, 2009

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

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

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

STAFF:

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

ADMINISTRATIVE – 8

Authorization for Department of Housing and Community Development and Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the U.S. Department of Housing and Urban Development Through the Continuum of Care Homeless Assistance Program, and Authorization for Consolidated Plan Certifications

ISSUE:

Board of Supervisors' authorization for and endorsement of multiple grant applications totaling \$5,383,565 in funding from the U.S. Department of Housing and Urban Development (HUD) through the Continuum of Care Homeless Assistance Program, with an additional \$1,726,790 in other funds, for a total of \$7,110,355. The specific actions are as follows:

- Authorization for the Department of Housing and Community Development (HCD), in partnership with Pathway Homes, to apply for and accept funding, if awarded, for five renewal Shelter Plus Care grants.
- Authorization for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept funding, if awarded, for one renewal grant for an existing transitional housing and treatment program for homeless single individuals.
- Endorsement of one new project application and 18 renewal applications by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act.
- In addition, the Department of Family Services (DFS) will apply for and accept funding, if awarded, for two renewal grants for existing transitional housing programs for families.

Of the \$7,110,355 total, \$5,383,565 is HUD funding and \$1,726,790 is matching funds. The HUD funding being requested consists of \$5,076,767 for renewal grants and \$306,798 for one new grant proposal. Total matching funds consist of \$580,810 in county Local Cash Match, \$445,136 in State pass-through funds, and \$700,844 in private match. The Board should be aware that all of the renewal applications are for only one year in accordance with HUD guidelines for renewal of existing programs. An appropriation for the CSB and DFS awards will be included in the FY 2011 budget request and, if necessary, adjusted at a future quarterly review.

Board Agenda Item  
October 19, 2009

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the following:

- Authorize HCD, in partnership with Pathway Homes, to apply for and accept funding, if awarded, for five renewal Shelter Plus Care grants totaling \$1,294,224. No Local Cash Match is required for these applications.
- Authorize the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept renewal funding, if awarded, for \$334,615, including match, for an existing transitional housing and treatment program for homeless single individuals. Of the total, \$254,642 is HUD funding and \$79,973 is Local Cash Match.
- Endorse the submission of one new project application by Pathway Homes to serve seven chronically homeless individuals for two years in leased units with services provided utilizing a housing first approach. This project totals \$333,828 for two years, of which \$306,798 is HUD funds and \$27,030 is private match funds.
- Endorse 18 renewal grant applications totaling \$3,708,340, including all matching funds, by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act. Of the total, \$2,642,975 is HUD funding, \$445,136 is State pass-through funds, and \$620,229 is private match. Local Cash Match is not required for these applications; however, three applications by Christian Relief Services for a total of \$644,241 in HUD funds, one application by Pathway Homes, Inc., for a total of \$157,788 in HUD funds, and one application by PRS, Inc., for a total of \$168,450 in HUD funds require a combined cash match of \$445,136 for a one-year period. This match will be supported with State pass-through funds to the CSB. The remaining 13 nonprofit renewal applications totaling \$1,672,496 in HUD funds require no Local Cash Match; however, private match of \$620,229 is included and committed by the applicants to support these applications.
- In addition, the Department of Family Services will apply for and accept funding, if awarded, for two renewal grants. This includes \$573,931, including \$67,000 in Local Cash Match and \$53,585 in private funds for the RISE Supportive Housing Grant; and \$865,417, including \$433,837 in Local Cash Match, for the Community Housing Resource Program – Award Three.

An appropriation for the CSB and DFS awards will be included in the FY 2011 budget request and, if necessary, adjusted at a future quarterly review.

Board Agenda Item  
October 19, 2009

TIMING:

Board action is needed on October 19, 2009, since the HUD application deadline is November 9, 2009.

BACKGROUND:

The Fairfax community has been very successful over the past decade in leveraging county, private, and State funds to secure HUD Continuum of Care funds. These funds have contributed to the development of a core continuum of services to enable homeless families and individuals with disabilities to move toward stable housing. Over the past several years, new projects have been awarded that utilize a housing first approach for chronically homeless single individuals. With the Board's approved Plan to Prevent and End Homelessness now being implemented, Continuum of Care grant providers are beginning to align existing grants with the housing first approach and the strategic objectives in the Ten-Year Plan.

On September 25, 2009, HUD published a Notice of Funding Availability (NOFA) in the Federal Register for the 2009 Continuum of Care Targeted Housing and Homeless Assistance Programs. Approximately \$1.43 billion is available through the national competition for Continuum of Care Homeless Assistance Programs. The purpose of these funds is to assist homeless persons to move toward self-sufficiency and into permanent housing. The application process is several months later this year than in most prior years, and is proceeding on an accelerated timeframe.

The community planning process addressed renewal applications for existing homeless assistance grant programs that will expire during the next calendar year (2010), including a review of program performance and site visits. There are 26 Continuum of Care grants that are eligible for renewal in the 2009 application cycle, including 24 projects that were renewed for one year in the 2008 cycle, one additional Shelter Plus Care project that is eligible to be renewed for the first time, and one Supportive Housing Program that is being renewed for the first time. All renewal projects submitted in 2008 were funded. There will also be one new project application to provide housing for seven chronically homeless single individuals.

The new project is a housing first initiative submitted by Pathway Homes to house seven chronically homeless single individuals for two years in leased apartment units. The program will target individuals who succeed best in individualized living units, with case management and access to a range of comprehensive supportive services based on a recovery model of trust and building effective relationships. This project meets the criteria for the HUD Permanent Housing bonus project, which, if awarded, will receive additional funding above the amount needed for the renewal projects.

Board Agenda Item  
October 19, 2009

The community planning process this year has been guided by the Best Practices and Community Planning Committee working under the direction of the Office to Prevent and End Homelessness in concert with homeless service providers and participating programs. The Committee reviewed all of the renewal projects and the results were presented to a new Continuum of Care Committee (CoC Committee) formed with the participation of three members of the Governing Board of the Community Partnership to Prevent and End Homelessness and key county leadership. Proposals for a new permanent housing bonus project were solicited in August 2009, and the proposal received was presented to and discussed with the CoC Committee. The CoC Committee met on September 18, 2009, to hear the results of the review of renewal projects and a presentation on the new project proposal. All 27 applications being prepared for submission to HUD have been endorsed by the CoC Committee.

The attached chart summarizes the proposals in sequential order as established by the Continuum of Care Committee, using the criteria that had been established at the beginning of the review process by the former Community Council on Homelessness. Since this is a transition year, with significant changes anticipated in 2010 in the federal guidelines, it was decided to utilize the work that had already been completed. The attached chart presents the grants in their current status. The Shelter Plus Care renewals are funded from separate sources than other renewals and are listed sequentially at the end of the chart.

HUD regulations require that these projects be certified as consistent with the county's Consolidated Plan, and county policy requires that the Board be informed when such certifications are sent to HUD. Homeless persons, both families and individuals, are a high priority in the county's Five-Year Consolidated Plan approved by the Board on April 25, 2005, and these applications are consistent with that priority. Upon Board authorization for submission of the applications, the County Executive will sign the certification to be included with the community application, as required by the HUD instructions.

If awarded, the grants will provide the following:

- Funding for one new project to provide supportive housing for seven chronically homeless single individuals.
- One year of continued funding of permanent supportive housing through the Shelter Plus Care program for 110 adults with disabilities;
- One year of continued funding for 24 units of permanent supportive housing for 77 homeless individuals with serious mental illness or dual diagnosis;

Board Agenda Item  
October 19, 2009

- One year of continued funding for a Safe Haven that provides housing and support services for eight vulnerable homeless individuals with serious mental illness;
- One year of continued funding for four units of permanent supportive housing for five families with an adult who has mental illness or cognitive disabilities;
- One year of continued funding for 127 units of transitional housing serving 127 homeless families, and one year of continued funding for five units of transitional housing serving 10 homeless individuals;
- One year of continued funding for 16 beds of transitional housing and treatment services serving 32 homeless individuals with alcohol and drug treatment and continued supportive service needs.

FISCAL IMPACT:

The total amount of funding for these grants is estimated to be \$7,110,355, including \$5,383,565 from HUD and total matching funds of \$1,726,790. The matching funds include \$580,810 in County Local Cash Match, \$445,136 in State pass-through funds, and \$700,844 in private match. The private match comes from the nonprofit organizations. The two grants in the Department of Family Services will be included in the FY 2011 anticipated table in Fund 102, Federal/State Grant Fund. This includes \$884,926 in HUD funding and \$500,837 in Local Cash Match, with an additional \$53,585 in private funding. Local Cash Match of \$79,973 for one grant to the CSB will be met by applying existing funds and treatment services to homeless individuals at the directly operated Steps to Recovery program and Crossroads Adult residential treatment program in addition to contracted residential treatment.

Three renewal grant applications for permanent supportive housing for homeless persons with mental illness submitted by Christian Relief Services, one submitted by Pathway Homes, Inc., and one submitted by PRS, Inc., require a combined total match of \$445,136 over a one-year period. This amount is from State pass-through funds. State pass-through funding in the amount of \$376,011 is currently included in the approved FY 2010 budget within Fund 106, Fairfax-Falls Church Community Services Board for match requirements in the current grant period. For the remaining \$69,125 of State pass-through funds, the CSB will secure funding through the Regional Discharge Assistance and Diversion program.

There is no HUD requirement that the County continue these programs after the grants expire. HUD does require that any properties that have been purchased through these grants be maintained as affordable housing for homeless persons for 20 years.

Board Agenda Item  
October 19, 2009

CREATION OF POSITIONS:

No new positions are created through these grants. Two existing grant positions (2/2.0 SYE) are continued in the Department of Family Services and one existing grant position (1/1.0 SYE) is continued in the Fairfax-Falls Church Community Services Board through the grant funds. The County is not obligated to continue these positions after the grants expire.

ENCLOSED DOCUMENTS:

Attachment I - Chart of HUD 2009 Continuum of Care Applications  
Attachment II - Certification of Consistency with the Consolidated Plan

STAFF:

Verdia L. Haywood, Deputy County Executive  
Paula C. Sampson, Director, Department of Housing and Community Development  
George E. Braunstein, Executive Director, Fairfax-Falls Church Community Services Board  
Nannette M. Bowler, Director, Department of Family Services  
Dean H. Klein, Director, Office to Prevent and End Homelessness  
Kenneth P. Disselkoen, Director, Department of Systems Management for Human Services (DSMHS)  
William Macmillan, Service Integration Manager, DSMHS

Board Agenda Item  
October 19, 2009

ADMINISTRATIVE - 9

Authorization for Alcohol and Drug Services to Apply for and Accept a Grant for a Maternal and Child Health Grant from CareFirst for Substance Abuse Screening and Referral for Medical Staff Throughout Northern Virginia

ISSUE:

Board of Supervisors' approval for the Fairfax-Falls Church Community Services Board (CSB) to apply for and if awarded accept up to \$108,072 in grant funding through the Maternal and Child Health Grants from CareFirst.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the CSB to apply for and if awarded, accept up to \$108,072 in grant funding through the Maternal and Child Health Grants from CareFirst. Upon receipt of the actual award, the CSB will request an expenditure appropriation and commensurate revenue increase of the actual award amount as part of its *FY 2010 Third Quarter Budget Review*.

TIMING:

Immediate. Due to the proposal due date of September 18, 2009, submission of the grant application was approved by the Alcohol and Drug Committee on September 14, 2009 pending full approval of the Community Services Board on September 23, 2009, 2009 and the Board of Supervisors on October 19, 2009. Should approval not be granted, the proposal will be immediately withdrawn. Grant awards will be announced in December 2009 and projects will run through calendar year 2010.

BACKGROUND:

CareFirst, an independent licensee of the Blue Cross and Blue Shield Association, is a not-for-profit health care company which has one million dollars available for programs aimed at improving maternal and child health in northern Virginia. CareFirst will fund projects aimed at three key stages: pre-pregnancy, during pregnancy, and post-pregnancy.

If funded, this request will provide educational toolkits and training to approximately 3,000 medical and school professionals to build skills for screening for substance use disorders among pregnant and post-partum women and, depending on screening results, making referrals for needed services. These women are at extremely high risk for poor birth outcomes as well as other developmental outcomes.

Board Agenda Item  
October 19, 2009

The project will be managed by Project Link of Alcohol and Drug Services. Project Link is a regional, interagency, community-based, collaborative program that coordinates and enhances existing community services for substance using and at-risk pregnant, postpartum and parenting women and their children. Project Link provides family-focused intensive case management, outreach and home visiting services and strives to improve birth outcomes and link mothers with needed substance abuse treatment and other services. Project Link must work closely with hospitals, medical services sites, and schools in order to build strong relationships, educate staff about substance abuse screening, and, ultimately, get referrals in order to get these high risk mothers and babies vital services that improve outcomes, making it a match for the funding priorities of CareFirst.

In FY 2009, 679 women were screened. As a result of this grant funding, it is anticipated that screening will increase by 20% for pregnant and post-partum substance abusing women that will potentially access vital services that will improve and save lives.

FISCAL IMPACT:

If awarded, the \$108,720 will provide for the purchase of 3000 educational kits and materials, consumer health items, and limited term position salaries. There is no match requirement for this grant.

CREATION OF NEW POSITIONS:

No merit positions will be created by this grant. Funds will provide salaries for two limited-term Substance Abuse Counselor II positions at approximately 19 hours per week for 52 weeks, and 80 hours of limited-term clerical support to assist with project activities. The limited-term positions will be abolished upon completion of this grant project.

ENCLOSED DOCUMENTS:

Attachment 1 - News Release from CareFirst announcing grant funding

STAFF:

Verdia Haywood, Deputy County Executive  
William H. Williams, MA, LCADC, Director, Alcohol and Drug Services  
Lyn Tomlinson, M.Ed., CSC, CCS, Director, ADS Community Services  
Laura Yager, CSB Prevention Services, Resource Development, and Community Relations  
John Murnane, CSAC, Director, ADS Assessment and Referral Center  
Sandra Sale, M.Ed., LSATP, Coordinator, Project Link  
Anita Baker, Fiscal Analyst, Department of Administration for Human Services

Board Agenda Item  
October 19, 2009

ACTION - 1

Renewal of a Memorandum of Understanding Between the Fairfax County Police Department and the United States Marshals Service

ISSUE:

Board renewal of a Memorandum of Understanding between the Fairfax County Police Department and the United States Marshals Service, authorizing the assignment of the Fairfax County Fugitive Section to the Capital Area Regional Fugitive Task Force (CARFTF).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Chief of Police to renew the Memorandum of Understanding between the Police Department and the United States Marshals Service.

TIMING:

Board action is requested on October 19, 2009.

BACKGROUND:

The United States Marshals Service developed the CARFTF due to the growing number of fugitives absconding from the law within Fairfax County and the surrounding metropolitan area.

Under the proposed Memorandum of Understanding, the Fairfax County Police Department and the United States Marshals Service will work together on the CARFTF. The task force will work to apprehend wanted criminals who are living or temporarily staying in Fairfax County and the surrounding jurisdictions. To accomplish the objectives of the CARFTF, the Fairfax County Police Department's Fugitive Section will continue to reside at the task force area office, located in Fairfax County for not less than one year.

The assignment of the Fugitive Section supervisor and each detective will be considered part-time since all members of the Fugitive Section will be expected to continue with their existing Fairfax County workload. When time permits, Fugitive Section detectives will assist the United States Marshals Service with task force cases.

Board Agenda Item  
October 19, 2009

Additionally, the United States Marshal Service will assist the Fugitive Section with Fairfax County cases when time permits.

Additionally, pending the availability of asset forfeiture funding and approval by the USMS in advance of any purchase, the USMS may reimburse or make direct payments to qualified third party vendors for vehicles and equipment purchased by the Fairfax County Police Department in support of RFTF. Such vehicle and equipment purchases are to be contracted for and titled in the name of Fairfax County Police Department and must comply with requirements prescribed by the USMS pursuant to this MOU and applicable policies of the United States Department of Justice.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding Capital Area Regional Fugitive Task Force (CARFTF)

STAFF:

Robert A. Stalzer, Deputy County Executive  
Colonel David M. Rohrer, Chief of Police  
Karen L. Gibbons, Senior Assistant County Attorney

Board Agenda Item  
October 19, 2009

ACTION – 2

Adoption of a County Energy Policy

ISSUE:

Board approval and adoption of a County Energy Policy.

RECOMMENDATION:

The County Executive recommends that the Board approve and adopt the attached Fairfax County Energy Policy expressing Fairfax County's commitment to energy efficiency and conservation in support of the Board of Supervisors' Environmental Agenda and the Cool Counties Climate Stabilization Initiative.

TIMING:

Board action is requested on October 19, 2009.

BACKGROUND:

The Board of Supervisors' Environmental Agenda describes Environmental Stewardship as a key responsibility to manage and conserve limited natural resources while promoting operational efficiency and the implementation of best practices. Essential elements of the Environmental Agenda include the efficient and prudent use of energy resources, the promotion of energy conservation, support for alternative energy sources, and outreach to County employees, employers, and residents.

Energy efficiency and conservation are vital components of intergovernmental environmental efforts. Local government actions play a fundamental role in implementing these energy efficiency and conservation efforts.

Over a number of years, Fairfax County agencies, schools, and authorities have made notable strides towards improving the energy efficiency of their buildings, facilities, operations, and vehicles. However, by coordinating efforts, setting goals, and implementing energy-saving and alternative-energy projects and technologies, the County can make further progress in promoting energy efficiency and conservation, and thereby furthering the reduction in reducing greenhouse gas emissions.

The adoption of this Energy Policy will provide more specific guidance for Board members, County staff, and the community when making decisions that have energy or environmental impacts. The Energy Policy will also provide guidance and direction to the County as a whole and more specifically to the newly instituted Energy Efficiency and Conservation

Board Agenda Item  
October 19, 2009

Coordinating Committee in its efforts to develop a comprehensive energy program that can proactively promote the development and application of energy efficiency and conservation programs. This policy will aid in the coordination and collaboration with County agencies, schools, and authorities, and residents, employers, and governmental partners.

FISCAL IMPACT:

There is no Fiscal Impact associated with adoption of this Energy Policy. Cost factors associated with implementation of elements of the Policy will be shared with the Board at the time implementation is planned.

ENCLOSED DOCUMENTS:

Attachment I: Fairfax County Energy Policy

STAFF:

David J. Molchany, Deputy County Executive

Kambiz Agazi, Environmental Coordinator

Steve Sinclair, Chief Public Utilities Branch, Department of Cable Communications and Consumer Protection

Susan Hafeli, Utility Analyst, Department of Cable Communications and Consumer Protection  
Energy Efficiency and Conservation Coordinating Committee

Board Agenda Item  
October 19, 2009

ACTION – 3

Endorsement of Spot Roadway, Pedestrian, Bike, and Bus Stop Transportation Projects

ISSUE:

Board approval of priority spot roadway, pedestrian, bike, and bus stop transportation projects to be funded, as approved on July 13, 2009, out of the County's FY2009 through FY2012 Commercial and Industrial (C&I) revenues for transportation.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached list of priority spot roadway, pedestrian, bike, and bus stop transportation projects to be funded, as approved by the Board on July 13, 2009, with FY2009 through FY2012 C&I revenues for transportation (Attachment I).

TIMING:

The Board should act on this item on October 19, 2009, so staff can move forward with implementation of projects as expeditiously as possible.

BACKGROUND:

On July 13, 2009, the Board approved a revised transportation project list and allocations for anticipated C&I revenues for transportation through FY2012, including an increase in funds for the Spot, Pedestrian, Bike, and Bus Stop Programs line item from \$7 million, for FY2009 through FY2011, to over \$19 million, for FY2009 through FY2012. Specific projects for this line item have been developed in coordination with Board offices and are listed in Attachment I. Of the \$19 million in projects listed, roughly \$13 million are newly funded from C&I revenues and the remaining were included in the initial approximately \$6 million in Spot, Pedestrian, Bike, and Bus Stop Programs approved by the Board on May 5, 2008.

Many of the listed projects are operational items such as signage, striping, and pedestrian signal modifications which the Virginia Department of Transportation (VDOT) has indicated can no longer be funded out of the State Six-Year Secondary Program for Fairfax County. To address this VDOT funding shortfall for basic operational needs in the County, at least to a limited basis, \$100,000 has been recommended to be set aside for additional signage, striping, signal, and other incidental transportation needs which Board members may identify as critical in their districts (Item 1 in Attachment I).

Board Agenda Item  
October 19, 2009

Following Board approval, staff will undertake design, right-of-way, utility relocation, and construction activities for these projects. A combination of in-house county resources, consultant assistance, VDOT state forces, and contracted construction forces will be used to complete these projects. It is likely that condemnation action will be necessary to acquire rights-of-way for certain projects on the list.

FISCAL IMPACT:

This action has no impact to the General Fund. Projects funded by C&I revenues are appropriated in Fund 124, County and Regional Transportation Projects.

ENCLOSED DOCUMENTS:

Attachment I: FY2009 – FY2012 Fairfax County C&I Revenues for Transportation Recommended Spot, Pedestrian, Bike, and Bus Stop Programs Projects

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, P.E., Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Karyn Moreland, Chief, Capital Projects Section, FCDOT  
Chris Wells, Pedestrian Program Manager, FCDOT  
Tad Borkowski, Senior Transportation Planner, FCDOT  
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Board Agenda Item  
October 19, 2009

ACTION - 4

Authorization to File Testimony in the Application of Virginia Electric and Power Company For a 2009 Statutory Review of the Rates, Terms and Conditions Pursuant to Section 56-585.1.A of the Code of Virginia, SCC Case No. PUE-2009-00019

ISSUE:

Board authorization to file testimony with the State Corporation Commission concerning the application of Virginia Electric and Power Company (VEPCO dba Dominion Virginia Power, or Dominion) in SCC Case No. PUE-2009-00019.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Department of Cable Communications and Consumer Protection (DCCCP) and the County Attorney's Office to file the attached testimony concerning the application of Virginia Electric and Power Company in SCC Case No. PUE-2009-00019.

TIMING:

The deadline for filing testimony is Monday, November 2, 2009. The County Attorney has filed a Notice of Participation so that the County can preserve its right to appear in the case. If the Board does not approve the testimony, the County will withdraw from the case.

BACKGROUND:

On March 31, 2009, Virginia Electric and Power Company (dba Dominion Virginia Power, or Dominion) filed an application with the State Corporation Commission (SCC) requesting an increase in its base rates as well as changes to the terms and conditions of its generation, transmission, and distribution services. Dominion requested a total increase of \$289 million over its present total revenue and an increase in residential rates of 9.25 percent. The SCC established a procedural schedule on April 21, 2009. On June 1, 2009 the Board approved the filing of a Notice of Participation in the case, which was filed June 5, 2009.

As a result of various legal challenges, Dominion revised its application and now requests an increase of \$250.2 million. The revised application requests authority to increase the distribution and generation components of residential rates by 8.3 and 7.7 percent, respectively.

Staff has prepared and is recommending approval of testimony addressing three key issues in this case: (1) appropriate rate of return on common equity, (2) establishment of a cost of equity floor based on a peer group of companies, and (3) rate design of new dynamic pricing tariffs for the residential class.

Board Agenda Item  
October 19, 2009

Staff conducted a financial analysis of the company's application and used the discounted cash flow and risk premium methodologies to determine an appropriate allowed rate of return. Staff's testimony recommends that the company be permitted to earn a rate of return on common equity in the range of 9.5% to 10.5%, and that the cost of equity floor be set at 10.25%. Dominion's testimony recommends the cost of equity and establishment of an equity floor at 12.5%. If the Commission adopts staff's rate of return and equity floor recommendations, Dominion's base rate increase would be reduced by approximately \$135 million dollars, and Fairfax County ratepayers and businesses would save approximately \$23.4 million per year.

Staff testimony also addresses two new "dynamic pricing" plans proposed for residential customers with "advanced meters" capable of two-way communications. These plans will give customers incentives to shift their electricity consumption to less expensive periods by setting prices that vary based on factors including the season, the time of day, and the level of demand on the system. Pilot programs over the last several years have demonstrated that dynamic pricing plans offer benefits to both customers and utilities. In the short run, dynamic pricing plans enhance system reliability and trim power costs by reducing the utility's need to purchase high-cost power in the wholesale market. In the longer run, these plans promote energy conservation, and can delay or avoid the need to build expensive, controversial new generation and transmission facilities thus aiding in the reduction of greenhouse gas emissions. According to a recent study, just a five percent reduction in U.S. peak electric demand would provide a nationwide benefit of \$31 billion (net present value) over a 20-year period, based only on avoided costs. Pilot results indicate that programs like those proposed by Dominion can lead homeowners to reduce their peak load by about five percent, and to reduce their peak load about 20 percent on "critical peak" event days.

Staff's testimony supports Dominion's proposed dynamic pricing plans but recommends a number of revisions intended to more evenly balance company and customer interests. Making these programs more attractive to customers should increase participation, thereby increasing short and long-term benefits for both the company and its customers.

Staff's conclusions and recommendations advance the interests of Fairfax County residential and business customers of Dominion. The rates decided in this case will not directly affect Fairfax County governmental accounts because governmental customers are served under a contract with Dominion. However, this case has the potential to affect governmental electric rates because the County's contract with Dominion expires December 31, 2010, and it is expected that decisions made in SCC PUE-2009-00019 will be a starting-point for upcoming contract negotiations.

Testimony in the case is due November 2, 2009. A public hearing on this matter is scheduled to convene on January 20, 2010 at the State Corporation Commission in Richmond, Virginia.

Board Agenda Item  
October 19, 2009

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:

Attachment 1. Testimony of Steve Sinclair and Susan Hafeli in SCC Case No. PUE-2009-00019.

STAFF:

David J. Molchany, Deputy County Executive

Michael S. Liberman, Director, Department of Cable Communications and Consumer Protection

Marilyn S. McHugh, Assistant County Attorney

Steve Sinclair, Chief, Public Utilities Branch, DCCCP

Susan Hafeli, Utility Analyst, DCCCP

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Board Agenda Item  
October 19, 2009

ACTION - 5

Approval of Resolution to Include Spotsylvania County as a Member of the Virginia Railway Express (VRE) and Amend the VRE Master Agreement

ISSUE:

Board approval of the agreement to allow Spotsylvania County to become a member of VRE and approve the VRE Master Agreement to implement this action.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a resolution to execute the Amended VRE Master Agreement to include Spotsylvania County as a signatory, effective February 15, 2010, and contingent upon all participating and contributing jurisdictions, including Spotsylvania County, and both the Northern Virginia and Potomac and Rappahannock Transportation Commissions ("NVTC" and "PRTC"), approving the amended VRE Master Agreement.

TIMING:

The Board should act on this item on October 19, 2009, because this is the last Board meeting before the NVTC considers action on the Amended VRE Master Agreement and approval of Spotsylvania County joining VRE, on November 5, 2009.

BACKGROUND:

On August 18, 2009, the Spotsylvania County Board voted to become a member of PRTC and a participating jurisdiction in the VRE, effective February 15, 2010. Three agreements must now be executed by the appropriate parties. These are (1) a Membership Agreement between Spotsylvania County, PRTC and NVTC; (2) an amended VRE Master Agreement approved by Spotsylvania County and each participating and contributing jurisdiction, as well as PRTC and NVTC; and (3) an amended PRTC Founding Ordinance and Master Agreement approved by Spotsylvania County and PRTC. A summary of the agreements follows.

1) Membership Agreement

This agreement governs Spotsylvania County's admission into PRTC and participation in VRE and includes the following central provisions:

- VRE Station - The terms of membership include Spotsylvania County funding property acquisition, environmental review, design and construction of a station platform and a 1,000 space parking lot (500 initially). Work shall be completed on or before the latter of

Board Agenda Item  
October 19, 2009

February 15, 2012, or completion of a third railroad track extension (see below). VRE will assist in obtaining federal and/or state grant funding for Spotsylvania County, if desired. However, if the required grant match amount exceeds 20 percent, Spotsylvania County may defer construction until more favorable funding is obtained.

- Railroad Infrastructure - VRE is required to fund property acquisition, environmental review, design and construction of an extension of the existing third railroad track to serve a Spotsylvania station, subject to CSXT approval. Work shall be completed on or before February 15, 2012, subject to funding. The estimated cost of this extension is \$20 million. VRE is seeking funding for this extension from a variety of sources.
- VRE Subsidy – Spotsylvania County shall pay, as stated in the Amended VRE Master Agreement, its share of VRE's annual budget. In the first fiscal year, Spotsylvania County shall owe a prorated amount and the full amount for each year thereafter. In addition, a deferral has been negotiated to allow deferral at a rate of 100 percent for the balance of FY 2010, FY 2011 and half of FY 2012. If Spotsylvania County fails to pay its subsidy, Spotsylvania County agrees that the subsidy may be withheld from Spotsylvania's share of gas tax revenue.
- Withdrawal from VRE - If Spotsylvania County withdraws from the VRE by agreement of all parties, Spotsylvania County may remain a member of PRTC and collect the gas tax until it satisfies the agreed upon conditions of withdrawal.

2) Amended VRE Master Agreement

This agreement amends the VRE Master Agreement to include Spotsylvania County as a signatory and member of the Operations Board with one seat. It also adds two new financial guidelines to the existing non-binding financial guidelines used in preparing VRE's annual budget. The first guideline directs the Operations Board to make every effort to keep the total local subsidy for VRE level each year. The second guideline directs the Operations Board to make every effort to enable those participating jurisdictions that have access to dedicated transportation funding sources to rely upon those sources to fund their respective share of the costs of commuter rail service rather than General Fund monies. These provisions essentially cap the local contributions to VRE.

3) Amended PRTC Founding Ordinance and Master Agreement

This agreement provides Spotsylvania County two seats on PRTC and results in the gas tax being collected in Spotsylvania County. Fairfax County and NVTC are not parties to these agreements.

FISCAL IMPACT:

Based on the Amended Master Agreement, with all other factors being equal, this change will not affect Fairfax County's or any other jurisdiction's subsidies for FY 2010 and FY

Board Agenda Item  
October 19, 2009

2011. Ultimately, the addition of Spotsylvania County should have a positive impact on all jurisdictions subsidies, including Fairfax County's, beginning in FY 2013.

More specifically, as part of the Membership Agreement, Spotsylvania County will be deferring its subsidy payment to VRE for three years as follows:

- FY 2010 - 100% (February 15, 2010, to June 30, 2010)
- FY 2011 - 100%
- FY 2012 - 50%

Beginning in FY 2012, Spotsylvania will begin to pay a portion of its subsidy share based on the Master Agreement formula, thus reducing subsidies for the rest of the jurisdictions. In FY 2013, Spotsylvania County will have to pay the prorated share it deferred from FY 2010, FY 2011, and FY 2012 plus their full share for FY 2013.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution To Include Spotsylvania County as a Member of the Virginia Railway Express (VRE) and Amend The VRE Master Agreement

Attachment 2: Amended Master Agreement

Attachment 3: Agreement Governing Spotsylvania County's Admission to Membership in PRTC and Participation in the VRE

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Ellen F. M. Posner, Assistant County Attorney

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

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Board Agenda Item  
October 19, 2009

ACTION – 6

Proposed Phase II Dulles Rail Transportation Improvement District — Fixing Date for Public Hearing, Scheduling Additional Board Meeting to Hold Public Hearing and Consider Creation of District, Authorizing Public Notice of Hearing, and Authorizing Delivery of Copy of Landowner Petition and Public Hearing Notice to Herndon Town Council (Dranesville and Hunter Mill Districts)

ISSUE:

On Friday, October 9, 2009, a petition was submitted to the Clerk to the Board (the “Petition”) requesting that the Board create a Phase II Dulles Rail Transportation Improvement District (the “Phase II District”) as authorized by Chapter 15 of Title 33.1 of the *Code of Virginia*, as amended (the “District Act”). Upon receipt of such a petition, the District Act requires the Board to take certain procedural steps, including (1) fixing a date for a public hearing on the question of creating the proposed district, (2) authorizing public notice of that hearing, and (3) because the proposed district would include real property within the Town of Herndon, delivering a copy of the Petition and notice of the public hearing to the Town Council so that the Town Council may by resolution determine if it wishes such property located within Herndon to be included in the proposed district. Because of statutory timing requirements, the Board cannot schedule the public hearing to occur at its meeting on November 16, 2009, and so, if the Board wishes to consider creating the proposed Phase II District this calendar year, it must amend its meeting schedule.

RECOMMENDATION:

The County Executive recommends that the Board (1) amend its Meeting Schedule for Calendar Year 2009 to add a meeting to begin at 9:00 a.m. on November 23, 2009, for the purpose of conducting a public hearing on the proposal to create the Phase II District and to consider whether to adopt a proposed resolution to create the Phase II District following that public hearing; (2) fix a public hearing on the question of creating the proposed Phase II District to occur at the Board’s meeting on November 23, 2009; (3) authorize notice of the public hearing to be given as required by law; and (4) order that a copy of the Petition and notice of the public hearing be delivered to the Town Council of Herndon as soon as possible, along with the Board’s request that the Town Council promptly take such steps as are required by law to permit property located within the Town and the proposed Phase II District to be included in the Phase II District if it is created by the Board.

Board Agenda Item  
October 19, 2009

TIMING:

Board action is requested on October 19, 2009. Action is necessary on that date in order to meet the requirements of Va. Code Ann. § 33.1-431 (2005) so that a public hearing and consideration of whether to adopt a proposed resolution to create the Phase II District can occur on November 23, 2009, which is necessary in order for the Board to consider whether to readopt the proposed resolution at its last scheduled meeting this calendar year on December 7, 2009, thus creating the Phase II District on that date.

BACKGROUND:

The District Act authorizes the Board to create a transportation improvement district within the County by resolution if petitioned to do so by the owners of at least 51% of either the land area or assessed value of the real property within the boundaries of the proposed district that is zoned for commercial or industrial use or used for such purposes. Staff has reviewed the Petition submitted on October 9, 2009, and it appears to meet the statutory requirements for such a petition, among other things because it appears to be signed by the owners of at least 51% of the taxable commercial and industrial real property within the proposed Phase II District as measured by current assessed value.

Va. Code Ann. § 33.1-431(C) (2008) provides that “[u]pon the filing of such a petition, the governing body shall fix a day for a hearing on the question of whether the proposed district should be created.” The statute also requires that public notice of that hearing be given once a week for three consecutive weeks and at least 10 days must intervene between the last notice publication date and the date of the public hearing. In addition, because the Petition includes property in the Town of Herndon within the proposed Phase II District, the statute requires the Board to deliver a copy of the Petition and notice of the public hearing to the Town Council at least 30 days before the hearing. Taken together, these statutory requirements mean that the public hearing cannot occur at the Board’s meeting on November 16, 2009, but can occur at a Board meeting scheduled on November 23, 2009.

The Town Council may by resolution determine if it wishes the property described in the Petition that is located in the Town to be included in the proposed Phase II District, and must deliver a copy of such resolution to the Board prior to the public hearing. Staff understands that the Town Council is scheduled to meet on October 27 and November 10, 2009, potentially giving it two opportunities to adopt such a resolution prior to a public hearing before the Board on November 23rd. Any such resolution will be binding upon the Board.

Board Agenda Item  
October 19, 2009

Following the public hearing, the Board may adopt a proposed resolution reasonably consistent with the Petition that would create the Phase II District upon final re-adoption of the proposed resolution at a Board meeting occurring at least seven days thereafter. Accordingly, if the Board adopts such a proposed resolution following the public hearing on November 23rd, it could re-adopt the proposed resolution at its meeting on December 7, 2009, thereby creating the Phase II District in this calendar year.

Pursuant to Va. Code Ann. § 33.1-432 (2005), if the Phase II District is created as proposed by the Petition, then the District Commission, the governing body of the Phase II District, would be composed of four members of the Board, one member of the Herndon Town Council, and the Chairman of the Commonwealth Transportation Board or his or her designee.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Copy of the Petition.

STAFF:

James V. McGettrick, Assistant County Attorney  
Leonard P. Wales, County Debt Manager  
Richard F. Stevens, Dulles Rail Project Coordinator

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ACTION – 7

Approval to: 1) Accept an Award of \$1,000,000 of Federal Neighborhood Stabilization Program Funds through the Virginia Department of Housing and Community Development for the Fairfax County's Silver Lining Plus Program and 2) Award Neighborhood Stabilization Program Funds, Other Federal Funds, and the Home Improvement Loan Program Funds to Various Non-Profits

ISSUE:

Board approval to 1) accept an award of \$1,000,000 of federal Neighborhood Stabilization Program Funds (NSP) through the Virginia Department of Housing and Community Development (VDHCD) for Fairfax County's Silver Lining Plus Program; and 2) award NSP funds (\$953,200) and other federal funds (\$795,525) for a total of \$1,748,725, plus local Home Improvement Loan Program (HILP) funds in an amount as needed, to be used by various non-profits to include: Pathway Homes, Reston Interfaith Housing Corporation (RIHC), Homestretch Inc., the Brain Foundation, Community Havens, Inc., Marian Homes Inc., and Christian Relief Services of Virginia for the acquisition and or rehabilitation of affordable rental housing. In addition to the NSP, the other federal funding sources under the Community Development Block Grant Recovery (CDBG-R) (\$386,354) and the HOME Investment Partnerships (HOME) Program for Community Housing Development Organization's (CHDO) (\$409,171), are being allocated under this Item. For VDHCD NSP funded projects, a cost recovery allowance up to \$10,000 per unit will be awarded based on the non-profit awardee's ability to meet program deliverables, within a specified time period, which include; unit acquisition, completion of unit rehabilitation, and tenant lease-up. All funds mentioned above are being recommended for proposals submitted by various non-profits in response to a Request for Proposals (RFP) for the first round of funding.

A total of \$2,076,070 is made available to non-profits through this RFP and \$1,748,725 is being recommended for funding for six proposals under this Item. A balance of \$327,345 (\$113,699 NSP Direct and \$213,646 CDBG-R) remains and will be used to fund proposals on a first-come, first-served basis until all of the funds are expended, subject to the approval of the Fairfax County Redevelopment and Housing Authority (FCRHA). All selected non-profits shall be required to advise the Supervisor of the District in advance, as to where the property is intended to be acquired.

It is proposed that the \$213,646 of CDBG-R balance be used for rehabilitation for existing units currently owned by a non-profit applicant and/or foreclosed units. The initial Board approval for the use of the \$600,000 in CDBG-R funding was split between \$300,000 for rehabilitation associated with NSP-acquired foreclosed properties and \$300,000 for rehabilitation associated with existing units. This change, with the approval of this Board Item, will allow non-profits the flexibility to use it for either purpose.

Board Agenda Item  
October 19, 2009

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors 1) approve acceptance of VDHCD's award of \$1,000,000 of FY 2009 federal Neighborhood Stabilization Program funds to Fairfax County's Silver Lining Plus Program for allocation to various non-profits; 2) approve the attached resolution as required by VDHCD for funding; 3) authorize execution of all documents required by VCHCD in regard to accepting this award; and 4) approve the award of funds to various

non-profits to acquire and/or rehabilitate properties for affordable rental housing with NSP, CDBG-R, HOME CHDO. HILP funds administered by the Department of Housing and Community Development (HCD) will be made available to these projects as needed, subject to the approval of the FCRHA.

TIMING:

Board approval on October 19, 2009 is requested in order to enable projects to proceed and to meet commitment requirements of the federal NSP, CDBG-R, HOME CDHO funds and the close-out deadline of the contract negotiation period as required by VDHCD.

BACKGROUND:

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) provided \$3.92 billion nationwide for emergency assistance for the acquisition of foreclosed homes and other eligible activities for the purpose of stabilizing neighborhoods. Fairfax County was awarded \$2,807,300 in a direct allocation (Board approved November 17, 2008).

In addition, VDHCD was allocated approximately \$38 million, and made the funds available on a competitive basis. HCD applied for \$2 million (maximum allowable per applicant from the state), and has been notified of an award of \$1 million. A Request for Proposal (RFP) was issued for non-profit projects that included the VDHCD award and additional federal funding sources for a total of \$2,076,070. These included:

- Direct (Entitlement) NSP (\$113,699)
- State NSP (\$ 953,200)
- CDBG-R (Stimulus Funding) (\$600,000)
- HOME CHDO (\$409,171)

Preference was given under the RFP for the following:

- Projects serving persons with disabilities
- Very-low income households (at or below 50% Area Median Income (AMI))
- Housing First (which provides people who are homeless permanent housing first, along with supportive services, instead of placing them into shelters)
- Projects involving acquisition and/or rehabilitation of foreclosed units

Board Agenda Item  
October 19, 2009

- Projects that can be completed by the non-profit applicant within a three to twelve-month timeframe upon receipt of funding award

In addition to the funding made available to non-profits under this RFP, additional funds will be made available for needed rehabilitation through HILP deferred loans. A HILP loan may be provided up to 10% of the current market appraised value of the property, provided that the sum of the amounts of the first lien loan and other loans plus the HILP loan does not exceed 110% of the current market appraised value. HILP loans will accrue simple interest from 4% per annum for the first ten years only. Upon sale, the interest accrued plus the principal loan amount will be payable to the FCRHA.

The proposals by non-profits named below have been selected and recommended by a Selection Advisory Committee (SAC) of HCD and shall be subject to the review and approval of the FCRHA. Funds will be used by these non-profit organizations for the acquisition and preservation of properties (including 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. NSP and HOME CHDO funds will generally be used for acquisition activities, though both may also be used for rehabilitation. HILP and CDBG-R funds will be used to cover eligible rehabilitation costs of acquired and existing affordable rental housing.

The FCRHA, at its meeting October 29, 2009, will be requested to approve recommended proposals and non-profits for funding awards. Projects and HILP funding shall be subject to the review and approval of the HCD Loan Underwriting Committee (LUC).

The recommended allocations to respective non-profits for NSP, CDBG-R, HILP and HOME CHDO funds are as follows. In addition, HILP funds may be added on a case-by-case basis, as needed, for rehabilitation of NSP-related projects.

**Pathway Homes, Inc. – Total \$600,000 (\$513,371 NSP VDHCD) and (\$86,629 CDBG-R)**

Pathway Homes, Inc. is a non-profit corporation established in 1980. Pathway operates housing programs as well as provides clinical and supportive services to serve adults with severe mental disabilities. Pathway Homes has managed 142 housing units and currently owns 24 units.

Pathway Homes is being recommended for funding for a total amount of \$600,000 which will be used along with additional HILP funds, if needed, to acquire and perform necessary rehabilitation on five foreclosed, 3-bedroom, condominiums to serve as group homes for 15 very low-income (50% or less of AMI) adults with serious and persistent mental disabilities.

**Reston Interfaith Housing Corporation, Inc. – Total \$337,725 (\$69,829 NSP VDHCD) and (\$87,725 CDBG-R) and (\$180,171 HOME)**

Reston Interfaith and its subsidiary Reston Interfaith Housing Corporation (RIHC), a non-profit, 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. Founded in 1970 RIHC presently manages 40 low-income

Board Agenda Item  
October 19, 2009

townhouse rentals that serve approximately 153 individuals.

RIHC is being recommended for funding for a total amount of \$337,725 which will be used along with additional HILP funds, if needed, to acquire one foreclosed single family unit and perform necessary rehabilitation on 30 units currently owned by RIHC. The acquired unit will serve 4 to 6 very low-income (50% or less of AMI) individuals.

**Homestretch Inc. – Total \$270,000 (NSP VDHCD)**

Homestretch was founded in 1990 to empower homeless families in northern Virginia to return to stable housing and self-sufficiency by giving them the skills, knowledge and hope they need to become productive participants in the community. Homestretch has managed 35 units and owns 32 units of affordable housing.

Homestretch is being recommended for funding for a total amount of \$270,000 which will be used along with additional HILP funds, if needed, to acquire three foreclosed units for three extremely low-income (30% or less of AMI) homeless families. Homestretch will accomplish this by providing affordable transitional rental housing while coordinating a variety of supportive services.

**The Brain Foundation- Total \$239,000 (\$10,000 CDBG-R) and (\$229,000 HOME)**

The Brain Foundation (TBF) is an all-volunteer, non-profit 501(c)(3), CHDO organization founded in 2003. TBF provides affordable rental housing for 16 individuals with brain disease or illness and owns four units.

TBF is being recommended for funding for a total amount of \$239,000 which will be used along with additional HILP funds, if needed, to acquire one townhouse to serve 4 very low-income (50% or less of AMI) individuals. TBF will accomplish this by providing affordable rental housing while coordinating case management and other supportive services for the tenants through a partnership with Pathway Homes.

**Community Havens, Inc. - Total \$102,000 (CDBG-R)**

Community Havens, established in 1975, is a wholly owned, non-profit affiliate company of Community Residences, Inc. Community Havens owns and manages properties from which Community Residences provides residential housing, medical care, and social skills training, among other services to enable individuals with disabilities to live independently. Community Havens has been involved in the renovation, management and/or ownership of 75 units of low-income housing to serve persons with disabilities.

Community Havens is being recommended for funding for a total amount of \$102,000 to perform necessary rehabilitation on a newly acquired, large single family home that will serve 8 extremely low income (30% of AMI) residents with severe intellectual or physical disabilities.

**Marian Homes, Inc. – Total \$ 100,000 (NSP VDHCD)**

Marian Homes, Inc. was established in 1996 as a non-profit corporation by the St. Mary of Sorrows Knights of Columbus Council with the purpose of purchasing and maintaining group

Board Agenda Item  
October 19, 2009

homes for persons with intellectual disabilities. Marian currently owns a residential group home that serves five individuals placed through a partnership with the Fairfax- Falls Church Community Services Board (CSB).

Marian Homes is being recommended for funding for a total amount of \$100,000 which will be used along with additional HILP funds, if needed, to acquire and rehabilitate one unit to serve five low-income (50% or less of AMI) individuals with intellectual disabilities. Marian will accomplish this by providing affordable rental housing while coordinating counseling and other supportive services for the tenants with CSB.

**Christian Relief Services of Virginia - \$100,000 (CDBG-R)**

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.

CRSVA is being recommended for funding for a total amount of \$100,000 to perform necessary rehabilitation on its portfolio of 60 scattered site units that currently serve 148 extremely low and very low-income (30% and 50% or less of AMI) individuals with disabilities as tenants.

**LOAN TERMS:**

In order to ensure compliance with the NSP, HOME, and CDBG-R 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. All loans will be no interest, equity-share, deferred loans, subject to approval by VDHCD and FCRHA. Loans shall become due and payable upon sale, transfer or failure to maintain the property as affordable rental housing. In addition, if sale or transfer occurs within the affordability period, the greater of the principle amount and the equity share is due to FCRHA and/or VDHCD, subject to the approval of VDHCD for NSP funded projects.

In the event of sale or transfer of the property after the end date of the affordability period, only 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 the terms of the Promissory Note, the greater of either the principal balance owed or the equity share will need to be paid to FCRHA and/or VDHCD by the seller from other sources. In any sale or transfer situation, FCHRA will have the Right of First Refusal with an option to buy at the lesser of the fair market value or the contract purchase price. The affordability period imposed under the loans and stated in the deed of trust and promissory note shall be generally for 30 years. For NSP funded projects, HCD's deed of trust and promissory note will be subject to the approval of VHDCCD.

Board Agenda Item  
October 19, 2009

FISCAL IMPACT:

As of October 13, 2009, funding in the amount of \$1,748,725 is available in the following funds: Fund 142, CDBG Program, Project #014311 (Neighborhood Stabilization Program, available balance \$2,526,570) and Project #003923 (CDBG-R, must be reallocated, available balance \$600,000), Fund 145 HOME Investments Partnership Program, Project #013954 CHDO Undesignated (available balance \$581,802) and Fund 143, Homeowner and Business Loan Programs, Project #003926 County Rehabilitation Loans (available balance \$3,281,020), as needed. The NSP, CDBG-R, and HOME amounts of \$953,200, \$386,354, \$409,171 would be allocated for loans as summarized below and the remaining balance of \$327,345, a combination of NSP Direct and CDBG-R, will be used to fund proposals on a first-come, first-served basis until all of the funds are expended, subject to the approval of the FCRHA. If approved, funding adjustments will be made as part of the *FY 2010 Third Quarter Review*.

	NSP VDHCD	CDBG-R	HOME	TOTAL
Pathway Homes, #014182	\$ 513,371	\$ 86,629		<b>\$ 600,000</b>
RIHC, Inc., #014949	\$ 69,829	\$ 87,725	\$180,171	<b>\$ 337,725</b>
Homestretch, Inc. #013919	\$ 270,000			<b>\$ 270,000</b>
Brain Foundation, #014310		\$ 10,000	\$229,000	<b>\$ 239,000</b>
Community Havens, Inc., #014318		\$ 102,000		<b>\$ 102,000</b>
Marian Homes, #014317	\$ 100,000			<b>\$ 100,000</b>
CRSVA, #013992		\$ 100,000		<b>\$ 100,000</b>
<b>Total</b>	<b>\$953,200</b>	<b>\$ 386,354</b>	<b>\$409,171</b>	<b>\$1,748,725</b>

ENCLOSED DOCUMENTS:

Attachment 1: Resolution VDHCD NSP Funding

Attachment 2: Section 504 Requirements

Attachment 3: Residential Anti-Displacement and Relocation Assistance Plan

STAFF:

Verdia L. Haywood, Deputy County Executive

Paula C. Sampson, Director, 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

Board Agenda Item  
October 19, 2009

ACTION - 8

Approval of Funding for Construction Claims for the Huntington Metrorail Station  
Parking Garage

ISSUE:

Additional funding is required to pay construction claims on the Huntington Metrorail Station parking structure project.

RECOMMENDATION:

The County Executive recommends that the Board approve the use of \$249,439 in Fairfax County capital project balances remaining at the Washington Metropolitan Area Transit Authority (WMATA) for the payment of claims resulting from the construction of the new Huntington Metrorail Station parking structure.

TIMING:

Board action is requested on this item on October 19, 2009, so the claims can be paid in a timely manner.

BACKGROUND:

In 2002, WMATA entered into an agreement with a developer, Stout and Teague, to build a mixed-use project on the current surface parking lot on the south side of the Huntington Metrorail Station. As part of this agreement, the developer originally agreed to replace the 924 parking spaces in the existing lot with a parking structure. Subsequently, the developer agreed to pay WMATA to build a parking structure to replace the existing 924 spaces in this surface parking lot. To accommodate future growth at this station, WMATA and the County agreed to add 500 more spaces. A total estimated cost of \$31,282,750 for the project was approved in January 2006.

The new parking structure is now complete, and the contractor has filed claims for soil conditions that caused a slope to fail, precast concrete erection delays, permit delays, and delayed access to the south side of the project. The total in claims initially requested by the contractor was \$4,698,938. As a result of negotiations with the contractor and review of construction project records and supporting materials, WMATA and County staff concur that \$1,850,000 is a reasonable amount to settle the contractor claims. The contractor has agreed to the negotiated settlement amount of \$1,850,000.

Funding approved by the Board on June 22, 2009, for this project is not sufficient to pay the full settlement amount. An additional \$249,439 is needed to pay these claims to

Board Agenda Item  
October 19, 2009

close out this project. The available funds recommended to be used for this payment are project balances at WMATA allocated to other Fairfax County Metrorail parking projects. County and WMATA staff have determined that these balances are available and sufficient to pay the \$249,439 needed for the claims related to the new Huntington Metrorail Station parking structure.

FISCAL IMPACT:

This item requests approval to utilize \$249,439 in Fairfax County capital project balances available at WMATA to fund claims related to the new parking structure at the Huntington Metrorail Station.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT  
Todd Wigglesworth, Coordination and Funding Section, FCDOT

Board Agenda Item  
October 19, 2009

CONSIDERATION – 1

2009 Virginia Association of Counties Annual Meeting

ISSUE:

Board designation of a voting delegate and alternate voting delegate to represent the County at the Virginia Association of Counties (VACo) annual meeting.

TIMING:

VACo has requested notification of Board action by November 1, 2009.

BACKGROUND:

VACo's annual meeting will be held in Bath County, Virginia, on November 10, 2009. The VACo staff is preparing credentials for the Annual Business Meeting and the County has been requested to notify VACo of the names of the County's voting delegate and alternate voting delegate.

ENCLOSED DOCUMENTS:

Attachment 1: September 28, 2009 Memorandum to Chairs, County Board of Supervisors and County Chief Administrative Officers from James D. Campbell, Executive Director, VACo, with attachment

STAFF:

Catherine A. Chianese, Assistant County Executive

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Board Agenda Item  
October 19, 2009

## INFORMATION - 1

### Award of Contract for Professional Engineering Services for Waste-to-Energy Facility

On March 24, 2009, the Department of Purchasing and Supply Management issued Request for Proposal 09-116621-44 for Professional Engineering Services for the Waste-to-Energy Facility. This contract will support general engineering and consulting services required at the Energy/Resource Recovery Facility, located at the I-95 Complex in Lorton, Virginia.

The typical tasks to be performed under this contract may include, but not be limited to, the following:

- Provide general engineering and consulting services related to environmental compliance and waste-to-energy issues.
- Serve as the independent engineering firm required by the Service Agreement with Covanta Fairfax and the bond documents.
- Prepare an annual operations report of the Energy Resource Recovery Facility (E/RRF) and other technical studies as needed.
- Prepare drawings for any mechanical changes/retrofits needed to the facility.
- Attend periodic operations meetings.
- Advise County staff about a variety of issues concerning the E/RRF.
- Review of the results of annual air quality testing and periodic ash tests.
- Prepare specialized revenue generation reports, examination of tip fees.
- Review of permits to ensure compliance with Virginia Department of Environmental Quality
- Help renegotiate the Service Agreement with Covanta Fairfax, Inc. or other agreements.
- Monitor ash testing and air emissions testing and evaluate the results.

Also, the firms will be available under this contract to implement projects of an unforeseen or emergency nature, which would be required in accordance with the Service Agreement or permit requirements set forth by the Virginia Department of Environmental Quality. Such projects require immediate consulting/engineering attention.

The solicitation notice was sent to approximately 1,888 potential offerors. Six (6) firms submitted a response to the Request for Proposal before the closing date of May 14, 2009. The Selection Advisory Committee (SAC) appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP.

Upon completion of the final evaluation of the proposals, from June through September, the SAC negotiated with the firms beginning with the top-rated offeror. Because of the breadth

Board Agenda Item  
October 19, 2009

and scope of the work that is anticipated at the E/RRF with the renegotiating of the Service Agreement, three firms were selected and recommended for contracts.

Negotiations brought the pricing structure for the three firms into close alignment. Firms will be paid a fixed rate per hour of work with some reimbursement for specific project costs (materials, transportation, mileage, mailing, etc).

The SAC unanimously recommends the following firms for contract award:

**Dvirka and Bartilucci Consulting Engineers** has supported engineering functions at the I-95 Energy/Resource Recovery Facility over ten years through previous Basic Ordering Agreements. Their work has been consistent and professional. Dvirka and Bartilucci has over two decades of hands-on experience supporting the types of projects anticipated at the E/RRF. Dvirka and Bartilucci has teamed with Solid Waste Services, LLC of Reston, Virginia to provide outstanding services to public sector solid waste management agencies. Dvirka and Bartilucci has been one of the independent engineering companies that supported the E/RRF operations during the past 10 years using Basic Ordering Agreements.

**HDR Engineering Inc.**, was founded in 1917 and incorporated in 1985, in the state of Nebraska. HDR is an employee-owned, full service consulting engineering firm with more than eighty (80) years of experience providing functional solutions to complex problems in the environmental engineering and design area. The firm currently has more professionals representing over fifty (50) disciplines in seventy (70) offices across the country. HDR has been one of the independent engineering companies that supported the E/RRF operations during the past 15 years using Basic Ordering Agreements.

**Malcolm Pirnie Inc.** is a nationally recognized environmental engineering and consulting firm with a staff consisting of over 1,800 employees. They have over twenty (20) years of experience in all areas of environmental engineering, including specialized expertise in solid waste management. The work performed for Fairfax County will be managed by staff from the full-service regional office in Arlington, Virginia. This office has 36 professional engineers and is fully equipped to provide the required consulting and engineering services. Malcolm Pirnie has been one of the independent engineering companies that supported the E/RRF operations during the past 5 years using Basic Ordering Agreements.

FISCAL IMPACT:

The Department of Tax Administration staff verified that all three companies are not required to have a Fairfax County Business Professional and Occupational License (BPOL). Funding for these contracts is already approved in the FY 2010 budget.

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award the contract to Dvirka and Bartilucci Consulting Engineers, HDR Engineering Inc., and Malcolm Pirnie Inc. The total amount of each contract award is estimated at \$250,000

Board Agenda Item  
October 19, 2009

annually, with an annual cap of \$750,000.

ENCLOSED DOCUMENTS:  
Attachment 1 - List of Offerors

STAFF:  
Edward L. Long, Deputy County Executive  
Cathy A. Muse, Director, Department of Purchasing & Supply Management  
Joyce M. Doughty, Director, DPWES, Division of Solid Waste Disposal and Resource Recovery

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Board Agenda Item  
October 19, 2009

## INFORMATION - 2

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

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

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

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

#### ENCLOSED DOCUMENTS:

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

#### STAFF:

Robert A. Stalzer, Deputy County Executive  
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)  
Howard J. Guba, Deputy Director, DPWES  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT  
Brent Payne, Capital Projects Section, FCDOT

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INFORMATION – 3

Service Changes to FAIRFAX CONNECTOR Routes to Be Implemented in November 2009

This is to notify the Board that the Department of Transportation intends to change the schedules and/or routings of several FAIRFAX CONNECTOR bus routes in November 2009, as outlined below:

1. Implement the high-priority service recommendations which the Board approved funding for on July 13, 2009, as part of the Board's endorsement of projects to be supported with commercial and industrial revenue for transportation:
  - Route 401 (Mason, Providence, Braddock and Lee Districts): Identified as a high-priority route for service enhancements in 2007 due to severe overcrowding. High-priority service enhancements will increase service to 15-minute peak and 30-minute off-peak/weekend headways. This proposal slightly changes the routing in the Annandale area to include John Marr Drive and Columbia Pike and extends the route from Tysons Corner Center to Tysons West\*Park Transit Station on Weekdays. The proposal also modifies the route number so that the northbound service is designated as route 401 and the southbound service is designated as route 402 (Attachment 1).
  - Route 621/622/623 (Providence and Springfield Districts): Revise the schedule to provide additional peak and off-peak trips, advancing expected consultant recommendations in the Transit Development Plan. The increase in service accommodates heavy commute-direction loads in the a.m. and p.m. peak hours. The proposal also extends routes 621 and 622 from Monument Drive to Meadow Field Drive (Attachment 2).
  - Route 950 (Hunter Mill and Dranesville District): Identified as a high-priority route for service enhancements in 2007 due to severe overcrowding. High-priority service enhancements will increase service to 15-minute peak headways. There is no proposed change to existing routing.
2. Tysons Lunch Shuttle (Providence District): Implement two midday lunch shuttles operating at 10-minute headways in Tysons Corner. The lunchtime shuttle routes are being implemented as a part of the Dulles Rail Transportation Management Plan (TMP). This service will be the first of three phases of enhanced transit in Tysons Corner, accompanying the construction and operation of Dulles Rail. The two routes will operate from 10:00 a.m. - 2:30 p.m. to and from major employers and Tysons Corner Center and Tysons Galleria. This service will be offered at no fare to passengers. With the opening of the first phase of Dulles rail in 2013, these lunchtime shuttle routes will be discontinued and a more comprehensive collector and feeder bus network will be

Board Agenda Item  
October 19, 2009

implemented as identified in the Transit Development Plan (TDP), provided funding is made available (see Attachment 3).

Unless otherwise directed by the Board, the Department of Transportation will proceed to implement these service changes in November 2009.

FISCAL IMPACT:

All of the above proposals do not require the utilization of any General Fund resources. The service changes proposed above, with the exception of the Tysons Lunch Shuttle, result in an annual operating cost of \$4.49 million. FY 2010 funding is included in Fund 100, County Transit Systems, and is supported by a transfer of commercial and industrial revenue for transportation (C&I) from Fund 124, County and Regional Transportation Projects. The high priority route 401 changes result in an annual cost of \$3.29 million; the 621/622/623 service enhancements result in an annual cost of \$345,000; and the 950 high-priority service changes result in an annual cost of \$858,000. Funding for the high priority bus service and service expansion recommendations is consistent with the most recent C&I project list for FY 2009 through FY 2012 funding, approved by the Board on July 13, 2009.

The Tysons Lunch Shuttle is part of the 2007 Dulles Rail TMP. In February 2009, the Virginia Department of Transportation (VDOT), the Metropolitan Washington Airports Authority (MWAA), and the County of Fairfax signed the Dulles Corridor Metrorail Project Implementation Memorandum of Understanding committing joint support to the implementation of this plan. The revised annual cost estimate of the Tysons Lunch Shuttle is \$1.15 million. VDOT will reimburse the County for the CONNECTOR shuttle. As part of the *FY 2010 Third Quarter Review*, expenditure and offsetting revenue adjustments will be made to Fund 100, County Transit Systems, to reflect the support of costs associated with this service.

ENCLOSED DOCUMENTS:

Attachment I – Fairfax Connector Service Proposed 401/402  
Attachment II – Fairfax Connector Service Proposed 621/622  
Attachment III – Tysons Lunch Shuttle Routes

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Rollo Axton, Chief, Transit Services Division, FCDOT  
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT  
Richard Stevens, Dulles Rail Project Coordinator, FCDOT  
Thomas Black, Chief, Fairfax Connector Section, FCDOT  
Christin Wegener, Transit Services Division, FCDOT

Board Agenda Item  
October 19, 2009

10:25 a.m.

Matters Presented by Board Members

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Board Agenda Item  
October 19, 2009

11:15 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. *Claim of Charles H. Clark, Jr.*
  - 2. *Lenir Richardson v. Masyra Sadig, et al.*, Case No. CL-2008-0008758 (Fx. Co. Cir. Ct.)
  - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juana Flores and Oscar A. Coreas*, Case No. CL-2008-0016022 (Fx. Co. Cir. Ct.) (Lee District)
  - 4. *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)
  - 5. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronal Castellon and Dorith G. Castellon*, Case No. CL-2009-0007082 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
  - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Giannina Perez*, Case No. CL-2009-0004927 (Fx. Co. Cir. Ct.) (Braddock District)

7. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lawrence and Joyce Brawner*, Case No. CL-2009-0009307 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
8. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Augusto L. Borda and Rosario Castillo*, Case No. CL-2009-0013749 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. H. James Neary and Eileen M. Neary*, Case No. CL-2009-0013822 (Fx. Co. Cir. Ct.) (Mason District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Catalina Guevara*, Case No. CL-2009-0013873 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas N. Robinson, Jr.*, Case No. CL-2009-0013944 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harvard Umeres and Bety Cepeda*, Case No. CL-2009-0014110 (Fx. Co. Cir. Ct.) (Mount Vernon District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Rocha*, Case No. CL-2009-0014358 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert D. Scrimshaw and Teresa Marie Scrimshaw*, Case Nos. 09-0009387 and 09-0009388 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
15. *Board of Supervisors of Fairfax County, Virginia v. Jade Dunn Loring Metro, LLC, and Greenwich Insurance Company*, Case No. CL-2008-0003247 (Fx. Co. Cir. Ct.) (Providence District)

Board Agenda Item  
October 19, 2009

3:30 p.m.

Public Hearing on RZ 2009-PR-002 (Square 1400, L.C.) to Rezone from I-4 to PRM to Permit Residential Development at a 1.62 FAR Including Bonus Density for the Provision of Affordable Housing, Located on Approximately 4.64 Acres, Providence District

Public Hearing on RZ 2009-PR-002 (Square 1400, L.C.) is **TO BE DEFERRED TO 11/16/09 at 3:30 p.m.**

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Board Agenda Item  
October 19, 2009

3:30 p.m.

Public Hearing on RZ 2005-HM-028 (Pedro & Carmen M. Toscano, Jr.) to Rezone from R-1 to R-2 to Permit Residential Development at a Density of 1.2 Dwelling Units Per Acre, Located on Approximately 1.67 Acres, Hunter Mill District

and

Public Hearing on SE 2007-HM-023 (Pedro & Carmen M. Toscano, Jr.) to Permit a Waiver of the Minimum Lot Width Requirement, Located on Approximately 1.67 Acres Zoned R-2, Hunter Mill District

The application property is located on the east side of Vale Road approximately 500 feet south of its intersection with Corsica Street at 9946 Vale Road, Tax Map 38-3 ((1)) 4

PLANNING COMMISSION RECOMMENDATION:

On Thursday, May 28, 2009, the Planning Commission voted unanimously (Commissioners Harsel and Murphy absent from the meeting) to recommend that the Board of Supervisors deny RZ 2005-HM-028 and SE 2007-HM-023, as recommended in the staff report.

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

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Board Agenda Item  
October 19, 2009

3:30 p.m.

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

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

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Thursday, October 15, 2009. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
October 19, 2009

3:30 p.m.

Public Hearing on AR-01-H-001 (HIU Newcomb Family LLC, Mariette H., Sarah, Hana, Lani Charles Newcomb and Anna Newcomb Bradford) Local A&F District Application Authorized by Chapter 115 (County Code), effective June 30, 1983, Located on Approximately 26.42 Acres Zoned PDH-1 and R-A, Dranesville District

The application property is located at 9627 Leesburg Pike, Tax Map 19-1 ((14)) Z, 20Z-23Z; 19-3 ((1)) 42A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Thursday, October 15, 2009. The Commission's recommendations 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 Zottl, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
October 19, 2009

3:30 p.m.

Public Hearing on SEA 91-D-025-03 (Cricket Communications, Inc.) to Amend SE 91-D-025 Previously Approved for a Telecommunications Facility to Permit Modifications to Site Design and Development Conditions, Located on Approximately 37,800 Square Feet Zoned R-1, Dranesville District

The application property is located at 11000 Leesburg Pike, Tax Map 12-1 ((1)) 36pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 10, 2009, the Planning Commission voted unanimously (Commissioner Sargeant recused himself; Commissioners Alcorn, Flanagan, and Murphy absent from the meeting) to recommend that the Board of Supervisors approve SEA 91-D-025-03, subject to the Development Conditions dated August 26, 2009.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
October 19, 2009



4:00 p.m.

Public Hearing on Proposed Amendment to Article 7 of Chapter 61 (Building Provisions) of  
*The Code of the County of Fairfax, Virginia*, Re: Addition of Civil Penalties Provision for  
Violations of the Virginia Maintenance Code

ISSUE:

Board of Supervisors (Board) adoption of the proposed amendment to Article 7 of Chapter 61 (Building Provisions) of *The Code of the County of Fairfax, Virginia* (County Code), to establish a uniform schedule of civil penalties for specified violations of the Virginia Uniform Statewide Building Code, Part III, Maintenance (Virginia Maintenance Code).

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendment to Section 61-7-1 (Penalties) of the County Code as set forth in the staff report dated September 14, 2009.

TIMING:

The Board is requested to take action on October 19, 2009. On September 14, 2009, the Board authorized advertisement of the public hearing. This amendment will become effective at 12:01 a.m. on October 20, 2009.

BACKGROUND:

Pursuant to Va. Code Ann. § 36-105(C) (Supp. 2009) and County Code § 61-1-1(b), the Board is authorized to enforce the Virginia Maintenance Code, which contains the regulations and standards for the maintenance of existing buildings and structures for all localities in Virginia. There are different means available to prosecute violations of the Virginia Maintenance Code, including as criminal misdemeanors in General District Court or by obtaining injunctions in Circuit Court. As an alternative to criminal misdemeanors, Va. Code Ann. § 36-106(C) specifically authorizes localities to adopt an ordinance establishing a uniform schedule of civil penalties for specified violations of the Virginia Maintenance Code. The civil penalty process allows violators to prepay the fines and admit liability, which obviates the need for a court appearance for all parties in some circumstances.

Pursuant to County Code § 61-1-2, the Property Maintenance Code Official, who is the duly authorized agent of the Director of the Department of Planning and Zoning (DPZ), is responsible for enforcing the Virginia Maintenance Code for existing residential buildings and structures in Fairfax County. The Building Official, who is with the Department of Public

Board Agenda Item  
October 19, 2009

Works and Environmental Services, is responsible for enforcing the Virginia Maintenance Code for existing non-residential buildings and structures in Fairfax County.

DPZ has recently reinstated using the civil penalty process for prosecuting minor offenses of the Zoning Ordinance after state law was amended to allow the General District Court to order a violator to abate any violation that is still outstanding at the time of the hearing on the civil penalties. Similarly, for violations of the Virginia Maintenance Code, Va. Code Ann. § 36-106(C) provides that if the violations involve residential properties, the General District Court shall order abatement of violations of the Virginia Maintenance Code that remain at the time of the trial on the civil penalties. Parallel authority for court-ordered abatement of violations involving non-residential properties does not exist under state law.

Due to the success of the civil penalty approach for litigating minor Zoning Ordinance violations, staff upon coordination with the County Attorney's Office, recommends amending Article 7 of Chapter 61 of the County Code to establish a uniform schedule of civil penalties for prosecuting violations of all of the provisions of the Virginia Maintenance Code, except for violations of the provisions of Section 105 – Unsafe Structures or Structures Unfit for Human Habitation of the Virginia Maintenance Code, which will continue to be prosecuted as criminal misdemeanors due to the serious nature of these offenses. The Building Official concurs with this recommendation. It is noted that the establishment of a uniform schedule of civil penalties for Virginia Maintenance Code violations will eliminate authority to seek court-ordered abatement of violations involving non-residential properties through the criminal process in General District Court, except for structures declared unsafe pursuant to the provisions of Section 105 of the Virginia Maintenance Code. It is noted that this amendment will not preclude the Property Maintenance Code Official or the Building Official from obtaining injunctive relief in Circuit Court for recurring and/or more significant violations involving residential or non-residential properties should that be necessary.

At the September 14, 2009, Board Meeting, the Board referred to the Legislative Committee consideration of legislation that would provide that criminal fines imposed by the General District Court for building code violations prosecuted by the local building department be remitted to the locality. As discussed at the October 26, 2009, Legislative Committee meeting, this item is under consideration by the Committee.

#### SUMMARY OF AMENDMENT:

The proposed amendment establishes a uniform schedule of civil penalties for specified violations of the Virginia Maintenance Code as follows: a civil penalty for any one violation of any of the provisions of the Virginia Maintenance Code of \$100.00 for the initial summons and \$150.00 for each additional summons, up to a total of \$3,000.00 for the same offense, except for violations of the provisions of Section 105 - Unsafe Structures or Structures Unfit for Human Habitation of the Virginia Maintenance Code, which will continue to be prosecuted as criminal misdemeanors.

Board Agenda Item  
October 19, 2009

A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

The proposed amendment will offer an alternative method of enforcing certain violations of the Virginia Maintenance Code, specifically minor violations that are not promptly remedied after receipt of a notice of violation. The civil penalty process allows violators to prepay the fines and admit liability, which obviates the need for a court appearance for all parties. It is anticipated that the civil penalty method of enforcing minor violations of the Virginia Maintenance Code will be a more efficient and cost effective method of achieving compliance for both parties by eliminating the time and expense of court costs and legal fees. Currently the preparation and filing of a civil action in the Circuit Court through resolution typically takes between 4 to 12 months. Based on DPZ's experiences with the civil penalty process for minor zoning violations, this method of enforcement can typically be accomplished within one to two months, significantly reducing the amount of staff time and providing a quicker resolution to the violation, including court ordered abatement of violations involving residential properties. Designation of the proposed provisions of the Virginia Maintenance Code as civil penalties will be in lieu of criminal sanctions and, as such, will preclude the prosecution of such violations in General District Court, except for violations under Section 105, as criminal misdemeanors. However, injunctive relief through the Circuit Court for all violations involving residential and non-residential properties will remain available.

FISCAL IMPACT:

If adopted, it is anticipated that the proposed amendment establishing a schedule of civil penalties will yield additional revenue of approximately \$10,000 annually starting in FY 2010. The projected additional revenue will be collected by the Department of Finance and added to the general fund.

ENCLOSED DOCUMENT:

Attachment A – Staff Report dated September 14, 2009

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)  
Howard Guba, Deputy Director, DPWES  
James Patteson, Director, Land Development Services (DPWES)  
Ray Pylant, Building Official  
Michael Congleton, Property Maintenance Code Official

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Board Agenda Item  
October 19, 2009

4:00 p.m.

Public Hearing to Establish the Lee Community Parking District (Lee District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on September 14, 2009, for October 19, 2009, at 4:00 p.m.

BACKGROUND:

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

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

Board Agenda Item  
October 19, 2009

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a large area CPD if the proposed District contains all of a magisterial district, excluding certain areas that meet minimum size requirements. In this case, the proposed District will encompass the entire Lee District. Staff has verified that the requirements for a large area CPD have been satisfied.

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

If approved, the proposed Lee large area CPD would be the third non-petition based CPD established in the County. Existing CPD signs within the Grove at Huntley Meadows, Hayfield View, Island Creek, Kingstowne, Lackawanna, Landsdowne, Manchester Lakes, Potters Glen, Runnymede, St. John and West Hampton CPDs that are within the new district will not be removed.

FISCAL IMPACT:

The recommended changes should have minimal fiscal impact. Signs will not be installed.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item  
October 19, 2009

4:00 p.m.

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Memorial Street, Harrison Lane, Lockheed Boulevard, Southgate Drive, Lenclair Street, Queens Road and Groveton Street as Part of the Residential Traffic Administration Program (Lee and Mount Vernon Districts)

ISSUE:

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

- Memorial Street between South Kings Highway and Richmond Highway
- Harrison Lane and Lockheed Boulevard between South Kings Highway and Richmond Highway
- Southgate Drive between South Kings Highway and Richmond Highway
- Lenclair Street and Memorial Street between South Kings Highway and Richmond Highway
- Queens Road and Groveton Street between South Kings Highway and Richmond Highway

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution endorsing Memorial Street, between South Kings Highway and Richmond Highway; Harrison Lane and Lockheed Boulevard between South Kings Highway and Richmond Highway; Southgate Drive between South Kings Highway and Richmond Highway; Lenclair Street and Memorial Street between South Kings Highway and Richmond Highway and Queens Road and Groveton Street between South Kings Highway and Richmond Highway to be included in the RTAP for a through truck traffic restriction.

TIMING:

On September 14, 2009, the Board authorized advertisement of a public hearing scheduled for October 19, 2009, 4:00 p.m.

BACKGROUND:

On January 21, 2009, Supervisor McKay requested staff to work with the Virginia Department of Transportation (VDOT) to establish through truck traffic restrictions on Harrison Lane and Lockheed Boulevard, between South Kings Highway and Richmond Highway, due to continuing safety concerns of residents regarding through trucks. On February 11, 2009, Supervisor McKay requested through truck traffic restrictions on a

Board Agenda Item  
October 19, 2009

portion of Memorial Street, between South Kings Highway and Richmond Highway. To avoid potential truck diversion to parallel streets, Lenclair Street, Queens Road, Groveton Street, and Southgate Drive were subsequently included for through truck restrictions as well.

For a through truck restriction on Harrison Lane and Lockheed Boulevard between South Kings Highway and Richmond Highway, a possible alternate route is via South Kings Highway from the intersection of South Kings Highway and Harrison Lane to the intersection of South Kings Highway and Richmond Highway, and then via Richmond Highway to the intersection of Richmond Highway and Lockheed Boulevard.

For a through truck restriction on Memorial Street between South Kings Highway and Richmond Highway, a possible alternate route is via South Kings Highway from the intersection of South Kings Highway and Memorial Street to the intersection of South Kings Highway and Richmond Highway, and then via Richmond Highway to the intersection of Richmond Highway and Memorial Street.

For a through truck restriction on Southgate Drive between South Kings Highway and Richmond Highway, a possible alternate route is via South Kings Highway from the intersection of South Kings Highway and Southgate Drive to the intersection of South Kings Highway and Richmond Highway, and then via Richmond Highway to the intersection of Richmond Highway and Southgate Drive.

For a through truck restriction on Lenclair Street and Memorial Street between South Kings Highway and Richmond Highway, a possible alternate route is via South Kings Highway from the intersection of South Kings Highway and Lenclair Street to the intersection of South Kings Highway and Richmond Highway, and then via Richmond Highway to the intersection of Richmond Highway and Memorial Street.

For a through truck restriction on Queens Road and Groveton Street between South Kings Highway and Richmond Highway, a possible alternate route is via South Kings Highway from the intersection of South Kings Highway and Queens Road to the intersection of South Kings Highway and Richmond Highway, and then via Richmond Highway to the intersection of Richmond Highway and Groveton Street.

(Attachment II).

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

Board Agenda Item  
October 19, 2009

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution to Restrict Through Truck Traffic on Memorial Street, Harrison Lane, Lockheed Boulevard, Southgate Drive, Lenclair Street, Queens Road and Groveton Street  
Attachment II: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

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

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Board Agenda Item  
October 19, 2009

4:30 p.m.

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

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