

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MARCH 23, 2010**

**AGENDA**

- |       |             |   |
|-------|-------------|---|
| 9:30  | <b>Done</b> | Presentations   |
| 10:00 | <b>Done</b> | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 10:00 | <b>Done</b> | Items Presented by the County Executive                                       |

**ADMINISTRATIVE  
ITEMS**

- |   |                                  |  |
|---|----------------------------------|--|
| 1 | <b>Approved</b>                  | Authorization to Advertise a Public Hearing to Lease County-Owned Property to Clear Wireless, LLC a Nevada Limited Liability Company (Lee District)  |
| 2 | <b>Approved</b>                  | Authorization to Advertise a Public Hearing to Lease County-Owned Property to New Cingular Wireless PCS, LLC (AT&T Mobility) (Lee District)  |
| 3 | <b>Approved</b>                  | Authorization to Advertise a Public Hearing to Expand the Reston Community Parking District (Hunter Mill District)   |
| 4 | <b>Approved<br/>w/amendment</b>  | Authorization to Advertise a Public Hearing to Consider Amending Fairfax County Code Section 82-5A (Residential Permit Parking Districts) Related to Fines   |
| 5 | <b>Approved<br/>w/amendment</b>  | Authorization to Advertise a Public Hearing to Consider Amending Fairfax County Code Section 82-5B (Community Parking Districts) Related to Fines  |
| 6 | <b>Approved</b>                  | Approval of "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Providence District)   |
| 7 | <b>Approved</b>                  | Extension of Review Periods for 2232 Review Applications (Braddock and Providence Districts)   |
| 8 | <b>Approved</b>                  | Approval of Supplemental Appropriation Resolution AS 10138 for the Department of Family Services to Accept Grant Funding on Behalf of the Northern Virginia Workforce Investment Board from the Virginia Community College System for the Workforce Investment Act Dislocated Worker Program |
| 9 | <b>Approved<br/>w/amendments</b> | Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Establishment of Planned Tysons Corner Urban District (PTC)  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MARCH 23, 2010**

**ACTION ITEMS**

- |   |                 |   |
|---|-----------------|---|
| 1 | <b>Approved</b> | Approval of Fiscal Year 2010 Forest Pest Management Suppression Program   |
| 2 | <b>Approved</b> | Approval of Parking Reduction for the Springfield Masonic Lodge #217 A.F. and A.M. (Lee District)                       |
| 3 | <b>Approved</b> | Correction to Amended Parking Reduction for Fairfax Corner Center (Springfield District)                                |
| 4 | <b>Approved</b> | Approval of a Waste Trade Agreement Between Fairfax County and Fauquier County  |
| 5 | <b>Approved</b> | Adoption of a Resolution to Endorse the Metropolitan Washington Council of Government's Greater Washington 2050 Compact |
| 6 | <b>Approved</b> | Amendments to Financing Documents Between the Lorton Arts Foundation and Fairfax County                                 |

**INFORMATION ITEMS**

- |       |              |  |
|-------|--------------|--|
| 1     | <b>Noted</b> | Contract Award - Georgetown Pike Walkway and Walker Road Walkway (Dranesville District)  |
| 2     | <b>Noted</b> | Local Comment Letter to the Virginia Housing Development Authority on Proposed Project by Light Global Mission Church (Sully District) |
| 3     | <b>Noted</b> | Contract Award – Urban Land Institute (ULI) Consulting Services: Five-Day Advisory Services Panel Program                              |
| 4     | <b>Noted</b> | Contract Award – Woodglen-Pohick Creek No. 3 – Spillway Improvement Project (Braddock District)  |
| 10:30 | <b>Done</b>  | Matters Presented by Board Members   |
| 11:20 | <b>Done</b>  | Closed Session   |

**PUBLIC HEARINGS**

- |      |                 |   |
|------|-----------------|---|
| 3:30 | <b>Approved</b> | Public Hearing on SE 2009-LE-022 (BB&T (Successor in Interest to Mt. Vernon Nat'l Bank and Trust Co.)) (Lee District) |
|------|-----------------|---|

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

3:30	<b>Approved</b>	Public Hearing on SEA 87-D-025 (Vinson Hall Corporation) (Dranesville District)
3:30	<b>Public hearing deferred to 4/27/10 at 4:00 p.m.</b>	Public Hearing on SEA 79-V-093-02 (McDonald's Corporation) (Mount Vernon District)
3:30	<b>Approved</b>	Public Hearing on SEA 97-M-075 (Mubarak Corporation, Trading As Euromarket Chevron and Route 7-50 Retail, LLC) (Mason District)
3:30	<b>Board deferred decision to 4/6/2010 at 3:30 p.m.</b>	Public Hearing on SE 2008-HM-010 (George B. and Carolyn L.E. Sagatov) (Hunter Mill District)
4:00	<b>Approved</b>	Board Decision on SE 2009-MA-015 (Ana L. Cornejo) (Mason District)
4:00	<b>Approved</b>	Public Hearing on Proposed Plan Amendment S09-IV-LP2 for Property Located South of Lorton Road Between Interstate 95 and Sanger Street (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing on Spot Blight Abatement Ordinance for 7206 Poplar Street (Mason District)
4:00	<b>Approved</b>	Public Hearing on Spot Blight Abatement Ordinance for 6439 Little Ox Road (Springfield District)
4:30	<b>Approved</b>	Public Hearing on Spot Blight Abatement Ordinance for 5400 Goolsby Way (Springfield District)
4:30	<b>Approved</b>	Public Hearing on SE 2009-DR-008 (Oakcrest School) (Dranesville District)



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

**Tuesday**  
**March 23, 2010**

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9:30 a.m.

**PRESENTATIONS:**

1. **CERTIFICATE** – To recognize the Chantilly Youth Association Cheer Select Squad for winning the U.S. National Competition, as well as the Cheer Select Under Team for being named the Overall Level Winner. Requested by Supervisor Frey.
2. **CERTIFICATE** – To recognize the Sully Boy Scout Council for its efforts on behalf of the annual food drive conducted by Western Fairfax Christian Ministries. Requested by Supervisor Frey.
3. **RESOLUTION** – To recognize Laurie and Jack Corkey for their contributions to improve the quality of life in Fairfax County. Requested by Supervisors Foust and Hudgins.
4. **PROCLAMATION** – To designate March 28, 2010, as Welcome Home Vietnam Veterans Day in Fairfax County. Requested by Chairman Bulova and Supervisor Gross.
5. **PROCLAMATION** – To designate April 21, 2010, as Holocaust Day of Remembrance in Fairfax County. Requested by Chairman Bulova.
6. **PROCLAMATION** – To designate April 5-11, 2010, as Public Health Week in Fairfax County. Requested by Chairman Bulova.
7. **PROCLAMATION** – To designate April 2010 as Childhood Immunization Month in Fairfax County. Requested by Chairman Bulova.

— more —

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8. PROCLAMATION – To designate April 2010 as Child Abuse Prevention Month in Fairfax County. Requested by Chairman Bulova.
9. RESOLUTION – To recognize Grace Starbird for her years of service to Fairfax County. Requested by Supervisor Herrity.

STAFF:

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

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10:00 a.m.

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

ENCLOSED DOCUMENTS:

Attachment: Appointments to be heard March 23, 2010

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:00 a.m.

Items Presented by the County Executive

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Board Agenda Item  
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ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing to Lease County-Owned Property to Clear Wireless, LLC a Nevada Limited Liability Company (Lee District)

ISSUE:

Authorization to advertise a public hearing to lease county-owned property to Clear Wireless, LLC for the installation of telecommunications equipment for public use at the South County Government Center.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing to be held on April 27, 2010, at 4:30 p.m.

TIMING:

Board action is requested on March 23, 2010, to provide sufficient time to advertise a proposed public hearing to be held on April 27, 2010, at 4:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of a facility located at 8350 Richmond Highway and identified as Tax Map Number 101-3 ((1)) 16A. The County sought proposals from telecommunication companies interested in leasing the rooftop space for telecommunications antenna and related transmission equipment, licensed by the Federal Communications Commission. All proposals were required to receive approval from the Fairfax County Planning Commission for conformance with the Fairfax County Comprehensive Plan before a lease agreement was finalized. Clear Wireless, LLC was one of three firms selected for this site.

Clear Wireless plans to install one equipment cabinet measuring 3'9" by 2'3" on the roof, and three panel antennas and five dish antennas on the façade of the South County Government Center. Clear Wireless will install flush-mounted antennas that match the façade of the building to obscure their visibility from surrounding properties. Both the antenna and its mounting will be of a color and finish that matches the color of the façade and the related equipment shelter will blend with existing rooftop penthouse features.

On December 9, 2009, the Planning Commission voted unanimously that the telecommunications facility located at the South County Government Center, 8350 Richmond Highway, is in conformance with the recommendations of the Comprehensive

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Plan and should be considered a "feature shown," pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended.

Staff recommends that the Board authorize the County to advertise a public hearing to enter into a communications lease with Clear Wireless, LLC, which will permit the installation of a new telecommunications base station and panel antennas at 8350 Richmond Highway.

FISCAL IMPACT:

The proposed roof top lease will generate approximately \$20,000 in revenue the first year with a three percent (3%) increase each subsequent year. All revenue will be deposited in the general fund.

ENCLOSED DOCUMENTS:

Attachment A: TM 101-3

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

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ADMINISTRATIVE- 2

Authorization to Advertise a Public Hearing to Lease County-Owned Property to New Cingular Wireless PCS, LLC (AT&T Mobility) (Lee District)

ISSUE:

Authorization to advertise a public hearing to lease county-owned property to New Cingular Wireless PCS, LLC for the installation of telecommunications equipment for public use at the South County Government Center.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing to be held on April 27, 2010, at 4:30 p.m.

TIMING:

Board action is requested on March 23, 2010, to provide sufficient time to advertise a proposed public hearing to be held on April 27, 2010, at 4:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of a facility located at 8350 Richmond Highway and identified as Tax Map Number 101-3 ((1)) 16A. The County sought proposals from telecommunication companies interested in leasing the rooftop space for telecommunications antenna and related transmission equipment, licensed by the Federal Communications Commission. All proposals were required to receive approval from the Fairfax County Planning Commission for conformance with the Fairfax County Comprehensive Plan before a lease agreement was finalized. New Cingular Wireless PCS was one of three firms selected for this site.

New Cingular Wireless plans to install a 12' by 27' raised steel equipment platform on the roof and 12 panel antennas on the façade of the South County Government Center. New Cingular Wireless will install flush-mounted antennas that match the façade of the building to obscure their visibility from surrounding properties. Both the antenna and its mounting will be of a color and finish that matches the color of the façade and the related equipment shelter will be located behind the existing screen wall adjacent to the penthouse to blend with existing rooftop penthouse features.

On October 29, 2009, the Planning Commission voted unanimously that the telecommunications facility located at the South County Government Center, 8350

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Richmond Highway, is in conformance with the recommendations of the Comprehensive Plan and should be considered a "feature shown," pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended.

Staff recommends that the Board authorize the County to advertise a public hearing to lease county property to New Cingular Wireless PCS, LLC, which will permit the installation of a new telecommunications base station and panel antennas at 8350 Richmond Highway.

FISCAL IMPACT:

The proposed roof top lease will generate approximately \$40,000 in revenue the first year with a three percent (3%) increase each subsequent year. All revenue will be deposited in the general fund.

ENCLOSED DOCUMENTS:

Attachment A - TM 101-3

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

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ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Expand the Reston Community Parking District (Hunter Mill 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 large area Reston Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 27, 2010, at 4:30 p.m. to consider adopting the proposed amendment (Attachment I) to the Fairfax County Code.

TIMING:

The Board of Supervisors should take action on March 23, 2010, to advertise a public hearing on April 27, 2010, at 4:30 p.m.

BACKGROUND:

On December 8, 2008, the Fairfax County Board of Supervisors approved the large area Reston CPD. An expansion has been requested to add additional streets to the already established large area Reston CPD.

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

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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.

Pursuant to Fairfax County Code Section 82-5B-3, the Board reserves the authority to approve, amend, or deny any request for creation or modification of a Community Parking District, and the Board reserves the authority to waive the requirements set forth in the Section concerning the size of a proposed District.

The proposed expansion of the large area Reston CPD will encompass areas as set forth in Attachments I and II. Staff has verified that the requirements for a large area CPD expansion have been satisfied.

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

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 Reston CPD Expansion

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Eric Teitelman, 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

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider Amending Fairfax County Code Section 82-5A (Residential Permit Parking Districts) Related to Fines

ISSUE:

Board authorization to advertise a public hearing for April 27, 2010, at 4:00 p.m., to consider a proposed amendment to Section 82-5A of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to increase Residential Permit Parking District (RPPD) parking violation fines and also to clarify permit eligibility requirements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 27, 2010, at 4:00 p.m., to consider adopting the proposed amendment (Attachment I) to the Fairfax County Code.

TIMING:

The Board should take action on March 23, 2010, to advertise a public hearing for April 27, 2010, at 4:00 p.m.

BACKGROUND:

On June 22, 2009, the Board approved changes to Chapter 82 of the Fairfax County Code to include amendments that increased various fines for parking citations. As a result, the general parking fine was increased from \$40 to \$50 in Section 82-1-32(a), Supplemental Enforcement of Parking, for all Sections of Article 5 that did not have a specific fine schedule.

The proposed amendments to Section 82-5A-12(e) and (g) are intended to mirror the previously approved amendment to Section 82-1-32(a) and increase the current Residential Permit Parking District (RPPD) parking citation fine from \$40 to \$50 for each violation when parking in an established RPPD district, during the hours of restriction, without a permit.

On December 7, 2009, the Board approved changes to Section 82-5-7 of the Fairfax County Code which prohibits parking commercial vehicles in residential areas. The code changes better defined commercial vehicles in the County code.

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The proposed amendment to Section 82-5A-2(j) makes reference to the definition in 82-5-7, to clarify that commercial vehicles as defined in 82-5-7, may not apply for a RPPD parking permit and are not eligible to use a RPPD visitor pass.

The proposed changes to the Fairfax County Code, Chapter 82, Article 5A are shown in Attachment I.

FISCAL IMPACT:

The recommended changes should have no fiscal impact.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Fairfax County Code Section 82-5A

STAFF:

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

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Consider Amending Fairfax County Code Section 82-5B (Community Parking Districts) Related to Fines

ISSUE:

Board authorization to advertise a public hearing for April 27, 2010, at 4:00 p.m., to consider a proposed amendment to Section 82-5B of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to increase Community Parking District (CPD) parking violation fines.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for April 27, 2010, at 4:00 p.m., to consider adopting the proposed amendment (Attachment I) to the Fairfax County Code.

TIMING:

The Board should take action on March 23, 2010, to advertise a public hearing for April 27, 2010, at 4:00 p.m.

BACKGROUND:

On June 22, 2009, the Board approved changes to Chapter 82 of the Fairfax County Code to include amendments that increased various fines for parking citations. As a result, the general parking fine was increased from \$40 to \$50 in Section 82-1-32(a), Supplemental Enforcement of Parking, for all Sections of Article 5 that did not have a specific fine schedule.

The proposed amendment to Section 82-5B-7(a) is intended to mirror the previously approved amendment to Section 82-1-32(a) and increase the current Community Parking District (CPD) parking citation fine from \$40 to \$50, for CPD restricted vehicles such as watercraft, trailer, motor home, vehicle with three or more axles; or any vehicle that has a gross vehicle weight rating of 12,000 or more pounds, when parked in an established CPD.

FISCAL IMPACT:

The recommended changes should have no fiscal impact.

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ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Fairfax County Code Section 82-5B.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT

Selby Thannikary, Chief, Traffic Operations Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

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ADMINISTRATIVE - 6

Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Providence District)

ISSUE:

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

RECOMMENDATION:

The County Executive further recommends approval of a resolution (Attachment I) for a “Watch for Children” sign on Meadow Lane (Providence District).

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

TIMING:

Board action is requested on March 23, 2010.

BACKGROUND:

The RTAP allows for installation of “Watch for Children” Signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On February 2, 2010, FCDOT received written verification from the appropriate local supervisor confirming community support for the referenced “Watch for Children” sign.

FISCAL IMPACT:

The estimated cost of \$200 for traffic calming measures is to be paid out of the VDOT secondary road construction budget.

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ENCLOSED DOCUMENTS:

Attachment I: Board Resolution for a "Watch for Children" Sign

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT

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

William P. Harrell, Transportation Planner, FCDOT

Guy Mullinax, Transportation Planner, FCDOT

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ADMINISTRATIVE – 7

Extension of Review Periods for 2232 Review Applications (Braddock 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 FS-B09-152 to May 22, 2010; and application FS-P10-2 to September 28, 2010.

TIMING:

Board action is required on March 23, 2010, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review period for application FS-P10-2, which was accepted for review by the Department of Planning and Zoning (DPZ) on February 2, 2010. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board also should extend the review period for application FS-B09-152, which was accepted for review by DPZ on December 23, 2009. This application is for a

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telecommunications facility, and thus is subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on this application by no more than sixty additional days.

The review periods for the following applications should be extended:

FS-B09-152            Clearwire US LLC  
                          Antenna collocation on existing monopole  
                          5637 Guinea Road  
                          Braddock District

FS-P10-2             Fairfax County Park Authority  
                          Lighting for rectangular field and miniature golf course  
                          3200 Jermantown Road (Oak Marr RECenter)  
                          Providence District

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 (DPZ)  
David B. Marshall, Planning Division, DPZ  
David S. Jillson, Planning Division, DPZ

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ADMINISTRATIVE - 8

Approval of Supplemental Appropriation Resolution AS 10138 for the Department of Family Services to Accept Grant Funding on Behalf of the Northern Virginia Workforce Investment Board from the Virginia Community College System for the Workforce Investment Act Dislocated Worker Program

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 10138 in the amount of \$383,249 from the Virginia Community College System for the Workforce Investment Act (WIA) Dislocated Worker program. This funding is being accepted on behalf of the Northern Virginia Workforce Investment Board to supplement existing stimulus grant funding to provide employment and training services to displaced workers. No Local Cash Match is required to accept the award. The grant period is through June 30, 2011. This funding has been made available as a result of the American Recovery and Reinvestment Act of 2009 (ARRA). When grant funding expires, the County is under no obligation to continue funding the program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 10138 to accept funding from the Virginia Community College System in the amount of \$383,249 for the WIA Dislocated Worker program. No Local Cash Match is required. This WIA funding is being accepted on behalf of the Northern Virginia Workforce Investment Board to continue to provide employment and training services to displaced workers.

TIMING:

Board approval is requested on March 23, 2010.

BACKGROUND:

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

The American Recovery and Reinvestment Act of 2009 provides stimulus allotments to supplement current program year Workforce Investment Act Title I, Adult, Dislocated Worker and Youth program activities. It was established to assist individuals to retool their

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skills and re-establish themselves in viable career paths. Services provided to dislocated workers include: assessments of participant skill sets and strengths, career guidance, job search assistance, labor market information, employer referrals, and training services targeted toward matching clients' employment opportunities with the current and anticipated demand of the labor market in the local workforce investment area.

Previously, the County had received a total of \$1,447,227 in stimulus funding to support its existing WIA programs. Of this, \$447,564 has been allocated to Adult Worker programs, \$355,764 to Youth programs, and \$643,899 to Dislocated Worker programs. With the additional award, the new total is \$1,830,476. Of the total amount, \$1,027,148 is being allocated to the Dislocated Worker programs.

**FISCAL IMPACT:**

The WIA grant award of \$383,249 supplements the existing stimulus funding supporting WIA Dislocated Worker program activities. No Local Cash Match is required. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund as funds are held in reserve for funding received as part of the American Recovery and Reinvestment Act of 2009 in FY 2010. This grant does not allow the recovery of indirect costs.

**Reporting Requirements**

In order to meet the American Reinvestment and Recovery Act of 2009 transparency and accountability requirements, DFS is required to submit quarterly reports to the Virginia Community College System. The reports are due five days after the end of each quarter. The state is responsible for submitting the required information to the federal government. Should there be additional and/or a change in existing reporting requirements, staff will notify the County Executive.

**CREATION OF NEW POSITIONS:**

No new positions will be created by this grant.

**ENCLOSED DOCUMENTS:**

Attachment 1: Notice of Obligation from the Virginia Community College System dated February 3, 2010

Attachment 2: Supplemental Appropriation Resolution AS 10138

**STAFF:**

Patricia Harrison, Deputy County Executive

Nannette M. Bowler, Director, Department of Family Services

Juani Diaz, Director, Self-Sufficiency Division, Department of Family Services

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ADMINISTRATIVE - 9

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance  
Amendment Re: Establishment of Planned Tysons Corner Urban District (PTC)

ISSUE:

The proposed amendment establishes a new P District to implement the Comprehensive Plan recommendations proposed for the Tysons Corner Urban Center.

RECOMMENDATION:

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

TIMING:

Board of Supervisors (Board) action is requested on March 23, 2010, to provide sufficient time to advertise the proposed Planning Commission public hearing on April 21, 2010, at 8:15 p.m., and proposed Board public hearing on May 25, 2010, at 4:30 p.m.

BACKGROUND:

The current Zoning Ordinance does not accommodate the intensities, mix of uses and parking rates, among other items, needed to transform Tysons into the transit oriented, urban center, as set forth in the proposed Tysons Comprehensive Plan amendment (Comprehensive Plan). As such, on January 12, 2010, the Board directed staff to draft an amendment to the Zoning Ordinance to be heard concurrently with the public hearings scheduled for the proposed Comprehensive Plan, so that the County is immediately prepared to receive and process development proposals upon adoption of the two amendments. To this end, the proposed Zoning Ordinance amendment establishes a new P District specifically for Tysons, entitled PTC - Planned Tysons Corner Urban District, to implement recommendations proposed in the Comprehensive Plan. The PTC District would only be required for properties within Tysons where the redevelopment option set forth in the Comprehensive Plan is being sought. It is noted that the public hearings before the Planning Commission and the Board for the Comprehensive Plan are scheduled to immediately precede the respective hearings scheduled for this Zoning Ordinance amendment. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

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REGULATORY IMPACT:

The proposed amendment establishes a new zoning district to implement the intensities, mix of uses and parking rates, among other items, recommended in the proposed Comprehensive Plan amendment for Tysons.

FISCAL IMPACT:

While this amendment establishes a new zoning district, the zoning application fees are the same as the existing P Districts. Given that this amendment along with the Comprehensive Plan amendment provides for redevelopment options in Tysons that currently do not exist, it is anticipated that a number of rezoning applications to the PTC District will be filed. There may be increased costs to the applicant associated with this amendment, as there are new submission requirements proposed for the PTC District, such as the requirement for a parking plan, a phasing plan and detailed streetscape and building design plans; however, given that many applicants already submit such detailed information to further support and justify their proposals, the cost increase may not be significant. From a county impact, due to the potential complexity of the development proposals, additional costs in terms of the amount of staff time needed to evaluate such proposals is anticipated.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution

Attachment 2 – Staff Report (Also available online at  
[www.fairfaxcounty.gov/dpz/zoning/tysonsoa](http://www.fairfaxcounty.gov/dpz/zoning/tysonsoa))

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Eileen M. McLane, Zoning Administrator, DPZ

Leslie B. Johnson, Senior Deputy Zoning Administrator, DPZ

Michelle O'Hare, Deputy Zoning Administrator, DPZ

Donna Pesto, Senior Assistant to the Zoning Administrator, DPZ

Board Agenda Item  
March 23, 2010

ACTION – 1

Approval of Fiscal Year 2010 Forest Pest Management Suppression Program

ISSUE:

Board approval of the Fiscal Year 2010 Forest Pest Management Suppression Program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors direct staff to take the following actions concerning Fairfax County's Fiscal Year 2010 Forest Pest Management Suppression Program:

Gypsy Moth Suppression

- a. Conduct a ground treatment program that treats tree damaging gypsy moth infestations identified after the annual program is adopted. Infestations eligible for treatment must meet the regular program criterion of a minimum of 250 egg masses per acre. This program will be limited to a total maximum of 75 acres.

Fall Cankerworm Suppression

- a. Conduct a ground treatment program that controls tree-damaging fall cankerworm infestations identified after the annual program is adopted. Infestations eligible for fall cankerworm treatment must average greater than 90 captured female moths per barrier band. This ground treatment program will use Bt according to biological criteria. This program will be limited to a total maximum of 75 acres.

Emerald Ash Borer

- a. Continue a monitoring program for life stages of the emerald ash borer in areas of the County that have been identified as high risk by the Virginia Department of Agriculture and Consumer Services (VDACS). Authorize staff to execute a Cooperative Agreement with VDACS in order to obtain Federal funding should it become available. In addition, program staff will continue to inventory the County for ash resources as well as investigate new control methods for EAB.

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### Hemlock Woolly Adelgid

- a. Conduct a control program for hemlock wooly adelgid. This program will be implemented on native strands of eastern hemlock (*Tsuga Canadensis*) and will involve monitoring for the pest, releasing parasites and inventorying the County in order to locate native eastern hemlock stands.

### TIMING:

Board action is requested on March 23, 2010 in order to provide sufficient notice to citizens of the forthcoming treatments.

### BACKGROUND:

*The Code of the County of Fairfax, Virginia* requires the submission of the annual Integrated Pest Management Program proposal for Board of Supervisors' approval.

Based on egg mass surveys conducted last fall throughout Fairfax County, gypsy moth populations have decreased significantly. The Forest Pest Program found no infestations of gypsy moth that warrant treatment in Fiscal Year 2010.

Gypsy moth populations, like all insect populations, are cyclical in nature. Periods of high pest levels are followed by periods of low pest levels. There are many factors which influence the timing and duration of pest outbreaks and declines. Staff believes that the current low gypsy moth pest levels are the result of effective treatment programs in the past and abundant rainfall during the spring of calendar year 2009. Gypsy moth caterpillars are very susceptible to a fungal disease called *Entomophaga maimaiga* (see attachment I). This disease is naturally occurring in the environment and has a dramatic effect on gypsy moth populations if there is sufficient rainfall during the time in the spring when caterpillars are small. It should be noted that all areas that have gypsy moth in the United States have experienced similar population decreases. Fairfax County experienced similar population crashes due to *E. maimaiga* in the mid 1990's and in 2004. Each of these declines were followed by outbreaks in following years. Should undetected populations appear in the spring, staff will provide limited ground treatment for these infestations.

Fall cankerworm populations were monitored this winter in those areas of the County that have experienced outbreaks in the past. The method used for this monitoring is a United States Forest Service approved technique that involves trapping female moths as they emerge in the winter. Results of fall cankerworm monitoring indicate that fall cankerworm populations have remained low and no treatment will be necessary for spring 2010. Staff noted that fall cankerworm populations in some areas have increased since previous years but continue to be below treatment criteria. Staff will pay close attention to this pest in the

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near future. Should undetected populations appear in the spring, staff will provide limited ground treatment for these infestations.

Emerald ash borer was first identified in Fairfax County in 2003. Due to the extremely destructive nature of this pest, VDACS and the United States Department of Agriculture, Animal Plant Health Inspection Service (APHIS) ordered all ash trees within a ½ mile radius of the introduction site be removed and destroyed. Staff of the Forest Pest Program carried out this project during the spring of 2004 and began a monitoring program immediately following.

In July of 2008, three new infestations of EAB were discovered in Fairfax County. These new infestations are in the Town of Herndon, Bailey's Crossroads and in the Newington area. Based on the severity of these infestations and based on the fact that staff found EAB evidence three miles from the initial site in Newington, no eradication attempts will be made. This decision was made by the National EAB Science Advisory Council. On July 11, 2008, a federal order quarantined Fairfax County for emerald ash borer. All interstate movement of infested ash wood and wood products from Fairfax County is regulated, including firewood of all hardwood species, nursery stock, green lumber, waste, compost and chips from ash trees. On July 14, 2008, VDACS put in place a similar quarantine for Fairfax County. On July 21, 2008, VDACS expanded the quarantine area to include the counties of Arlington, Fauquier, Loudoun and Prince William and the cities of Alexandria, Fairfax City, Falls Church, Manassas and Manassas Park. VDACS is responsible for enforcement of the state quarantine within the Commonwealth. Violations of the state quarantine constitute a Class 1 misdemeanor. Violations of the federal quarantine governing interstate movement of regulated articles will be enforced by USDA-APHIS and are subject to federal penalties.

VDACS and APHIS have recommended that monitoring continue in Fairfax County. Forest Pest Program staff will assist state and federal personnel in this monitoring effort (See attachment II). Monitoring is conducted by placing large purple traps in predetermined areas. Traps placement is determined by known insect populations and by known ash tree density. The information obtained by this monitoring effort will be used to plan future treatment options and to identify areas that may be suitable for parasite release. Staff conducted a similar monitoring effort in calendar year 2009 and found one new infestation in the Fair Oaks area.

Staff will continue to expand and improve our outreach effort in relation to emerald ash borer. This insect has the potential to eliminate all ash trees in Fairfax County and will have huge economic impacts to homeowners, parks and private business. Researchers are developing new control options for emerald ash borer and staff will continue to be diligent in monitoring these advances in order to pass them on to the public when appropriate.

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It is important to note that Fairfax County may be eligible for up to \$90,000 in reimbursement of costs associated with this monitoring program in FY 2010.

Hemlock woolly adelgid is an insect that attacks and kills eastern hemlock (*Tsuga Canadensis*) trees (see attachment III). Eastern hemlock is relatively rare in Fairfax County. The rarity of this species and the natural beauty that they impart make them worthy of protection. Staff has been working with researchers at Virginia Tech to release and monitor parasitic beetles that feed and control the adelgid insect. Staff will continue to inventory the County in order to identify the natural stands of eastern hemlock and determine control options as appropriate.

It should be noted that there are many invasive forest insect pests and diseases that are currently in the United States which warrant attention by Fairfax County. For example, asian longhorned beetle and sudden oak death (a fungal disease) are new to the United States and have the potential to cause immense economic impact if they become established in Fairfax County. Past experience with new insects and diseases has proven that diligent monitoring and prevention are much more cost effective and accepted by the public than control.

FISCAL IMPACT:

Currently, the Forest Pest Program is funded through the Special Service District for the Control of Forest Pests. The total cost to conduct the possible ground treatment for gypsy moth and fall cankerworm is \$19,000. The total amount budgeted for FY 2010 for aerial and ground treatments is sufficient for this suppression program.

It is important to note that Fairfax County may be eligible to receive an undetermined portion of the personnel cost associated with emerald ash borer monitoring from the Federal Government.

ENCLOSED DOCUMENTS:

Attachment I – Fungal Diseases of Gypsy Moth in North  
Attachment II – Fairfax County – 2010 Emerald Ash Borer Trapping Areas  
Attachment III – United States Forest Service Pest Alert, Hemlock Woolly Adelgid

STAFF:

Robert A. Stalzer, Deputy County Executive  
James A. Patteson, Director, Department of Public Works and Environmental Services (DPWES)  
Howard J. Guba, Deputy Director, DPWES  
Michelle Brickner, Acting Director, Land Development Services, DPWES

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ACTION – 2

Approval of Parking Reduction for the Springfield Masonic Lodge #217 A.F. and A.M. (Lee District)

ISSUE:

Board approval of a 30.4 percent (35 parking spaces) reduction for Springfield Masonic Lodge #217 A.F. and A.M., Tax Map #090-2-01-0019, Lee District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 30.4 percent (35 parking spaces) for the Springfield Masonic Lodge #217 A.F. and A.M., pursuant to Paragraph 4(B), Section 11-102 of Chapter 112 (Zoning Ordinance) of The Code of the County of Fairfax, Virginia (County Code). Based on an analysis of the parking requirements of the uses on the site and a shared use parking study, on condition that:

1. A minimum of 80 parking spaces must be maintained on site at all times for the Springfield Masonic Lodge as depicted on the approved Special Exception Plat (SE 2008-LE-027).
2. The following uses are permitted per this parking reduction:
  - Private club and public benefit associations uses
  - Places of worship uses
3. Prior to issuance of the Non-Residential Use Permit (Non-RUP), the markings for the proposed parking spaces shall be painted to properly delineate the parking lot.
4. The maximum number of memberships for the Springfield Masonic Lodge shall be 230 with a maximum seating capacity of 230.
5. Seating capacity for the principal area of worship shall be limited to a maximum of 150 people.
6. The hours of operation for the Springfield Masonic Lodge uses shall be between 9:00 a.m. and midnight Monday through Saturday. However, the Springfield Masonic Lodge shall not operate during those times that the site is being utilized by a place of worship.
7. The current owners, their successors or assignees of the parcels identified as Fairfax County Tax Map #090-2-01-0019, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator

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so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.

8. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of The Code of the County of Fairfax, Virginia (County Code) and the Zoning Ordinance in effect at the time of said parking utilization study submission.
9. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.
10. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act (ADA).
11. No parking spaces shall be restricted or reserved except for those required to meet the parking requirements of the ADA.
12. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on March 23, 2010.

BACKGROUND:

On October 12, 1977, the Board of Zoning Appeals approved Special Permit Number S-187-77 which allowed the Springfield Masonic Lodge #217 A.F. and A.M. to establish and operate its use on the site located at 7001 Backlick Road. This site is a 1.45 acre parcel zoned R-1. On October 24, 2006, a notice of violation was issued for the operation of a church and prayer groups on the site.

On October 27, 2009, the Board of Zoning Appeals approved SPA 77-S-189 to allow a Group 3 place of worship use and on January 26, 2010, the Board of Supervisors approved SE 2008-LE-027 to permit a Private Club. Both these actions were conditioned on subsequent approval of a parking reduction by the Board of Supervisors to support the special exception and special permit amendment uses.

Under current Zoning Ordinance requirements, 77 parking spaces are required for the Masonic Lodge use, based on a maximum membership of 230 and 38 parking spaces are

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required for the worship use, based on a maximum of 150 seats. There are four different religious groups using the facilities at different times the largest of which has 150 members. The applicant proposes to provide a total of 80 spaces to serve these uses. This represents a 30.4% reduction (35 spaces) from the required parking of 115 spaces for the two uses. The requested reduction is based on different hours of operation for the uses. Although not included for purposes of this parking reduction, it should be noted that the Springfield Metro Station is less than one-half mile from the property accessible by a pedestrian bridge over I-95 and a Virginia Department of Transportation (VDOT) commuter lot is located to the north side of the property. Parking on the VDOT commuter lot may be available for over-flow parking and/or future expansions of the on-site uses.

The proposed reduction and its associated conditions are consistent with the prior approvals of the special exception and special permit amendment. Staff recommends approval of this parking reduction request.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Parking Reduction Study and Letter of Request dated April 3, 2009, from Larry E. Johnson, Attorney-at-law

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

Michelle Brickner, Acting Director, Land Development Services, DPWES

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ACTION – 3

Correction to Amended Parking Reduction for Fairfax Corner Center (Springfield District)

ISSUE:

Board re-approval of a 26.1 percent amended reduction in required parking for Fairfax Corner Center, Tax Map reference numbers 56-1 ((1)), 0047C, 0047G2, 0047H, 0047I, 0047J, 0047K, 0047L, 0047P, 0047Q, 0047R, 0047S1 and 0047T, Springfield District to correct errors in the tax map reference numbers listed in the amended parking reduction approved for the Fairfax Corner Center on September 14, 2009.

RECOMMENDATION:

The County Executive recommends that the Board of re-approve a parking reduction of 26.1 percent for Fairfax Corner Center, pursuant to paragraph 4(B), Section 11-102 of Chapter 112 of the *Code of the County of Fairfax, Virginia* (Zoning Ordinance), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on condition that:

1. A minimum of 3,485 parking spaces must be maintained on site at all times for the Fairfax Corner Center at build-out.
2. The following uses permitted per this parking reduction are:
  - 4,190 movie theater seats;
  - 66,900 GSF retail uses;
  - 153,731 GSF shopping center uses;
  - 558,438 GSF office uses;
  - 2,336 restaurant seats (1,901 table seats and 435 counter seats) and 395 employees of restaurant activity (including any restaurant use associated with a hotel);
  - 100,000 GSF hotel (160 rooms)

Any additional uses must be parked at code and these uses must not exceed the approved F.A.R.

3. Compliance with the conditions of the approved Proffer Condition Amendment PCA 87-5-039-6 and Final Development Plan Amendment FDPA 87-5-039-10.
4. The mix of uses may be changed if a new parking generation study demonstrates to the satisfaction of the Director of the Department of Public Works and Environmental Services that the synergy between the uses is comparable to the approved parking

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study associated with this parking reduction for ten years or until full occupancy of this proposed development is achieved. The percent of reduction granted by the Board must be honored and the same methodology must be employed in the study. A utilization study may additionally be required by the Director if it is determined to be needed to evaluate the existing parking condition at the time of the request.

5. The applicant will prepare shared parking summary exhibits in accordance with the shared parking analysis that conforms to the approved F.A.R. restrictions that will be incorporated into all site plan submissions for Fairfax Corner Center.
6. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map numbers 56-1 ((1)), 0047G2, 0047H, 0047I, 0047J, 0047K, 0047L, 0047P, 0047Q, 0047R, 0047S1 and 0047T shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.
7. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the County code and the Zoning Ordinance in effect at the time of said parking utilization study submission.
8. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.
9. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.
10. No parking spaces shall be restricted or reserved except for those required to meet the parking requirements of the Americans with Disabilities Act (ADA).
11. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on March 23, 2010.

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BACKGROUND:

Fairfax Corner Town Center, now referred to as Fairfax Corner Center, is a 36.28 acres site and is zoned planned development commercial. The site is governed by PCA 87-S-039-06, FDPA 87-S-09-10 and an amended parking reduction approved by the Board on September 14, 2009.

The initial parking reduction for the site was granted by the Board on March 18, 2002, and has been amended three times. At the time of the initial parking reduction, the site consisted of three large parcels. The site has since been subdivided into additional parcels. One of the resulting parcels, TM 56-1 ((1)) 0047E, is a residential apartment complex with stand-alone parking that was not included in the most recent parking analysis. A second parcel, TM 56-1 ((1)) 0047C, is owned by the County and has been leased back to the Fairfax Corner Center. The parking available on this parcel was included in the parking analysis.

Condition #6 of the approved parking reduction, which is a standard condition, requires the land owners of the parcels enumerated therein to submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. The County-owned parcel should be deleted from the parcels listed in the condition because the County is not a party seeking the parking reduction in this case and will not be required to submit such a study. Also, the parcel containing the residential apartment complex is not included in the parking reduction and should be deleted from the parcels listed in the condition. Further, as a result of a 2008 resubdivision of parcels G and S, the parcel listed in the September 14, 2009, Amended Parking Reduction as TM 56-1 ((1)) 0047G1 needs to be corrected to TM 56-1 ((1)) 0047G2.

The recommended changes to the conditions reflect a coordinated review by the Department of Public works and Environmental Services and the Office of the County Attorney.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

None.

STAFF:

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

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March 23, 2010

ACTION – 4

Approval of a Waste Trade Agreement Between Fairfax County and Fauquier County

ISSUE:

Fauquier County operates a materials recovery facility for construction and demolition debris. Recovery of these materials would be beneficial and consistent with the Fairfax County Solid Waste Management Plan. In addition, combustible residue from the materials recovery operation would be transported to the I-95 Energy/Resource Recovery Facility for energy recovery.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Waste Trade Agreement between Fairfax County and Fauquier County, substantially in the form of the attachment.

TIMING:

Routine.

BACKGROUND:

The County's Solid Waste Management Program has identified a potential "trash trade" opportunity with Fauquier County that resembles a similar agreement we have with Prince William County. Unlike the Prince William agreement where we trade disposal at the I-95 Energy/Resource Recovery Facility for yard waste recycling, the Fauquier County agreement will trade waste disposal for recycling of construction and demolition debris (CDD).

Fauquier County operates a material recovery facility (MRF) that accepts mixed CDD and recovers a variety of products (e.g., gravel, rock, soil) for reuse or resale. The residue from this process is mostly lumber scraps and other combustible waste, which Fauquier County currently landfills. Under the proposed agreement, and at no additional cost to either jurisdiction, Fairfax County can ship to Fauquier County the minor amounts of CDD that the County receives at the I-66 Transfer Station, exchanging it for an equal value of combustible waste to be burned at the I-95 Energy/Resource Recovery Facility. The exchange is governed by ratios (we give them more waste than they send to us) designed to compensate us for our shipping and disposal costs, while allowing us to recycle our CDD consistent with our 20-year Solid

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Waste Management Plan. The advantages to the agreement are that we keep the extra energy revenue generated from Fauquier County's waste, we get the credit for recycling our CDD rather than landfilling it (the current practice), and we bring some extra tonnage into our system, lowering our per-ton disposal cost.

The agreement allows either party to terminate on 30 days notice without prejudice, should the actual economics fail to work out as projected, or should market conditions otherwise change. Conversely, if the program is a success, we may explore additional opportunities to "trade". Fauquier County is concurrently considering this agreement.

FISCAL IMPACT:

A minimal positive impact dependent on energy revenues realized.

ENCLOSED DOCUMENTS:

Attachment I: Form of the Draft Interjurisdictional Solid Waste Facility Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

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

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ACTION - 5

Adoption of a Resolution to Endorse the Metropolitan Washington Council of Government's Greater Washington 2050 Compact

ISSUE:

The Metropolitan Washington Council of Governments (COG) Board of Directors recently approved *Region Forward – A Comprehensive Guide for Regional Planning and Measuring Progress in the 21<sup>st</sup> Century*. This initiative was led by COG's Greater Washington 2050 Coalition (Coalition), comprised of many public officials and other regional stakeholders. The COG Board of Directors has requested that each of COG's 21 member local governments take action to endorse the voluntary Greater Washington 2050 Compact [Attachment 1].

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors continue its support of regional planning and cooperation and adopt the proposed resolution in support of the Metropolitan Washington Council of Government's "Greater Washington 2050 Compact" [Attachment 2].

TIMING:

The Metropolitan Washington Council of Governments has requested that each member jurisdiction take action on the Greater Washington 2050 Compact in March 2010, if possible. COG anticipates hosting a spring 2010 kickoff event showcasing area jurisdictions that have endorsed the compact and this initiative.

BACKGROUND:

The Coalition developed a regional vision that combines physical development goals with social and economic goals. The *Region Forward* report includes goals, targets and a voluntary compact based on input from local government boards, councils, businesses, and community organizations. The report includes nine regional goals related to: land use, transportation, environment, climate and energy, economics, housing, health and human services, education, and public safety. The goals are organized by four themes of accessibility, sustainability, prosperity and livability. The report also establishes regional performance targets and indicators to measure required progress toward goals.

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The Compact [Attachment 3] is a voluntary commitment to regional action. It was created by the Coalition members and represents a new approach to regional challenges, lays out the goals, and calls for more engagement of state and federal partners to improve regional cooperation. The Compact asks area jurisdictions to pledge to use their best efforts to advance the regional goals.

The Board held a work session with COG in July 2009 regarding the Greater Washington 2050 planning effort. A draft report was prepared by COG in October 2009, and the Board sent comments to COG on that draft report in December 2009. The final *Region Forward* report has been revised and has adequately addressed the comments submitted by the Board.

The nine regional goals in the Compact are consistent with established County policy goals outlined in the Policy Plan section of the Fairfax County Comprehensive Plan. The Policy Plan includes overarching Board of Supervisors' goals for Land Use, the Environment, Economic Development, Housing, Human Services, Education and Public Facilities, among others, as well as more detailed objectives and policies that are in line with the COG goals.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: February 22, 2010 Letter from COG to Board of Supervisors

Attachment 2: Proposed Resolution

Attachment 3: Greater Washington 2050 Compact and Commonly Asked Questions

*Region Forward: A Comprehensive Guide for Regional Planning and Measuring*

*Progress in the 21<sup>st</sup> Century* (full report can be found online at

[http://www.mwcog.org/store/item.asp?PUBLICATION\\_ID=368](http://www.mwcog.org/store/item.asp?PUBLICATION_ID=368))

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Fred Selden, Director, Planning Division, DPZ

Leanna O'Donnell, Planner III, DPZ

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

Daniel Rathbone, Chief, Transportation Planning Division, FCDOT

Board Agenda Item  
March 23, 2010

ACTION – 6

Amendments to Financing Documents Between the Lorton Arts Foundation and Fairfax County

ISSUE:

The Lorton Arts Foundation (LAF) is seeking additional credit from Wells Fargo Bank to begin Phase II infrastructure improvements required in accordance with their original business plan. LAF seeks to extend the County's credit support for Phase I to the Phase II improvements.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors ("Board") approve the extension of the current Contingent Master Lease, subject to annual appropriation and the conditions precedent to execution described therein, which will become effective only in the event LAF experiences major financial difficulties.

TIMING:

Board action is requested on March 23, 2010 in order to allow LAF to secure additional financing in time for the commencement of the water line relocation prior to summer 2010. If the relocation cannot be completed by May 2010, the Water Authority will not commence construction of the line until October 2010 which will delay all other LAF construction activities for six months.

BACKGROUND:

On June 5, 2006 the Board approved a lease and financing documents to enable the LAF to proceed with the renovation and conversion of the former prison Workhouse facility at Lorton into a center for the arts.

Under the terms of the 2006 lease LAF continues to be responsible for raising the funds necessary for construction, promotion and operation of the new Workhouse, which will serve as an integral part of the revitalization of the Lorton area. A summary of the key provisions of the Lease are:

- Phase I – Construction to begin within 1 year, with scheduled completion within 5-7 years. Construction of a portion of Phase I is now complete and has been in operation since September, 2008: Workhouse Arts Center, including artists' studios, art gallery, exhibition space, administrative offices, and performing arts studios. Other portions of Phase I including artists'

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residences, theater, restaurants, and the visitor and community heritage center were deferred until Phase II due to revenue constraints.

- Phase II – The second phase of improvements include a museum, music barn and performing arts center anticipated for construction within 10 years. County has the right to re-acquire Phase II land if the second phase is not constructed within 10 years.
- Construction, Maintenance and Repair - LAF is responsible for the entire cost of all improvements, maintenance, repair and upkeep. County has the right to approve final designs.
- Term – 50 years. Nominal rent is \$1/ year for the initial 35 years of the lease, with an adjustment to fair market rent in the 35<sup>th</sup> year unless the County and LAF agree on additional substantial improvements and services in lieu of rent. All improvements revert to the County upon lease termination.
- The LAF was required to set aside funds for a major maintenance reserve from annual operating revenues to ensure sufficient funds are available for mid-term replacement of major systems, roofs, and other structures that may be necessary.

Under the lease, as amended in 2008, the Board entered into a 10-year Contingent Master Lease (CML) that is subject to annual appropriation and will only become effective if each of the following conditions exist: 1) the LAF debt reserve is drawn down to an amount below 6 months of payments; and 2) the occupancy of the studios and administrative space falls below 85 percent for 3 consecutive months. The CML will remain in effect until either one of those conditions is cured. The CML applies to a maximum of 79,303 square feet gross floor area at a rate not to exceed \$30 per square foot. If exercised the County's obligation is considered a Full Service rate with no additional charges accruing. The rate is also fixed for the ten year period with no escalation or adjustment. This space could be sublet or used to offset other County rental requirements.

In addition, the Board agreed to provide a dollar for dollar match up to \$1.0 million per year through FY 2011 for donations and contributions received through private fundraising.

LAF issued a bond through the Economic Development Authority (EDA) in 2006 in the amount of \$26.2 million which, together with historic tax credits they have been able to obtain, provided funding for the renovations. During the course of the renovations, the LAF encountered numerous unforeseen expenses primarily related to unknown existing site conditions and regulatory requirements that increased the net cost of Phase I by approximately \$6 million. The unforeseen expenses included approximately \$2.5 million of requirements to complete various infrastructure upgrades for subsequent phases that were not originally budgeted in Phase I, such as completion of the sanitary loop for all 30

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buildings when only 10 buildings were included in Phase I. In July 2008 the Board agreed to an amendment to the Master Lease and CML to allow the LAF to receive an additional advance of \$6 million from Wachovia Bank, the purchaser of the original note, to complete Phase I improvements if the County agreed to allow its CML to be extended to cover the additional debt under the terms described above. With an actual occupancy rate of the studios and administrative space equal to 100 percent at opening the risk of triggering the CML is considered remote.

## Phase II

County staff continued to hold discussions with LAF to assist in structuring a financing plan for Phase II of the project that focused on the renovation of space for the performing arts and construction of housing on the site. The success of Phase I and the partnerships LAF formed with The Baryshnikov Dance Center and the Shenandoah Conservatory encouraged the LAF to accelerate their plans for Phase II including renovation of the old gymnasium into a 300 seat theater for the performing arts, creation of a Kid Zone arts education center, creation of an events center out of the old dining facility, and conversion of the barn and other buildings earmarked for use to support performing arts activities and classes. In addition, LAF began plans to prepare the pad sites to be leased to restaurants and complete the renovation of the museum space.

Current plans anticipate issuance of a bond through EDA in the amount not to exceed \$27.5 million, a portion of which will be used to repay the interim loan of \$6 million needed to complete Phase I, and the balance to be used to construct the Phase II renovations. The very first item that needs to be completed before any other work can begin is the relocation of a water line. Under an agreement with the Fairfax County Water Authority (FCWA), the FCWA will undertake the actual construction of the new line. However, the FCWA desires to begin immediately in order not to disrupt summer time operations. If delayed, the FCWA will not start until October which necessarily pushes back the entire construction program by at least 6 months and increases the risk of increasing construction costs.

Wells Fargo Bank, which acquired Wachovia Bank last year, has agreed to extend the additional Phase II credit to LAF and purchase the new note. However, in view of the recent market turmoil and overall weakening of non-profit credits in the marketplace, the Bank desires a strengthening of the County's relationship with LAF for credit and operating support and has agreed the following:

- Extension of the Master Lease and the CML to extend the existing contingent lease support arrangement to add the 59,100 gross square feet of Phase II space and the expiration date to ten years from this amendment.
- County to agree to provide in the Master Lease, subject to annual appropriation, contingent annual operating deficit support to LAF not to exceed \$750,000 in any given year through 2025.

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- Fairfax County to continue to provide oversight and review of the LAF annual budget through the term of the contingent operating support.
- The LAF to continue to provide an annual audit for County review.
- The LAF to request any contingent operating support in conjunction with the annual budget review process for Board consideration in the then upcoming budget year.

Based on the latest revised pro forma from LAF, the additional income derived from the performing arts venues is expected to allow the LAF to maintain positive cash flow from operations without further need of County matching grant support after FY 2011. As this pledge is to operating support and not directly pledged to repayment of the bonds, there will be no impact to the County's debt program unless the CML credit support is triggered, in which event, the impact lasts until the conditions triggering the support are cured.

In September of 2009 the Workhouse Arts Center celebrated its first anniversary and realized some significant milestones:

- Completed Phase I of Workhouse construction, renovating 10 buildings and 40,000 square feet of space.
- Leased all of the art studio spaces that now house over 100 studio artists with an additional 75 associate artists exhibiting in the galleries.
- Launched the Workhouse Institute which offers hundreds of classes and enrolled over 3,000 students of all ages
- Reached out to the public schools through our *Art for a Change* program providing arts education to more than 25,000 students in 12 area schools at no cost to the schools or the students.
- Held dozens of music, dance and theatrical performances, with 7 outdoor musical concerts free of charge to the public with more than 250 people attending each.
- Over 275,000 visitors have come to the Workhouse since we opened in 2008.

On the strength of the programs launched in the first year of operations, the Lorton Arts Foundation posted an unaudited operating profit of \$554,000 for 2009.

Staff recommends that the Board approve the extension of the current CML subject to annual appropriation and the conditions precedent to execution described therein, which will become effective only in the event LAF experiences major financial difficulties

FISCAL IMPACT:

The increase in debt service to LAF will be fully covered by the increase in projected rental income and should have no impact on the County. Based on the LAF proforma as

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confirmed by the bank analysis preparatory to approval of the financing, the LAF has achieved self sustaining operations for Phase I and is expected to achieve the same for Phase II within a few years of completion of the improvements. Phase II is expected to add considerably greater revenue producing potential to overall operations from performing arts venues and income from the residences. In that event, the County would have considerably reduced risk of providing continued financial support to the LAF through 2025 under the terms of the Lease. The County's potential obligation to shore up rental occupancy is limited to ten years under the terms of the Lease. The CML is not effective unless both conditions are met at the same time. Both the CML and the contingent operating support are subject to annual appropriation and last only until the respective conditions are cured. Therefore, due to the large number of variables involved in a dynamic project such as the Workhouse and the availability of other revenue sources, a precise estimate of the County's obligation in the event of a failure of both conditions is not possible. The maximum exposure of the approximately 140,000 gross square feet at the 85 percent occupancy threshold is estimated to be \$500,000 per year.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Summary of Amendments to Financing Documents

Attachment 2: Workhouse Arts Center Progress Report 2009, a Report by the Lorton Arts Foundation (Delivered under separate cover)

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

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

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INFORMATION - 1

Contract Award - Georgetown Pike Walkway and Walker Road Walkway (Dranesville District)

Eleven sealed bids were received and opened on February 4, 2010, for construction of Georgetown Pike Walkway and Walker Road Walkway, Project W00200, Dranesville District Walkways, in Fund 307, Pedestrian Walkway Improvements. The Georgetown Pike Walkway project provides for construction of approximately 600 feet of stone dust trail, 300 feet of asphalt trail along Georgetown Pike, and reconstruction of 1,000 feet of existing stone dust trail from the intersection of Walker Road to Innsbruck Avenue. The Walker Road Walkway project provides for construction of 600 feet of concrete sidewalk from Great Falls Elementary School toward the intersection of Georgetown Pike and Walker Road.

The lowest responsive and responsible bidder is Arthur Construction Company. The firm's bid of \$132,998.00 is \$19,145.50 or 12.6% lower than the revised Engineer's Estimate of \$152,143.50. The second lowest bid of \$176,507.00 is \$43,509.00 or 32.7% above the low bid. The highest bid of \$341,035.00 is \$208,037.00 or 156.4% above the low bid.

The Department of Public Works and Environmental Services has analyzed the bids received on the referenced projects and recommends award of the contract. Recent bid experience indicates extremely competitive bidding especially in horizontal construction projects as contractors prepare for the 2010 construction season. This combined with the contractor's experience makes a favorable below estimate bid.

Arthur Construction Company has satisfactorily completed several County projects and is considered a responsible bidder. The Department of Tax Administration has verified that Arthur Construction Company has the appropriate Fairfax County Business, Professional and Occupational License. Arthur Construction Company is a certified minority-owned business.

This bid may be withdrawn after April 4, 2010.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Arthur Construction Company in the amount of \$132,998.00.

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FISCAL IMPACT:

Funding in the amount of \$140,022.00 is necessary to award a contract for the Georgetown Pike Walkway project and to fund the associated contingency and other project costs. Funding in the amount of \$898,257.00 is currently available in Project W00200 - Dranesville District Walkways, W2020 - Georgetown Pike in Fund 307, Pedestrian Walkway Improvements.

Funding in the amount of \$90,986.00 is necessary to award a contract for the Walker Road Walkway project and to fund the associated contingency and other project costs. Funding in the amount of \$144,400.00 is currently available in Project W00200 - Dranesville District Walkways, W2120 - Walker Road in Fund 307, Pedestrian Walkway Improvements.

ENCLOSED DOCUMENTS:

Attachment 1 - Order of Bidders  
Attachment 2 & 3 - Vicinity Maps

STAFF:

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

INFORMATION - 2

Local Comment Letter to the Virginia Housing Development Authority on Proposed Project by Light Global Mission Church (**Global Mission Village, LP**) (Sully District)

The Virginia Housing Development Authority (VHDA) has requested a letter of comment (local support letter) from the County concerning the application for federal Low Income Housing Tax Credits. The application was submitted by Light Global Mission Church (**Global Mission Village, LP**):

Light Global Mission Church (**Global Mission Village, LP**)  
3901 Fair Ridge Drive  
Fairfax, VA 22033

The developer listed above intends to apply to VHDA for Low Income Housing Tax Credits. The following table summarizes the type of construction, type of development, total number of units, total affordable units and population to be served.

<b>Project Name</b>	<b>Construction</b>	<b>Development Type</b>	<b>Total Units</b>	<b>Affordable Units</b>	<b>Tenant Population</b>
Light Global Mission Church ( <b>Global Mission Village, LP</b> )	New	Four-story independent living facility	92	73	Elderly

As described in Attachment 3, VHDA accepts letters in support of proposed projects applying for Low Income Housing Tax Credits. Letters that correspond to the attached letter of support (Attachment 1) will qualify the application for 50 points. If an opposition letter is sent stating that the development is inconsistent with (1) current zoning, or (2) other applicable land use restrictions, the development will receive no points in this category. Additionally, if no comments are provided or the letter does not meet the support or opposition criteria discussed above, the application will receive a score of 25 points. County policy requires that the Board be informed of Consolidated Plan certifications and similar letters of comment.

Unless directed otherwise by the Board, the County Executive will sign the attached letter of support for Light Global Mission Church (**Global Mission Village, LP**) and forward it to VHDA for consideration with the tax credit application.

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**REVISED**

ENCLOSED DOCUMENTS:

Attachment 1 – Draft Letter to the Virginia Housing Development Authority  
Attachment 2 – Certification of Consistency with the Consolidated Plan  
Attachment 3 – Notification Letter

STAFF:

Patricia Harrison, Deputy County Executive  
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)  
John Payne, Deputy Director, Real Estate, HCD  
Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD  
Molly Norris, Associate Director, Real Estate Finance, HCD  
Derek DuBard, Real Estate Finance Officer, HCD

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## INFORMATION – 3

### Contract Award - Urban Land Institute (ULI) Consulting Services: Five-Day Advisory Services Panel Program

Fairfax County has a requirement for land use advisory services to ensure that our older commercial areas are planned appropriately to accommodate future growth in a way that best utilizes available land and assets. The Department of Purchasing and Supply Management has negotiated a non-competitive contract award with Urban Land Institute (ULI) to conduct Five-Day Panel Advisory Services for several land use and development challenges located throughout the County. The County previously contracted with ULI on a sole source basis from August 2006 through December 2009.

ULI is a 501(c) (3) nonprofit research and education organization supported by its members, representing the entire spectrum of public and private land use and real estate development disciplines. ULI facilitates the open exchange of ideas, information and experience among local, national and international industry leaders and policy makers dedicated to creating better places. Through its fee-based Advisory Services program, ULI team approaches each project from all perspectives including market potential, land use and design, financing, development strategies; and, organization and implementation strategies; costs and benefits associated with revitalization and redevelopment; and creative and practical solutions for issues that redevelopment will generate.

Five-day panels engage 8-9 ULI members for a full week on-site to explore and respond to assignments directly relating to the prospective redevelopment of a specific area within Fairfax County, which may include its older Commercial Revitalization Districts/Areas (CRD/CRA), or its transit station areas. Five-day panels offer the most in-depth look at projects and feature a full-day of confidential interviews with stakeholders and community leaders. Five-day panels usually conclude with a well-attended public presentation.

The Fairfax County Department of Tax Administration has verified that Urban Land Institute (ULI) is not required to obtain a current Fairfax County Business, Professional & Occupational License (BPOL). The business classification category of ULI is a large, non-minority owned business.

#### FISCAL IMPACT:

The ULI Five-Day Advisory Services Panel Program is a fee based service. The cost for the Five-Day Panel is \$120,000 per assignment with the anticipated frequency of service once every two (2) years, depending on need. Work conducted under this

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contract will be the responsibility of the user agency and funded from its appropriations; or, if project specific funding appropriation is requested by the user agency, at the discretion of the Board of Supervisors. The ultimate fiscal impact will be dependant on County needs, as well as the length of time that the contract is in place.

Unless otherwise directed by the Board of Supervisors, the Department of Purchasing and Supply Management will award a fee for service contract to Urban Land Institute (ULI) for a period of three (3) years ending April 30, 2013, with two (2) one year renewal options.

ENCLOSED DOCUMENTS:

None

STAFF:

Edward L. Long, Jr., Deputy County Executive

Cathy A. Muse, CPPO, Director, Department of Purchasing & Supply Management

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

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## INFORMATION - 4

### Contract Award – Woodglen-Pohick Creek No. 3 – Spillway Improvement Project (Braddock District)

Five sealed bids were received and opened on February 24, 2010, for the construction of the Woodglen-Pohick Creek No. 3 – Spillway Improvement, Project No. FX4000-PCO12 in Fund 318, Storm Management Program. The Contract Award will provide for the reconfiguration and extension of the existing auxiliary spillway. The spillway rehabilitation will also include adding articulated concrete block revetment, repairs to asphalt trails, and wetland mitigation.

On December 7, 2009, the Board of Supervisors approved a project agreement between the Natural Resources Conservation Service (NRCS) and Fairfax County for the rehabilitation of Pohick Damsite Number 3, Woodglen Lake. The NRCS will pay 65% of the costs, with the County responsible for funding 35% of the costs. Funding from the NRCS is available as a result of the American Recovery and Reinvestment Act of 2009.

The lowest responsive and responsible bidder is Environmental Quality Resources, LLC. Its bid of \$900,991.15 is \$81,840.85 or 8.3% lower than the revised Engineer's Estimate of \$982,832.00. The second lowest bid of \$1,032,981.82 is \$131,990.67 or 14.7% above the low bid. The highest bid of \$1,378,379.25 is \$447,388.10 or 53% above the low bid.

The Department of Public Works and Environmental Services (DPWES) has analyzed the bids received on the referenced project and recommends award of the contract. Recent bid experience indicates extremely competitive bidding environment especially in horizontal construction as contractors prepare for the 2010 construction season. This combined with the contractor's experience makes this a favorable below estimate bid.

Environmental Quality Resources, LLC has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Environmental Quality Resources, LLC has the appropriate Fairfax County Business, Professional and Occupational License. Environmental Quality Resources, LLC is a small business firm.

This bid may be withdrawn after April 24, 2010.

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Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Environmental Quality Resources, LLC in the amount of \$900,991.15 upon the receipt of notice to proceed from the NRCS.

**FISCAL IMPACT:**

Funding in the amount of \$1,133,486 is necessary to award this contract and fund the associated contingency and other project costs. NRCS will pay 65% of the cost (\$736,766) with the County required to fund 35% (\$396,720) of final costs, less any in-kind service credits. Funding is currently available in Project FX4000, Dam Safety Projects, Fund 318, Stormwater Management Program to fund the County obligation to this project.

**Reporting Requirements**

In order to meet the American Reinvestment and Recovery Act transparency and accountability requirements, the DPWES is required to submit quarterly reports to the Federal Government. The reports are due no later than 10 days after the end of each quarter. Should there be an additional and/or a change in existing reporting requirements, staff will notify the County Executive.

**ENCLOSED DOCUMENTS:**

Attachment 1 – Order of Bidders  
Attachment 2 – Vicinity Map

**STAFF:**

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

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10:30 a.m.

Matters Presented by Board Members

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11:20 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. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Record No. 091925 (Va. Sup. Ct.) (Providence District)
  - 2. *Falls Church Construction Corporation v. Fairfax County Redevelopment and Housing Authority and FCRHA Olley Glen LP*, Case No. CL- 2010-0000873 (Fx. Co. Cir. Ct.) (Braddock District)
  - 3. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Record No. 100260 (Va. Sup. Ct.)
  - 4. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Timothy A. Veto*, Case No. CL-2008-0016333 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 5. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carolyn Jones*, Case No. CL-2009-0011791 (Fx. Co. Cir. Ct.) (Lee District)
  - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. MY West Spring Plaza, LLC*, Case No. CL-2006-0003805 (Fx. Co. Cir. Ct.) (Springfield District)
  - 7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gene C. Ballard*, Case No. CL-2009-0009095 (Fx. Co. Cir. Ct.) (Lee District)

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8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Silva-Guzman*, Case No. CL-2009-0018052 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jean-Philippe Krukowicz and Benedicte A. Krukowicz*, Case No. CL-2009-0016208 (Fx. Co. Cir. Ct.) (Mason District)
10. *Board of Supervisors of Fairfax County, Virginia v. Park View Limited Partnership and Developers Surety and Indemnity Company*, Case No. CL-2009-0003280 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rafat Mahmood and Shaista Mahmood*, Case No. CL-2009-0005621 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Claros and Fortunata Claros*, Case No. CL-2009-0011914 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Keun-Hoon Lee and Young Ja Lee, a/k/a Yong Ja Lee*, Case No. CL-2009-0013425 (Fx. Co. Cir. Ct.) (Mason District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gustavo A. Veliz and Veronica Darcy Cortez-Veliz*, Case No. CL-2009-0014879 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sarah Soruco and Medardo Villanueva*, Case No. CL-2009-0013750 (Fx. Co. Cir. Ct.) (Mason District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Abdelkrim Elmouhib*, Case No. CL-2009-0008424 (Fx. Co. Cir. Ct.) (Providence District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kyung Jin Cho*, Case No. CL-2009-0014661 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eugenio Valenzuela Rivas*, Case No. CL-2009-0011619 (Fx. Co. Cir. Ct.) (Mason District)

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19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maritza Rodriguez and Virgilio Hernandez*, Case No. CL-2009-0013204 (Fx. Co. Cir. Ct.) (Mason District)
20. *L. Ray Pylant, Building Official for Fairfax County, Virginia, in His Capacity as Property Maintenance Code Official for Fairfax County, Virginia v. Spring Hill Seniors, LLC*, Case No. CL-2010-0002925 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter J. Ferrara*, Case No. CL-2010-0002311 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team/BNV Case)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juliette Mendonca*, Case No. CL-2010-0002418 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria T. Rivera*, Case No. CL-2010-0002570 (Fx. Co. Cir. Ct.) (Springfield District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kye Ok Hwang*, Case No. CL-2010-0002569 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga*, Case No. CL-2010-0002573 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcleino De La Via and Julieta De La Via*, Case No. CL-2010-0002567 (Fx. Co. Cir. Ct.) (Mason District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Freddie L. Gaskins and Sandra M. Gaskins*, Case No. CL-2010-0002572 (Fx. Co. Cir. Ct.) (Providence District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor Veizaga and Benedicta Chambi*, Case No. CL-2010-0002571 (Fx. Co. Cir. Ct.) (Providence District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joshua James McKinney and Amanda Anne McKinney*, Case No. CL-2010-0002668 (Fx. Co. Cir. Ct.) (Dranesville District)

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30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor M. Valencia and Maria Palacios*, Case No. CL-2010-0002667 (Fx. Co. Cir. Ct.) (Providence District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tacklin U. Evangelista and Fe Peralta Evangelista*, Case No. CL-2010-0002793 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ragnar Magnusson*, Case No. CL-2010-0002792 (Fx. Co. Cir. Ct.) (Providence District)
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kenneth N. Hodge and Linda J. Hodge*, Case No. CL-2010-0003046 (Fx. Co. Cir. Ct.) (Springfield District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hyun B. Lee and Sook J. Lee*, Case No. CL-2010-0003306 (Fx. Co. Cir. Ct.) (Mason District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Barbara McMurray*, Case No. CL-2010-0003307 (Fx. Co. Cir. Ct.) (Mount Vernon District)
36. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manzer Alam, a/k/a Alam Manzer*, Case No. CL-2010-0003304 (Fx. Co. Cir. Ct.) (Mount Vernon District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Board of Trustees of Shalom Presbyterian Church, a/k/a The Trustees of Shalom Presbyterian Church of Washington*, Case No. CL-2010-0003305 (Fx. Co. Cir. Ct.) (Springfield District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tri Anh Dang and Anh Tru Nguyen*, Case No. CL-2010-0003130 (Fx. Co. Cir. Ct.) (Mason District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyong H. Ock*, Case No. CL-2010-0003378 (Fx. Co. Cir. Ct.) (Mason District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Crystal Lewis*, Case No. 10-0001807 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Claudio Perez-Labrayo*, Case Nos. 09-0032787 and 09-0032788 (Fx. Co. Gen. Dist. Ct.) (Mason District)

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42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bong R. Suh*, Case Nos. 10-0002840 and 10-0002841 (Fx. Co. Gen. Dist. Ct.) (Lee District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emmanuel T. Arcenas and Gina D. Arcenas*, Case Nos. 10-0004490 and 10-0004533 (Fx. Co. Gen. Dist. Ct.) (Lee District)
44. *Board of Supervisors of Fairfax County, Virginia v. Monarch Equities, LLC*, Case No. CL-2010-0002565 (Fx. Co. Cir. Ct.) (Dranesville District)

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3:30 p.m.

Public Hearing on SE 2009-LE-022 (BB&T (Successor in Interest to Mt. Vernon Nat'l Bank and Trust Co.)) to Permit a Drive-In Financial Institution in a Highway Corridor Overlay District and Modifications and Waivers in a Commercial Revitalization District, Located on Approximately 42,500 Square Feet Zoned C-6, CRD and HC, Lee District

The application property is located at 6618 Richmond Highway, Tax Map 93-1 ((27)) 1B and 3C.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held its public hearing on Wednesday, March 10, 2010 and deferred decision to Thursday, March 18, 2010. 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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3:30 p.m.

Public Hearing on SEA 87-D-025 (Vinson Hall Corporation) to Amend SE 87-D-025 Previously Approved for an Independent Living Facility to Permit Building Additions and Associated Modifications to Site Design and Development Conditions, Located on Approximately 17.18 Acres Zoned R-2, Dranesville District

The application property is located at 6251 Old Dominion Drive, Tax Map 31-3 ((1)) 77A and 83

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 21, 2010, the Planning Commission voted unanimously (Commissioners Harsel and Lawrence absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 87-D-025, subject to the Development Conditions dated January 20, 2010;
- Waiver of Sect. 9-306 of the Zoning Ordinance to permit a maximum building height of 56 feet for the proposed independent living facility and 65 feet for the existing independent living facility, rather than 50 feet;
- Waiver of Sect. 9-306 of the Zoning Ordinance to allow the assisted living facility units on the site to be occupied by residents other than those moving from the independent living facility;
- Modification of the Countywide Trails requirement along Old Dominion Drive and Kirby Road to permit the existing and proposed sidewalks, as depicted on the SEA Plat; and
- Waiver of Sect. 6-0303.8 of the Public Facilities Manual to permit the use of an underground detention facility in a residential area, subject to the Development Conditions entitled Waiver Number 6713-WPFM-001-1, dated September 24, 2009, as contained in Appendix 8 of 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  
March 23, 2010

3:30 p.m.

Public Hearing on SEA 79-V-093-02 (McDonald's Corporation) to Amend SE 79-V-093 Previously Approved for a Fast Food Restaurant with Drive-Thru to Permit Demolition and Reconstruction of a Fast Food Restaurant, Modifications and Waivers in a CRD, and Associated Modifications to Site Design and Development Conditions, Located on Approximately 35,010 Square Feet Zoned C-8, CRD and HC, Mount Vernon District

**Public hearing on SEA 79-V-093-02 (McDonald's Corporation) is to be deferred to 4/27/2010 at 4:00 p.m.**

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Board Agenda Item  
March 23, 2010

3:30 p.m.

Public Hearing on SEA 97-M-075 (Mubarak Corporation, Trading as Euromarket Chevron and Route 7-50 Retail, LLC) to Amend SE 97-M-075 Previously Approved for a Service Station Mini Mart in a Highway Corridor Overlay District to Permit Modifications to Site Design and Development Conditions and Waiver of Open Space Requirement, Located on Approximately 24,520 Square Feet Zoned C-8, CRD, HC and SC, Mason District

The application property is located at 6318 Leesburg Pike, Tax Map 51-3 ((1)) 33 and 34.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Thursday, March 18, 2010, and the Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
March 23, 2010

3:30 p.m.

Public Hearing on SE 2008-HM-010 (George B. and Carolyn L.E. Sagatov) to Permit Waiver of the Minimum Lot Width Requirements, Located on Approximately 4.54 Acres Zoned R-E, Hunter Mill District

The application property is located at 10120 Wendover Drive, Tax Map 27-4 ((1)) 14C1.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 4, 2010, the Planning Commission voted 6-0-1 (Commissioner Lawrence abstaining; Commissioner Hart recusing himself; Commissioner Sargeant not present for the vote; Commissioners Alcorn, Hall, and Harsel absent from the meeting) to recommend that the Board of Supervisors approve SE 2008-HM-010, subject to the Development Conditions dated February 4, 2010.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
March 23, 2010

4:00 p.m.

Board Decision on SE 2009-MA-015 (Ana L. Cornejo) to Permit a Waiver of the Minimum Lot Width Requirement, Located on Approximately 2.17 Acres Zoned R-2, Mason District

The application property is located at 4921 Backlick Road and 4954 Sunset Lane, Tax Map 71-3 ((1)) 24A and 71-4 ((1)) 20.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 4, 2010, the Planning Commission voted 7-0-1 (Commissioner Flanagan abstaining; Commissioner Sargeant not present for the vote; Commissioners Alcorn, Hall, and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2009-MA-015, subject to the Development Conditions dated January 5, 2010;
- Direct the Director of the Department of Public Works & Environmental Services (DPWES) to waive the minimum pavement width for pipestem driveways as shown in Plate 11-7 of the Public Facilities Manual;
- Direct the Director of DPWES to waive Sect. 2-0103.2 of the Public Facilities Manual; and
- Waive the sidewalk and trail requirement along Backlick Road in favor of County Project Number 4YP201-PB025.

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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4:00 pm

Public Hearing on Proposed Plan Amendment S09-IV-LP2 for Property Located South of Lorton Road Between Interstate 95 and Sanger Street (Mount Vernon District)

ISSUE:

The proposed plan amendment is located in Sub-unit B-2 of the LP2 Lorton-South Route 1 Community Planning Sector in the Lower Potomac Planning District. The property includes Tax Map Parcels 107-4 ((1)) 75A, 77, 78, 79, 80, 81 and 82 and is currently planned for office use at an intensity up to .25 FAR to accommodate medical office use with urgent care and outpatient services.

On June 1, 2009 the Board of Supervisors authorized staff to consider an amendment to the Comprehensive Plan to include **office use at an intensity up to .60 FAR to specifically support medical office uses with urgent care and other medical care facilities. Hotel, daycare, assisted living and ancillary uses were also included in the authorization.** A concurrent zoning application (RZ-2009-MV-023) and final development plan (FDP 2009-MV-023) propose to rezone the property from the C-3 commercial district to the PDC planned development commercial district.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 10, 2010, the Planning Commission voted 7-0-2 (Commissioners de la Fe and Murphy abstaining; Commissioners Alcorn, Donahue, and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Adoption of Plan Amendment S09-IV-LP2, as outlined in the handout dated March 10, 2010 as follows:

Modify the Plan language for parcels 107-4 ((1)) 75A, 77, 78, 79, 80, 81 and 82 to accommodate medical office use and medical care facilities and other uses, **limited to hotel use or assisted living facility and ancillary uses** at an intensity up to .40 FAR (253,000 square feet) derived from a property area of 14.55 acres, subject to conditions relating to mitigation of transportation impacts, parcel consolidation, building placement, appropriate ancillary uses, provision of structured parking, utilization of low impact development features, underground stormwater detention, screening and buffering from adjacent residential uses, minimizing clearing and grading, minimizing noise and lighting impacts on surrounding neighborhoods, and contributions for transportation improvements.

Board Agenda Item  
March 23, 2010

**REVISED**

- Direct the Fairfax County Department of Transportation to study and make recommendations regarding traffic operations and transportation improvements in the Lorton area, particularly along Lorton Road between Silverbrook Road and Lorton Market Street.

**RECOMMENDATION:**

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation as shown in the Planning Commission motion and handout dated March 10, 2010. The Planning Commission alternative resolves the issues raised in the staff report (Attachment IV).

**TIMING:**

Planning Commission public hearing – February 25, 2010

Planning Commission mark-up – March 10, 2010

Board of Supervisors public hearing – March 23, 2010

**BACKGROUND:**

On June 1, 2009 the Board of Supervisors authorized Plan Amendment PA S09-IV-LP2 for Tax Map Parcels 107-4 ((1)) 75A, 77, 78, 79, 80, 81 and 82 which lie within Sub-unit B-2 of the LP2 Lorton-South Route 1 Community Planning Sector. The Board directed staff to evaluate medical office and medical care facility uses with ancillary uses to include hotel, assisted living and ancillary uses, up to .60 FAR.

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

**FISCAL IMPACT:**

None

Board Agenda Item  
March 23, 2010

**REVISED**

ENCLOSED DOCUMENTS:

Attachment I: Staff Report

Attachment II: Transportation Addendum, FCDOT and VDOT Chapter 527 comments

Attachment III: Planning Commission Verbatim

Attachment IV: Planning Commission motion and handout

STAFF:

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

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

Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ

Aaron Klibaner, Planner II, PD, DPZ

Board Agenda Item  
March 23, 2010

4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 7206 Poplar Street (Mason District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 7206 Poplar Street (Tax Map No. 071-1-((04))-0103, 0104) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 7206 Poplar Street blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On February 23, 2010, the Board authorized advertisement of this public hearing to be held Tuesday, March, 23, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2009) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

Board Agenda Item  
March 23, 2010

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2009) and if it meets all of the following conditions:

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

The property located at 7206 Poplar Street was referred to the Blight Abatement Program (BAP) on May 22, 2009. Located on the subject property is a vacant, one story dwelling on a slab. The residential structure was constructed in 1947 according to Fairfax County Tax Records and has been vacant since at least May 15, 2005, when the utilities were abandoned. There are cracks in the foundation walls and a hole in the roof allowing water to penetrate the structure. The structure is boarded, heavily overgrown, covered with graffiti and squatters have been found to frequent the property. The structure is not economically feasible to repair and needs to be demolished.

On October 21, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. The letter was received and signed for but the owner has never made contact with staff or submitted an acceptable blight abatement plan. In its current condition the structure poses an attractive nuisance to the surrounding community and all attempts by BAP staff to achieve voluntary compliance from the property owner have been unsuccessful.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (2008). State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on March 4, 2010 and March 11, 2010.

Although the County will continue to seek cooperation from the owner to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight

Board Agenda Item  
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Abatement Statue. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$30,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 7206 Poplar Street (Mason District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

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Board Agenda Item  
March 23, 2010

4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 6439 Little Ox Road (Springfield District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 6439 Little Ox Road (Tax Map No. 077-3-((01)-0032) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 6439 Little Ox Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On February 23, 2010, the Board authorized advertisement of this public hearing to be held Tuesday, March 23, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2009) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

Board Agenda Item  
March 23, 2010

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2009) and if it meets all of the following conditions:

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

The property located at 6439 Little Ox Road was referred to the Blight Abatement Program (BAP) on July 21, 2009. Located on the subject property is a dilapidated, abandoned, two story dwelling with a basement. The residential structure was constructed in the 1950's according to Fairfax County Tax Records and has been vacant since at least the late 1980's. The dwelling is in partial collapse and has suffered significant water damage throughout. There are noticeable cracks in the foundation walls. There is an accessory structure that is in partial collapse. The area around the dwelling is heavily overgrown and the property is littered with debris, abandoned construction materials and two inoperable vehicles. The structures are not economically feasible to repair and need to be demolished.

On October 21, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. The letter was received and signed for by the owner of record. Several days later the owner requested a meeting with BAP staff and this meeting was arranged. At the meeting BAP staff explained to the owner what items were required to be incorporated in his blight abatement plan. Additional time was granted to the owner so he could prepare his plan. When the plan was received, BAP staff reviewed it and deemed it unacceptable because it did not provide timelines to abate the blight. The owner was notified that his plan was unacceptable and the reason. The structures in their current state are a potential safety concern to the surrounding community and pose an attractive nuisance. To date, a revised blight abatement plan has not been resubmitted and all attempts by BAP staff to achieve voluntary compliance from the property owner have been unsuccessful.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (2008).

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March 23, 2010

State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on March 4, 2010 and March 11, 2010.

Although the County will continue to seek cooperation from the owner to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, the County will proceed with the demolition process for the structures, removal of all debris, abandoned construction materials and inoperable vehicles. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$55,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs  
Attachment 2: Ordinance for 6439 Little Ox Road (Springfield District)  
Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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

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Board Agenda Item  
March 23, 2010

4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 5400 Goolsby Way (Springfield District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 5400 Goolsby Way (Tax Map No. 067-1-((01))-0042) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 5400 Goolsby Way blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On February 23, 2010, the Board authorized advertisement of this public hearing to be held Tuesday, March, 23, 2010, at 4:30 p.m.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2009) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

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

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March 23, 2010

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition for of "Blighted property" under Va. Code Ann. 36-3 (Supp. 2009) and if it meets all of the following conditions:

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

The property located at 5400 Goolsby Way was referred to the Blight Abatement Program (BAP) in January 2003. Located on the subject property is a vacant, one-story dwelling on a slab. The residential structure was constructed in 1935 according to Fairfax County Tax Records and has been vacant since at least January 2003. The structure is in poor shape and has not been maintained for many years. Recently, after the owners were served Notice, minor repairs were made to the structure but the repairs were neither complete nor adequate to address the blighted conditions. Prior to the repairs, the roof had a large hole in it. Although the repairs involved patching the hole in the roof, the water damage to the interior of the structure was never mitigated. BAP staff feels the existing structure is not economically feasible to repair and needs to be demolished.

On October 21, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. The letter was never signed for but when the owners were called by BAP staff they advised they had received the Notice. The owners were unreceptive to BAP staff suggestions on how to improve the property. The owners stated they felt the repairs that they made were adequate. The owners have not made any additional contact with staff or submitted an acceptable blight abatement plan. The structure poses an attractive nuisance to the surrounding community and all attempts by BAP staff to achieve voluntary compliance from the property owners have been unsuccessful.

In accordance with the Spot Blight Abatement Statute, the Board, by ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. § 15.2-1115 (2008).

State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on March 4, 2010 and March 11, 2010.

Board Agenda Item  
March 23, 2010

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

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$30,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 5400 Goolsby Road (Springfield District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

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Board Agenda Item  
March 23, 2010

4:30 p.m.

Public Hearing on SE 2009-DR-008 (Oakcrest School) to Permit a Private School of General Education with a Total Daily Enrollment of 450 Students Located on Approximately 23.0 Acres Zoned R-E, Dranesville District

The application property is located on the south side of Crowell Road approximately 1,200 feet east of its intersection with Hunter Mill Road and north of Dulles Toll Road, Tax Map 18-4 ((1)) 26C; 18-4 ((8)) A and 4.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission decision on SE 2009-DR-008 has been deferred to Thursday, March 18, 2010. 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)  
Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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