

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
APRIL 27, 2010**

**AGENDA**

9:30	<b>Done</b>	Presentations
10:30	<b>Adopted</b>	Board Adoption of FY 2011 Budget Plan
11:00	<b>Done</b>	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
11:00	<b>Done</b>	Items Presented by the County Executive

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7010 Old Keene Mill Road (Lee District)
2	<b>Approved</b>	Designation of Plans Examiner Status Under the Expedited Land Development Review Program
3	<b>Approved</b>	Streets into the Secondary System (Sully District)
4	<b>Approved</b>	Authorization to Advertise a Public Hearing to Establish the Armfield Farm Community Parking District (Sully District)
5	<b>Approved</b>	Approval of Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Hunter Mill and Sully Districts)
6	<b>Approved</b>	Extension of Review Periods for 2232 Review Applications (Braddock and Lee Districts)
7	<b>Approved; Public hearing dated moved to 6/22/10</b>	Authorization to Advertise a Public Hearing to Lease County-Owned Property to Cellco Partnership d/b/a Verizon Wireless (Lee District)
8	<b>Approved</b>	Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon Barnsfield Road (Route 763) (Sully District)

**ACTION ITEMS**

1	<b>Approved</b>	Board Action on Consolidated Community Funding Pool Recommendations for Fiscal Years 2011 and 2012
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**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
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**ACTION ITEMS**

(continued)

- |   |                 |   |
|---|-----------------|---|
| 2 | <b>Approved</b> | Approval of Modifications to the Silver Lining and Silver Lining Plus Programs                                      |
| 3 | <b>Approved</b> | Approval of a Project Agreement and Funding for County-Funded Roadway Improvements to Telegraph Road (Lee District) |

**INFORMATION ITEMS**

- |       |              |  |
|-------|--------------|--|
| 1     | <b>Noted</b> | Quarterly Status Report on the Board's Second Four-Year Transportation Program   |
| 2     | <b>Noted</b> | Contract Award – Engineering Services for Huntsman Lake Pohick Creek Dam Number 8 Rehabilitation (Springfield District)        |
| 3     | <b>Noted</b> | Contract Award – Bridle Path Stream Restoration (Dranesville District)   |
| 4     | <b>Noted</b> | Supplemental Agreement with the Virginia Department of Transportation for the Mason Neck Trail Project (Mount Vernon District) |
| 5     | <b>Noted</b> | International Building Safety Week   |
| 11:30 | <b>Done</b>  | Matters Presented by Board Members   |
| 12:20 | <b>Done</b>  | Closed Session   |

**PUBLIC HEARINGS**

- |      |  |   |
|------|--|---|
| 3:00 | <b>Approved</b>  | Public Hearing on SEA 2004-MV-001 (Trustees of the Calvary Korean Baptist Church and New Cingular Wireless PCS, LLC D.B.A. AT & T Mobility Washington, DC, SMSA Limited Partnership D.B.A. Verizon Wireless (Mount Vernon District) |
| 3:30 | <b>Public hearing deferred to 5/11/10 at 4:00 p.m.</b> | Public Hearing on RZ 2009-HM-019 (Comstock Reston Station Holdings, LC) (Hunter Mill District)  |
| 3:30 | <b>Approved</b>  | Public Hearing on SEA 93-Y-059 (Exxon Mobil Corporation) (Sully District)   |
| 3:30 | <b>Approved</b>  | Public Hearing on SE 2009-SP-012 (McDonald's Corporation) (Springfield District)  |

**FAIRFAX COUNTY  
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**PUBLIC HEARINGS**

(continued)

3:30	<b>Approved</b>	Public Hearing on RZ 2009-MA-013 (McDonald's Corporation) (Mason District)
3:30	<b>Approved</b>	Public Hearing on SEA 83-M-102-03 (McDonald's Corporation) (Mason District)
4:00	<b>Approved</b>	Public Hearing on SEA 79-V-093-02 (McDonald's Corporation) (Mount Vernon District)
4:00	<b>Approved</b>	Public Hearing on a Proposed Zoning Ordinance Amendment Re: State Code Changes; Editorial and Other Minor Revisions
4:00	<b>Cancelled</b>	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Riding and Boarding Stables
4:00	<b>Approved</b>	Public Hearing to Consider Amending Fairfax County Code Section 82-5A (Residential Permit Parking Districts) Related to Fines
4:00	<b>Approved</b>	Public Hearing to Consider Amending Fairfax County Code Section 82-5B (Community Parking Districts) Related to Fines
4:30	<b>Approved</b>	Public Hearing to Expand the Reston Community Parking District (Hunter Mill District)
4:30	<b>Approved</b>	Public Hearing to Lease County-Owned Property at 8350 Richmond Highway to New Cingular Wireless PCS, LLC (AT&T Mobility) (Lee District)
4:30	<b>Approved</b>	Public Hearing to Lease County-Owned Property at 8350 Richmond Highway to Clear Wireless, LLC a Nevada Limited Liability Company (Lee District)
4:30	<b>Public hearing held Decision deferred</b>	Public Hearing on the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011
5:00	<b>Approved</b>	Public Hearing to Consider Amendments to Ordinance Codified as Appendix P of the County Code that Created the Mosaic District Community Development Authority in Merrifield (Providence District)
5:00	<b>Held</b>	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



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

**Tuesday**  
**April 27, 2010**

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9:30 a.m.

**PRESENTATIONS:**

1. PROCLAMATION – To designate April 2010 as Financial Literacy Month in Fairfax County. Requested by Supervisor Cook.
2. PROCLAMATION – To designate May 2010 as Lyme Disease Awareness Month in Fairfax County. Requested by Chairman Bulova.
3. CERTIFICATE – To recognize Temple Douglas, a senior at Thomas Jefferson High School for Science and Technology, for her work in developing a quick and accurate test for Lyme disease. Requested by Supervisor Herrity.
4. PROCLAMATION – To designate May 2010 as Foster Care and Foster Family Recognition Month in Fairfax County. Requested by Chairman Bulova.
5. PROCLAMATION – To designate May 2010 as Parents Who Host Lose the Most Month in Fairfax County. Requested by Chairman Bulova.
6. PROCLAMATION – To designate May 6-12, 2010, as Nurses Week in Fairfax County. Requested by Chairman Bulova.
7. PROCLAMATION – To designate May 9-15, 2010, as Building Safety Week in Fairfax County. Requested by Supervisor Frey.
8. PROCLAMATION – To designate May 2010 as Internal Audit Awareness Month in Fairfax County. Requested by Chairman Bulova.

**STAFF:**

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

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Board Agenda Item  
April 27, 2010

10:30 a.m.

Board Adoption of the FY 2011 Budget Plan

ENCLOSED DOCUMENTS:

April 23, 2010 Memorandum to the Board of Supervisors from Anthony H. Griffin, County Executive, regarding adoption of the FY 2011 Budget Plan. Attachments to the memorandum include the following:

Attachment I – Board revenue and expenditure adjustments approved at the Budget Mark-up on April 20, 2010 and the Add-on package dated April 8, 2010

Attachment II - Resolution Adopting Tax Rates for FY 2011

Attachment III - FY 2011 Appropriation Resolution for County Agencies/Funds

Attachment IV - FY 2011 Appropriation Resolution for School Board Funds

Attachment V - FY 2011 Fiscal Planning Resolution

Attachment VI - FY 2011 General Fund Statement; FY 2011 General Fund Expenditures by Agency; FY 2011 Expenditures by Fund, Appropriated; and FY 2011 Expenditures by Fund, Non-Appropriated

(All attachments are to be delivered under separate cover.)

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

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

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Board Agenda Item  
April 27, 2010

11:00 a.m.

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

ENCLOSED DOCUMENTS:  
Appointments to be heard April 27, 2010

STAFF:  
Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item  
April 27, 2010

11:00 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 on Spot Blight Abatement Ordinance for 7010 Old Keene Mill Road (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7010 Old Keene Mill Road, Springfield, VA (Tax Map No's. (080-4-((09))-0004, 0005, 0006).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Tuesday, May 25, 2010, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Tuesday, April 27, 2010, and the public hearing is proposed to be held Tuesday, May 25, 2010, at 4:00 p.m.

BACKGROUND:

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

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

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

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

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

The property located at 7010 Old Keene Mill Road was referred to the Blight Abatement Program (BAP) on May 1, 2006. On February 11, 2010, the Fairfax County Fire and Rescue Department responded to a fire at this property, a vacant restaurant, and contained a fire within the structure. The property is currently littered with piles of trash and fire damaged debris from that fire response. The commercial structure was constructed in 1981 according to Fairfax County Tax Records and has been vacant since at least 2002, according to the previous owner. The fire report estimated the damage at approximately \$200,000 dollars. Due to the extensive fire damage and partial roof collapse the structure is unstable and needs to be demolished.

On July 20, 2006, the Neighborhood Enhancement Task Force (NETF) reviewed the property and determined it not blighted. At that time the property was not fire damaged but was overgrown and tagged with graffiti. On June 6, 2007, the (NETF) again reviewed the property and rendered it not blighted. Prior to this meeting the owners had covered the graffiti, removed debris from the property and cropped back the overgrown vegetation. On February 11, 2010, the property suffered a fire and on March 10, 2010, 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 received and signed for and the owners advised that they were pursuing demolition. The owners have submitted and received approval of a rough grading plan and are working to fulfill the other requirements to obtain an approved demolition permit so that they can raze the fire damaged structure.

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

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At the public hearing, the County will also request authorization to contract for demolition of the blighted 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 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 from 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 \$115,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

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

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ADMINISTRATIVE – 2

Designation of Plans Examiner Status Under the Expedited Land Development Review Program

ISSUE:

Board of Supervisors' action to reinstate three individuals as active Designated Plans Examiners.

RECOMMENDATION:

The County Executive recommends that the Board take the following actions:

- Reinstatement of the following individuals, identified with his registration number, as Plans Examiners:

Andrew G. Miller	DPE # 154 on 6/23/97	Inactive on 5/6/02
B. Stanley Orndorff	DPE # 17 on 4/8/91	Inactive in 2007
William M. Yauss	DPE # 152 on 6/9/97	Inactive on 6/1/09

TIMING:

Routine.

BACKGROUND:

On August 7, 1989, the Board adopted Chapter 117 (Expedited Land Development Review) of *The Code of the County of Fairfax, Virginia*, (The Code) establishing a Plans Examiner Program under the auspices of an Advisory Plans Examiner Board (APEB). The purpose of the Plans Examiner Program is to expedite the review of site and subdivision plans submitted by certain specially qualified applicants, i.e., Plans Examiners, to the Land Development Services, Department of Public Works and Environmental Services.

The Code requires that the Board designate an individual's status under the Expedited Land Development Review Program.

Reinstatement of Plans Examiner Status: Chapter 117 requires Plans Examiners to participate in the board adopted Continuing Education Program. Consonant with the requirements of Section 117-1-3(a), and subject to Board approval, the APEB will

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recommend designations of inactive status for individuals electing not to pursue the continuing education program. This status designation continues until and if they wish to reactivate their Designated Plans Examiner (DPE) status by completing the continuing education requirements. An inactive status makes these individuals ineligible to participate in the expedited plan process procedure. At the time they are placed in inactive status, individuals are provided with information concerning requirements for reinstatement as an active DPE.

After review of their applications and credentials, the APEB has found that the candidates listed above meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County and are in accordance with the criteria adopted by the Fairfax County Board of Supervisors. These findings were documented in a letter dated February 4, 2010, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Bulova.

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:

Attachment I – Letter dated February 4, 2010, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

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 (LDS), DPWES

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ADMINISTRATIVE – 3

Streets into the Secondary System (Sully District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Fairwood Estates Murdock Street	Sully	Murdock Street
Preston Mulford and Beverley Mulford (Mulford School)	Sully	Lee Highway (Route 29) Additional Right-of-Way Only

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

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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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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Establish the Armfield Farm Community Parking District (Sully District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for May 25, 2010, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Armfield Farm CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on April 27, 2010, to provide sufficient time for advertisement of the public hearing on May 25, 2010, at 4:00 p.m.

BACKGROUND:

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

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

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

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting such an establishment and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1040 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

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

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ADMINISTRATIVE - 5

Approval of Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Hunter Mill and Sully Districts)

ISSUE:

Board endorsement of "\$200 Additional Fine for Speeding" signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board approve a resolution (Attachments I and II) for the installation of "\$200 Additional Fine for Speeding" signs on the following road:

- Fox Mill Road between Lawyers Road and Waples Mill Road (Hunter Mill and Sully Districts).

TIMING:

Board action is requested on April 27, 2010.

BACKGROUND:

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. Also, these residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Fox Mill Road between Lawyers Road and Waples Mill Road meets the RTAP requirements for posting of the "\$200 Additional Fine for Speeding" signs. On January 4, 2010, the Department of Transportation received written verification from the local supervisor confirming community support.

FISCAL IMPACT:

The estimated cost of \$500 is to be paid out of the VDOT secondary road construction budget.

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ENCLOSED DOCUMENTS:

Attachment I: \$200 Fine for Speeding Signs Resolution – Fox Mill Road

Attachment II: Area Map of Proposed \$200 Fine for Speeding Signs – Fox Mill Road

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

Steven K. Knudsen, Transportation Planner, FCDOT

Board Agenda Item  
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ADMINISTRATIVE – 6

Extension of Review Periods for 2232 Review Applications (Braddock and Lee 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 application FSA-5-2 to July 3, 2010, and for application FS-B09-206 to July 4, 2010.

TIMING:

Board action is required on April 27, 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 periods for applications FS-B09-206 and FSA-5-2, which were accepted for review by the Department of Planning and Zoning on February 4, 2010, and February 3, 2010, respectively. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

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The review periods for the following applications should be extended:

FS-B09-206            Clearwire US LLC  
                          Antenna colocation on existing transmission tower  
                          Clydesdale Road  
                          Braddock District

FSA-5-2                T-Mobile Northeast LLC  
                          Additional antennas and equipment cabinets  
                          6320 Augusta Drive  
                          Lee 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  
David B. Marshall, Planning Division, DPZ  
David S. Jillson, Planning Division, DPZ

Board Agenda Item  
April 27, 1010

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Lease County-Owned Property to Cellco Partnership d/b/a Verizon Wireless (Lee District)

ISSUE:

Authorization to advertise a public hearing to lease County-Owned property to Verizon Wireless for the installation of telecommunications equipment for public use at the South County Government Center.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement of a public hearing to be held on June 8, 2010, at 4:00 p.m.

TIMING:

Board action is requested on April 27, 2010, to provide sufficient time to advertise a proposed public hearing to be held on June 8, 2010, at 4:00 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. Verizon Wireless was one of three firms selected for this site.

Verizon Wireless plans to install equipment cabinets in a 25' by 10'-8" area on the roof and 15 panel antennas on the façade of the South County Government Center. Verizon 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 facade and the related equipment shelter will be located behind the existing screen wall adjacent to the penthouse to blend with existing rooftop penthouse features. In addition, Verizon will replace the existing generator with a larger generator that will accommodate the telecommunication companies on the rooftop and the County.

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On February 25, 2010, the Planning Commission voted unanimously that the telecommunications facility located at the South County Government Center, 8350 Richmond Highway, is in substantial conformance with the recommendations of the Comprehensive Plan and should be considered a “feature shown,” pursuant to Section 15.2-2232 of the *Code of Virginia*, as amended.

Staff recommends that the Board authorize the County to advertise a public hearing to lease county property to Verizon Wireless, 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 \$36,000 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 – Location Map/Tax Map 101-3

STAFF:

Edward L. Long, Jr., Deputy County Executive, Office of the County Executive  
Jose A. Comayagua, Jr., Director, Facilities Management Department

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ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing on a Proposal to Vacate and Abandon  
Barnsfield Road (Route 763) (Sully District)

ISSUE:

Authorization to advertise a public hearing to consider the vacation and abandonment of Barnsfield Road (Route 763).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to consider the vacation and abandonment of the subject roadway.

TIMING:

The Board should take action on April 27, 2010, to provide sufficient time to advertise the proposed public hearing for June 8, 2010, at 4:00 PM.

BACKGROUND:

The applicant, Sully East L.C., represented by Aaron Shriber of Hunton & Williams, is requesting that Barnsfield Road be vacated and abandoned. The subject roadway is primarily within a prescriptive easement, however a portion of right-of-way along the alignment was dedicated through the land development process necessitating vacation.

The vacation/abandonment request stems from an approved rezoning (RZ 2003-SU-035) that included consolidation of many of the properties abutting the roadway. The rezoning anticipated the development of a high-density mixed residential community that integrated the alignment of a vacated and abandoned Barnsfield Road.

Subsequent to the filing of the subject application, the owners of the property revised their development proposal and have submitted a rezoning application that proposes office development on the properties affecting Barnsfield Road. This application is now under consideration by staff. The applicant also extended the limits of the area proposed for vacation/abandonment with the acquisition of additional property to be included in the consolidation.

Traffic Circulation and Access

The vacation and abandonment of the subject area will have no impact on vehicular circulation and access. Access to the consolidated properties will be established from Historic Sully Way and a new entrance to Centreville Road opposite Lees Corner Road.

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Easements

Easement agreements for Dominion Virginia Power, Fairfax Water, and Verizon are complete. No other easements have been identified.

This proposal to vacate and abandon the subject right-of-way was circulated among the following agencies for review, none of which indicated any opposition to the proposal: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax Water, Fairfax County Park Authority, Washington Gas Light Company, Fairfax County School Board, Virginia Department of Transportation, Fairfax County Department of Transportation, Fairfax County Department of Planning and Zoning, Dominion Virginia Power, Fire and Rescue, and Verizon.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Letter of request and justification

Attachment II: Order of Abandonment

Attachment III: Vacation/abandonment plat

Attachment IV: Vicinity map (Tax Map 34-2)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Angela K. Rodeheaver, FCDOT

Michael A. Davis, FCDOT

ACTION - 1

Board Action on Consolidated Community Funding Pool Recommendations for Fiscal Years 2011 and 2012

ISSUE:

Board action on award of funds to community-based nonprofit organizations for proposals through the Consolidated Community Funding Pool (CCFP) for the period July 1, 2010 - June 30, 2012.

RECOMMENDATION:

- (1) The County Executive recommends that the Board approve the contract list and associated award of CCFP funds as recommended below in Table A by the Selection Advisory Committee for Fiscal Year 2011.
- (2) The County Executive recommends that, in accordance with the CCFP multi-year contract award process, the Board accept the committee's recommendations for FY 2012 funding, contingent upon future federal and state funds as part of the FY 2012 budget process.
- (3) Consistent with Board adopted policy as stated in the Board Agenda Item of April 22, 2002, the County Executive recommends that the Board approve the recommendation of the SAC for the reallocation of new federal, state, or local funds, and any lapsing project funds that may be necessary during the course of this and future funding cycles.

**TABLE A  
 PROPOSAL RECOMMENDATIONS – FY 2011 AND 2012  
 CONSOLIDATED COMMUNITY FUNDING POOL**

Ref #	Bid #	Organization	Program Name	FY 2010 Current Award	FY 2011 Recommended Funding	FY 2012 Recommended Funding
100	90	Brain Foundation, The	Laura's House	\$0	\$300,000	\$300,000
101	32	Tahirih Justice Center	Holistic Legal Services to Protect Immigrant Women/Girls from Violence & Achieve Self-Sufficiency	\$0	\$48,142	\$48,142
102	38	Literacy Council of No. Va.	Adult Basic Literacy/ESOL Tutoring & Classroom Programs	\$75,000	\$82,000	\$85,000
103	37	Helping Children Worldwide	Connections for Hope & HOST Team Region 3 Collaboration	\$0	\$100,000	\$120,000
104	89	Town of Herndon	Bilingual Housing Rehabilitation Specialist	\$86,000	\$89,380	\$89,380

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Ref #	Bid #	Organization	Program Name	FY 2010 Current Award	FY 2011 Recommended Funding	FY 2012 Recommended Funding
105	88	SkillSource Group, Inc.	SkillSource - Sheriff Employment Center	\$0	\$74,000	\$74,000
106	84	Friends of Guest House	Residential, Aftercare, & Outreach	\$26,200	\$31,272	\$31,272
107	12	Christian Relief Services, Inc.	Homes for the Homeless	\$113,164	\$117,690	\$117,690
108	102	Falls Church - McLean Children's Center	Successful Start	\$30,000	\$30,000	\$50,000
109	87	Alliance for the Physically Disabled	APD Housing Administration	\$50,000	\$50,000	\$50,000
110	50	Koinonia Foundation, Inc.	Emergency Relief Services	\$0	\$25,000	\$25,000
111	56	Korean American Family Counseling Center	Family & Youth Counseling for Korean Americans in Fairfax County	\$18,500	\$23,000	\$24,000
112	25	United Community Ministries	Workforce Dev. Center	\$133,695	\$281,475	\$289,918
113	58	Korean American Association of No. Va.	Vocational Training for Korean Americans in Fairfax County	\$63,424	\$65,676	\$65,676
114	31	Salvation Army, The	Homelessness Prevention/Intervention	\$0	\$56,000	\$56,000
115	20	Wesley Housing Dev. Corp.	Supportive Services	\$63,000	\$110,000	\$110,000
116	57	Korean American Family Counseling Center	Peer-to-Peer Youth Learning Program	\$0	\$16,500	\$17,000
117	103	Northern Virginia Family Service (NVFS)	Training Futures	\$130,000	\$130,000	\$130,000
118	2	Alzheimer's Family Day	Wraparound Family Caregiver Support Program	\$0	\$75,000	\$75,000
119	11	Beth El House, Inc.	Beth El House	\$20,000	\$30,000	\$30,000
120	13	Christian Relief Services, Inc.	Housing Counseling I, II, III	\$10,607	\$10,607	\$10,607
121	148	Reston Interfaith, Inc.	Emergency & Self-Sufficiency Services Program	\$154,000	\$177,000	\$177,000
122	10	Bethany House of No. Va.	Family Assistance Program	\$128,975	\$133,500	\$133,500
123	63	Community Residencies	Healthy Lifestyles for People with Disabilities	\$0	\$45,000	\$49,306
124	9	Big Brother Big Sister of the NCA	Hermanos y Hermanas Mayores Latino Outreach Initiative	\$100,000	\$150,000	\$150,000
125	28	United Community Ministries	Basic Needs	\$122,567	\$100,000	\$100,000

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Ref #	Bid #	Organization	Program Name	FY 2010 Current Award	FY 2011 Recommended Funding	FY 2012 Recommended Funding
126	62	Central Senior Center	Central Adult Day Health Care Center	\$0	\$66,650	\$33,350
127	114	Northern Virginia AIDS Ministry	Medical Transportation Support Services	\$22,562	\$22,562	\$22,562
128	55	GRACE Ministries of the UMC	Integrated Immigrant Services Program	\$42,129	\$54,000	\$54,000
129	64	Boat People SOS	Asian Youth Empowerment	\$55,000	\$43,000	\$55,000
130	41	Legal Services of No. Va.	Legal-Aid Families & Consumers	\$438,558	\$438,558	\$438,558
131	111	Northern Virginia Community College Educational Foundation	American Dream Team	\$100,000	\$95,000	\$95,000
132	5	Alternative House	Culmore Youth Outreach Program	\$85,281	\$85,000	\$85,000
133	3	Alternative House	Annandale Safe Youth Project	\$50,000	\$42,000	\$52,000
134	119	Northern Virginia Urban League	Fairfax Resource Mothers	\$310,083	\$325,587	\$325,587
135	77	Fairfax Court Appointed Special Advocates (CASA), Inc.	Advocating in Court for the Best Interests of Children in Crisis due to Abuse & Neglect	\$203,000	\$203,000	\$203,000
136	110	Northern Virginia Community College Educational Foundation	NOVA Restorative Dental Clinic	\$75,000	\$75,000	\$75,000
137	65	Boat People SOS	Victims of Violence, Exploitation & Trafficking Assistance Program	\$77,604	\$107,000	\$110,750
138	143	Jewish Community Center of No. Va.	Camp Shalom	\$25,000	\$25,000	\$25,000
139	16	Computer CORE	Jobs Skills Education & Training	\$0	\$30,000	\$32,000
140	124	ServiceSource, Inc.	Laurie Mitchell Employment Center- TEC 2000	\$72,000	\$72,000	\$72,000
141	6	Alternative House	Assisting Young Mothers	\$29,296	\$29,300	\$39,500
142	152	Reston Interfaith Housing Corporation	RIHC Affordable Housing Acquisition	\$311,875	\$481,000	\$481,000
143	122	Northern Virginia Dental Clinic, Inc.	Northern Virginia Dental Clinic	\$96,000	\$98,000	\$98,000
144	4	Alternative House	Culmore Safe Youth Project	\$50,900	\$50,000	\$50,000
145	117	New Hope Housing, Inc.	Housing First Services for Chronically Homeless Adults	\$0	\$71,250	\$71,250
146	43	Legal Services of No. Va.	Legal Aid- Housing & Employment	\$158,000	\$158,000	\$158,000

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Ref #	Bid #	Organization	Program Name	FY 2010 Current Award	FY 2011 Recommended Funding	FY 2012 Recommended Funding
147	39	Legal Services of No. Va.	Legal Aid-Immigrant Law Project	\$56,000	\$56,000	\$56,000
148	80	Food & Friends	Home Delivered Food (Meals & Groceries)	\$10,455	\$30,000	\$30,000
149	106	Northern Virginia Family Service (NVFS)	Multicultural Human Services	\$429,153	\$366,422	\$369,722
150	79	Family Preservation & Strengthening Services	Family Stabilization & Self-Sufficiency	\$32,000	\$85,000	\$85,000
151	42	Legal Services of No. Va.	Legal Aid - Access to Justice Route 1	\$99,907	\$99,907	\$99,907
152	29	United Community Ministries	Bryant Early Learning Center (BEL)	\$85,217	\$85,217	\$85,217
153	116	National Rehabilitation & Rediscovery Foundation	Holistic Approaches for Achieving Self-Sufficiency & Independence for Individuals with Disabilities	\$41,900	\$42,000	\$42,000
154	120	Fairfax Law Foundation	Northern Virginia Pro Bono Law Center (formerly Pro Bono Program)	\$60,000	\$57,000	\$60,000
155	107	Northern Virginia Family Service (NVFS)	Adult Health Direct Assistance	\$20,000	\$20,000	\$20,000
156	134	Food for Others	Food for Others/Fairfax	\$140,000	\$140,000	\$145,000
157	82	Falls Church Community Service Council, Inc.	Emergency Assistance	\$56,000	\$69,000	\$69,000
158	91	ECHO, Inc.	Emergency Needs Assistance	\$35,000	\$50,000	\$50,000
159	83	Falls Church Community Service Council, Inc.	Homeless Day Shelter - Safe Haven	\$20,000	\$30,000	\$30,000
160	60	Housing & Community Services of No. Va.	Case Management/Housing Counseling	\$190,000	\$150,000	\$130,000
161	100	Jewish Social Service Agency	Helping Troubled Children & Teens by Strengthening Families	\$49,000	\$49,000	\$49,000
162	94	Residential Youth Services, Inc.	LIFT One & LIFT Two Program	\$60,000	\$60,000	\$60,000
163	123	Pathway Homes, Inc.	Pathways to Self-Sufficiency	\$60,000	\$125,000	\$125,000
164	136	Herndon-Reston FISH, Inc.	Family Assistance Prevention/Crisis Intervention	\$70,000	\$86,600	\$93,800

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Ref #	Bid #	Organization	Program Name	FY 2010 Current Award	FY 2011 Recommended Funding	FY 2012 Recommended Funding
165	76	Community Preservation & Dev. Corp.	Island Walk After School Support Program (IWP)	\$0	\$85,296	\$86,239
166	1	ACE Foundation	Education for Independence	\$64,500	\$65,000	\$65,000
167	158	OAR of Fairfax County, Inc.	Challenge to Change	\$606,000	\$606,173	\$640,000
168	17	Western Fairfax Christian Ministries	Emergency Financial Services	\$75,000	\$75,000	\$105,000
169	113	Northern Virginia AIDS Ministry	Access Advocacy for Children/PALS	\$20,581	\$19,500	\$19,600
170	150	Reston Interfaith, Inc.	Herndon Enrichment Program	\$29,000	\$24,742	\$24,742
171	144	Jeanie Schmidt Free Clinic	Screen, Treat, Educate, Program (STEP)	\$80,000	\$90,000	\$104,145
172	93	ECDC Enterprise Dev. Corp.	Microenterprise Program	\$77,000	\$73,000	\$77,000
173	109	NOVACO, Inc.	Housing & Services for Victims of Abuse & Low Income Families	\$55,000	\$75,000	\$75,000
174	72	Capital Youth Empowerment Program	Fathers In Touch	\$0	\$50,000	\$50,000
175	66	Business Development Assistance Group, Inc.	Self Sufficiency thru Self Employment	\$37,500	\$20,000	\$25,000
176	130	Good Shepherd Housing & Family Services, Inc.	Homes for the Working Poor, Elderly, & Disabled	\$258,250	\$284,314	\$289,245
177	131	Good Shepherd Housing & Family Services, Inc.	Emergency Services-Keeping Families at Home	\$57,842	\$59,510	\$61,240
178	108	Northern Virginia Family Service (NVFS)	Accessible Medication Program	\$37,509	\$37,509	\$37,509
179	75	Senior Employment Resources	Unemployment Crisis Prevention for Seniors	\$30,000	\$30,000	\$30,000
180	142	Homestretch, Inc.	Homestretch Transitional Housing	\$380,000	\$380,000	\$380,000
181	35	Legal Aid Justice Center	Legal Assistance for Immigrants-Employment	\$81,900	\$100,000	\$100,000
182	24	Vietnamese Resettlement Association	Self-sufficiency thru Health, Housing & Social Services	\$0	\$50,000	\$60,000

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Ref #	Bid #	Organization	Program Name	FY 2010 Current Award	FY 2011 Recommended Funding	FY 2012 Recommended Funding
183	81	Falls Church Community Service Council, Inc.	Emergency Food Pantry	\$18,000	\$22,000	\$24,000
184	140	Homestretch, Inc.	ADDRESS - Aggressive Dynamic Debt Reduction Elimination & Savings Strategies	\$23,600	\$35,000	\$35,000
185	132	FACETS	Education & Community Development	\$140,833	\$100,110	\$120,130
186	21	Wesley Housing Dev. Corp.	Building for the Future	\$67,644	\$65,000	\$75,000
187	49	Lorton Community Action Center	Self Sufficiency	\$46,195	\$46,195	\$46,195
188	118	Newcomer Community Service Center	Newcomer Self-Sufficiency Program	\$67,127	\$41,000	\$41,000
189	54	Korean Community Service Center of Greater Washington	Mental Health Resources Project	\$40,000	\$40,000	\$60,000
190	112	Northern Virginia AIDS Ministry	HIV/AIDS Prevention Education for Youth	\$47,408	\$47,390	\$47,390
191	149	Reston Interfaith, Inc.	Cedar Ridge Community Center	\$63,000	\$63,000	\$63,000
192	133	FACETS	Emergency Services & Supportive Housing	\$127,158	\$131,920	\$134,300
193	53	Korean Community Service Center of Greater Washington	Self-Sufficiency Project for Korean Immigrants	\$73,000	\$73,000	\$73,000
194	99	Reston Drop-In Center	Mental Health & Homeless Support	\$0	\$10,000	\$20,000
195	45	Lutheran Social Services of the NCA	Refugee Self-Sufficiency Program	\$0	\$60,000	\$60,000
196	48	Lorton Community Action Center	Crisis Intervention	\$56,884	\$57,000	\$57,000
197	78	Fairfax FISH, Inc.	For Immediate Sympathetic Help	\$35,400	\$35,400	\$35,400
198	141	Homestretch, Inc.	The Homestretch English as a Second Language Program	\$34,000	\$40,000	\$40,000
199	22	Wesley Housing Dev. Corp.	Promising Futures	\$41,500	\$42,000	\$42,000
200	68	Annandale Christian Community for Action (ACCA)	Nutrition/Hygiene	\$22,400	\$22,400	\$26,500

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Ref #	Bid #	Organization	Program Name	FY 2010 Current Award	FY 2011 Recommended Funding	FY 2012 Recommended Funding
201	127	Specially Adapted Resource Clubs (SPARC)	Day Support Club House 1 & 2	\$80,000	\$80,000	\$80,000
202	61	Catholics for Housing	Virginia Ely Senior Rental Assistance	\$109,250	\$157,500	\$162,000
203	151	Reston Interfaith, Inc.	RI Affordable Housing Administration	\$138,720	\$157,020	\$176,429
204	128	Shepherd Center of Fairfax-Burke	Project Independence: Helping Fairfax-Burke Seniors Age in Place	\$0	\$31,000	\$44,062
205	46	Lorton Community Action Center	Ongoing Assistance for Independent Living	\$5,850	\$25,000	\$30,000
206	157	Our Daily Bread	Family Assistance	\$0	\$100,000	\$100,000
207	146	Just Neighbors Ministry	Immigration Legal Services	\$69,000	\$69,000	\$73,000
208	138	Hispanic Committee of Va.	Crisis Intervention & Family Self-Sufficiency	\$400,000	\$350,000	\$350,000
209	155	PRS, Inc.	Project HOPE	\$83,000	\$65,000	\$83,000
210	159	Infant Toddler Family Day	Family Child Care Teacher Training & Workforce Development	\$70,000	\$70,000	\$100,000
211	70	Boys & Girls Clubs of Greater Washington	Gang Prevention in Fairfax Regional Clubs	\$50,000	\$50,000	\$50,000
212	69	Annandale Christian Community for Action (ACCA)	Family Emergency Assistance	\$65,000	\$65,000	\$65,000
213	145	James Mott Community Assistance Program	Self-Sufficiency Program	\$210,000	\$181,203	\$187,393
					<b>\$10,981,477</b>	<b>\$11,315,213</b>

Fiscal Year 2012 includes \$1,113,445 for capital projects contingent upon the availability of CDBG funds. The total budget is contingent upon the Board's decisions regarding funding pool appropriations to be determined in the FY 2012 budget process. Affordable Housing Capital projects are subject to internal policies and procedures of the Department of Housing and Community Development (DHCD), which include a review and approval by DHCD's Loan Underwriting Committee (LUC). Terms of the loans for these projects will be in compliance with the requirements of the funding source. Funding of projects is also submitted to the Fairfax County Redevelopment and Housing Authority for approval. Any changes to the projects shall be subject to the

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review and approval of the LUC.

Funds will be allocated to support recommended activities in order of the Selection Advisory Committee's ranking. Allocations shall be consistent with the intent of the committee as noted in the minutes and proposal summaries and with all applicable state and federal requirements. This allows County staff to adjust the approved programs' budgets as circumstances change during the course of the two-year funding cycle.

TIMING:

Board action should be taken on April 27, 2010, as part of the Board deliberations on the FY 2011 Adopted Budget Plan. Contract negotiations will take place between May - June 2010 to finalize program operations and outcomes. Contract award recommendations for the second year will be incorporated into the County's FY 2012 budget process, contingent upon funding availability.

BACKGROUND:

In FY 1997, the Board of Supervisors approved the development and implementation of a competitive funding process to fund services best provided by community-based organizations, formerly funded through a contribution or through a contract with an individual county department.

FY 2000 was the first year that the former Community Funding Pool and the CDBG Affordable Housing and Targeted Public Services funds were merged into a single funding source for community-based nonprofit organizations to competitively bid for program support. The merger consolidated the solicitation and award processes by establishing one set of funding priorities and one application with common proposal review criteria. The specific funding sources merged to form the CCFP are: federal CDBG Targeted Public Services funds, federal CDBG Affordable Housing funds, federal and state Community Services Block Grant (CSBG) funds, and local Fairfax County general funds, totaling \$10,981,477 for FY 2011 awards.

The Consolidated Community Funding Advisory Committee (CCFAC), appointed by the Board to oversee the use of CCFP funds, developed and widely distributed for public comment recommendations for funding priorities and targets for distribution of funds. On July 13, 2009, the Board accepted the recommendations for the FY 2011-FY 2012 funding priorities and targets. Four Priority Areas were agreed upon: 1) Prevention - families and individuals get help to remain independent and have the tools and resources to prevent future or ongoing dependence; 2) Crisis Intervention – individuals, families or communities in crisis get help to overcome short-term problems (generally not more than three months) and quickly move back to independence if appropriate 3) Self-Sufficiency – Families, individuals, neighborhoods and communities get comprehensive services addressing many facets and needs so that they can attain self-sufficiency over a period of three months to three years; 4) Ongoing Assistance for

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Independent Living – People, neighborhoods and communities that have continuing and long-term needs achieve or maintain healthy, safe and independent lives to the maximum extent possible

A Request for Proposals (RFP) based on the CCFAC recommendations was issued by the county on October 1, 2009. The RFP closed on December 1, 2009. One hundred and fifty-nine applications were received by the deadline, totaling \$21,170,312 in FY 2011 requests (nearly twice the amount of funds available in the FY 2011 Advertised Budget Plan) and \$21,406,213 in FY 2012 requests. These request totals reflect a decrease of approximately 8% below the 2009-2010 funding cycle.

A citizen Selection Advisory Committee appointed by the County Executive, evaluated and ranked all proposals. The committee was comprised of a diverse group of 16 individuals with varied expertise and interests residing in different areas of the county. The committee conducted its review of the proposals in February and March 2010. These citizens committed an extraordinary amount of time and effort to the review and evaluation of these proposals and are to be commended for their important contributions to this process. It is estimated that the members contributed several hundred hours in both individual and group review and discussion.

The committee gave serious consideration to the priority areas and targets recommended by the CCFAC and approved by the Board. Based on the priority areas and the evaluation criteria developed by the CCFAC for funding (identified in Attachment 1), as well as a review of the cost reasonableness to the county, the committee recommends full or partial funding in FY 2011 for 114 proposals totaling \$10,981,477.

Proposal descriptions for the recommended projects are included in Attachment 2. The committee also made recommendations for FY 2012 awards as noted on Table A.

Seventeen of the recommended proposals are new and 97 proposals are recommended for continued funding. A description of the 45 proposals submitted that were not funded are identified in Attachment 3. The Selection Advisory Committee placed conditional funding restrictions on four programs: Reference Number 208 is conditional based on the submission of required documentation including a current audit, IRS Form 990 and a staff retention plan for FY 2011. These items should be received within 60 days of contract signature. Additionally, the release of the FY 2012 award is conditional on the organization achieving its service projections for FY 2011. Reference Number 162 is conditional pending further review of the organization's financial status by the county's Office of Internal Audit. Reference Numbers 160 and 213 are conditional based on the submission of a fundraising plan for FY 2012 indicating how the organization will increase its revenue base.

Attachment 4 identifies funding by the priority area targets established by the CCFAC.

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The CCFAC and the selection committee are aware of the current budget constraints and that recommendations for FY 2012 funding are contingent upon Board action at a future date and subject to availability of federal block grant funds.

The Community Action Advisory Board, which oversees the final allocation of Community Services Block Grant funds, will meet on Tuesday, May 4, 2010 to identify FY 2011 and FY 2012 proposals recommended by the selection committee that fit within policy requirements for state and federal funding. Based on notification from the Department of Social Services of the Commonwealth of Virginia, an estimated \$613,478 is available for FY 2011.

The CCFAC will meet with members of the SAC to review this year's application and allocation process and to determine opportunities for improvement in subsequent years.

FISCAL IMPACT:

A total of \$10,981,477 is recommended in this item for award to nonprofit organizations. An amount of \$8,970,687 from the General Fund and CSBG currently is included in the FY 2011 Advertised Budget Plan for Fund 118, Consolidated Community Funding Pool. The Consolidated Plan: One Year Action Plan for FY 2011, to be presented to the Board of Supervisors on April 27, 2010, includes an allocation of \$1,113,445 in CDBG Affordable Housing funds and \$897,345 in CDBG Targeted Public Services funds.

ENCLOSED DOCUMENTS:

Attachment 1: Consolidated Community Funding Pool FY 2011-FY 2012 Proposal Evaluation Criteria

Attachment 2: Consolidated Community Funding Pool FY 2011-FY 2012 Proposal Descriptions

Attachment 3: FY 2011-FY 2012 Consolidated Community Funding Pool Proposals Not Recommended for Contract Award

Attachment 4: Consolidated Community Funding Pool Selection Advisory Committee Recommendations Summary by Funding Priority

STAFF:

Patricia Harrison, Deputy County Executive

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

M. Gail Ledford, Director, Department of Administration for Human Services

Kenneth Disselkoen, Director, Department of Systems Management for Human Services

Paula C. Sampson, Director, Department of Housing & Community Development

Nanette Bowler, Director, Department of Family Services

Christopher Leonard, Acting Director, Department of Community & Recreation Services

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ACTION - 2

Approval of Modifications to the Silver Lining and Silver Lining Plus Programs

ISSUE:

Board approval is requested to modify guidelines to the current Silver Lining and Silver Lining Plus programs to incorporate changes recently announced by U.S. Department of Housing and Urban Development (HUD) and to address the current foreclosure market in Fairfax County. The Board approved the Silver Lining Initiative in June 2008 and the Silver Lining Plus Program in November 2008. These changes will enhance the County's ability to use Neighborhood Stabilization Program (NSP) funds to help first-time homebuyers and non-profits seeking to buy foreclosed units, and to successfully commit NSP funds from HUD and the Commonwealth by the September 17, 2010 deadline.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fairfax County Department of Housing and Community Development (HCD) to fully implement the proposed modifications to the Silver Lining and Silver Lining Plus programs.

TIMING:

Board authorization is requested on April 27, 2010 in order to enable projects to proceed and meet both the federal and state fund commitment deadlines of September 17, 2010. On April 29, 2010, the Fairfax County Redevelopment and Housing Authority (FCRHA) will consider the proposed implementation of these modifications to these programs.

BACKGROUND:

On March 31, 2008, the Board directed HCD to address the foreclosure problem in the County by developing ways to stabilize neighborhoods and, at the same time, providing affordable rental housing and homeownership opportunities. HCD analyzed the foreclosure market, including the availability of potential resources and various programs that could be utilized or redirected to facilitate meeting the goals of neighborhood stabilization, workforce housing, and foreclosure mitigation. The goal of this initiative, named the Silver Lining Initiative has been to assist distressed homeowners through counseling, offer an opportunity for affordable homeownership to first-time homebuyers and at the same time, help to stabilize impacted neighborhoods.

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In FY 2009, Fairfax County was awarded \$2,807,300 in NSP funds from HUD through a special enactment of the Housing Economic Recovery Act of 2008 (HERA) (referred to as NSP-direct). These funds were allocated to fund foreclosure acquisitions by first-time homebuyers and to fund non-profit foreclosure acquisitions for low-income rental housing. In FY 2010, \$1 million in NSP funding was awarded to Fairfax County from the Virginia Department of Housing and Community Development (VDHCD) for use by non-profits to acquire and rehabilitate additional supportive rental housing units (referred to as NSP-State). The NSP funds supported the Silver Lining and Silver Lining Plus programs, utilizing federal funding other than County funding. At the time HCD received these funds, it was anticipated that 50 to 60 homes would be acquired and rehabilitated. To date 22 homes have been acquired and/or rehabilitated by homeowners and non-profits using the federal NSP funds (additional foreclosed homes have been acquired using other funds). Approximately 3 units are in the pipeline and 21% of NSP-direct funds have been expended. There have been no expenditures of state funds to date, however two projects are in the pipeline. NSP funds must be committed to projects by September 17, 2010 and expended by March 5, 2013.

Fairfax County has faced a unique and challenging market situation. In spite of having concentrations of foreclosures in certain census tracts initially, the rate of foreclosures has decreased in the recent months and in fact, home seekers and non-profits have been finding multiple competitive bids from investors on foreclosed properties. Most of these investors are paying cash to the Real Estate Owned (REO) lenders/sellers. This has also led to a slow but steady increase in home prices. As a result, non-profits and prospective homebuyers face obstacles in acquiring foreclosed units.

In addition, grantees of the NSP-direct and NSP-State funding must comply with highly complex and restrictive federal regulations which have limited the ability of local partners to put the funding to work quickly. The current process often works against first-time homebuyers and non-profits seeking to close transactions quickly.

In order to assist non-profits and prospective homeowners to successfully compete in the marketplace and while also complying with both the federal and state commitment deadlines, HCD staff recommends the following changes to the programs:

- 1. Incorporate new HUD definitions for the program and future NSP program changes, as amended:** On April 1, 2010, HUD issued new definitions for foreclosed and abandoned properties. HUD previously defined the term foreclosed to apply only to properties where the foreclosure process was completed. The new definition includes properties that hold at least a 60-day mortgage delinquency and the owner has been notified by the mortgager; or the property owner is 90 days or more delinquent on tax payments; or under state or local law, foreclosure proceedings have been initiated or completed; or foreclosure proceedings have been completed and title has been transferred to

an intermediary aggregator or servicer that is not an NSP grantee. HUD previously defined abandoned as a property that had been foreclosed upon and was vacant for at least 90 days. The new definition is expanded to include properties where no mortgage or tax payments have been made by the property owner for at least 90 days or a code enforcement inspection has determined that the property is not habitable and the owner has taken no corrective actions within 90 days of notification of the deficiencies. These new definitions will increase the flexibility of NSP funding and are intended to assist grantees, like Fairfax County, to meet the 18-month obligation deadline.

2. **Incorporate new HUD purchase price limit:** The maximum purchase price under the program is tied to the federal limits under the federal HOME program. This limit has recently increased from \$362,790 to \$417,000 and will become applicable to all housing types.
3. **Adopt federal unit subsidy amounts:** Currently, the subsidy loan amounts are \$90,000 for a condominium, \$66,200 for a townhouse, and \$91,767 for a single family home. Federal rules allow funding up to the full purchase price. While the capped subsidies were intended to leverage the funds and make them go further, the changes in the market warrant increasing the subsidies to the federal levels so first-time homebuyers and non-profits can compete in this market. This change is particularly critical to non-profits who may need more flexibility in subsidy depending upon unit price, the income levels to be served and leveraged financing available. They would be allowed to acquire a mix of unit types (single family, townhouses, multifamily and condominiums). This may include allowing non-profits to meet the needs of the population served, by purchasing fewer larger units instead of multiple smaller units. All underwriting standards would be maintained.
4. **Allow non-profits access to more NSP-direct funds:** Currently, there is \$1,231,836 allocated to homeowners under NSP-direct funds. To allow more flexibility and fully utilize the remaining NSP fund balances by the September 17, 2010 deadline, staff recommends that these funds be made available to non-profits to acquire and rehabilitate housing rental units to serve very-low income families and individuals with priority to special needs populations, in addition to homebuyers, on a first-come, first-served basis until all the funds are committed.
5. **Allow homebuyers the ability to purchase all unit types to include condominiums, townhouses and single family units:** Currently, first-time homebuyers can only purchase townhouses and single family dwellings with NSP funds. Staff recommends that first-time homebuyers be permitted to purchase condominiums as well. This will allow homebuyers greater flexibility in the market.

- 6. Allow foreclosed ADU and MIDS units to be purchased with NSP funds for use by non-profits for rental housing as well as to homebuyers for homeownership:** Some Affordable Dwelling Unit Program (ADU) and Moderate Income Direct Sales Program (MIDS) properties have become available to the FCRHA for purchase through the foreclosure process. Staff recommends that the ADU's and MIDS units meeting the foreclosures/abandoned definitions and future program changes, as amended, to be purchased with NSP funds and marketed to homeowners and non-profits, to include any recent units that meet NSP requirements. .
  
- 7. Permit homebuyers who utilize HOME funds through this program to acquire non-foreclosed units:** A portion of the Silver Lining Program was funded by federal HOME funds, which must be committed on a timely basis or risk re-capture. Under the HOME-funded portion, homebuyers were permitted to purchase non-foreclosed units; however, currently homebuyers are required to purchase foreclosed units. Staff recommends that the HOME-funded portion of the Silver Lining Program, formerly the Homebuyer Equity Loan Program (HELP), be re-opened to allow non-foreclosed units again and therefore increase flexibility and likelihood of success in reaching the overall program goals, mentioned above.

All of the program modifications above will be effective immediately and all funding awards and modifications will be subject to the review and approval of the Loan Underwriting Committee and, if needed, subject to the approval of the FCRHA.

FISCAL IMPACT:

None, however, these actions should allow more timely expenditures of the federal funds.

ENCLOSED DOCUMENTS:

None

STAFF:

Patricia D. 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  
Audrey Spencer-Horsley, Associate Director, Grants Management, HCD  
Kehinde W. Powell, Housing Community Developer III, HCD

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ACTION - 3

Approval of a Project Agreement and Funding for County-Funded Roadway Improvements to Telegraph Road (Lee District)

ISSUE:

Board approval to execute a project agreement (Attachment I) with the Virginia Department of Transportation (VDOT) and spend up to \$10.0 million in County identified funds, on the widening of Telegraph Road. These funds are expected to complete funding for the widening of Telegraph Road between South Kings Highway and South Van Dorn Street from two lanes to four lanes.

RECOMMENDATION:

The County Executive recommends that the Board approve the project agreement in substantial form, including the provision of using up to \$10.0 million in available County transportation funds for the widening of Telegraph Road from South Kings Highway to South Van Dorn Street from two lanes to four lanes.

TIMING:

Board approval is requested on April 27, 2010, so that the project can move forward as expeditiously as possible.

BACKGROUND:

This project was originally a part of VDOT project # 0611-029-303 (UPC 58453), that was to extend eastward from existing project # 0611-029-303 (UPC 11012) and terminate at South Kings Highway. Due to severe funding shortages, this project has been put on hold. However, in an effort to relieve severe congestion during peak hours on Telegraph Road between the intersections with South Van Dorn Street and South Kings Highway, the County has agreed to fund a widening project along this 1,000 foot segment of roadway. The County has requested that VDOT design, acquire right-of-way for, and construct the project, and VDOT has agreed to do so.

On July 13, 2009, as part of the transportation funding strategies item, the Board confirmed its support for allocating \$8.5 million in 2007 transportation bond funds approved by the voters for Base Realignment and Closure (BRAC) related transportation needs to the Telegraph Road widening project. The Board also approved allocating \$1.5 million in Commercial and Industrial (C&I) tax funding for the project. All

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of these funds require an agreement between VDOT and the County to allow VDOT to administer the project.

The project agreement with VDOT for the project is similar to the agreement the Board of Supervisors approved for the County-funded Stringfellow Road project in July 2005 and again in September 2009. The attached project agreement utilizes all County-identified funding for the project.

FISCAL IMPACT:

County funds are available for the Telegraph Road widening project. Funding of \$10.0 million includes \$8.5 million in current year funding in Fund 304, Transportation Improvements, Project 4YP215 Base Realignment and Closure, and \$1.5 million in available funding through Fund 124, County and Regional Transportation Projects that was endorsed by the Board on July 13, 2009, to be supported from FY 2009 through FY 2012 Commercial and Industrial Funds.

These funding allocations are consistent with the Board's action on July 13, 2009.

ENCLOSED DOCUMENTS:

Attachment I – Agreement for County-funded Roadway Improvements to Telegraph Road

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  
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT  
Ellen F. M. Posner, Assistant County Attorney  
Len Wales, County Debt Manager  
Jay Guy, Senior Transportation Planner, Coordination and Funding Division, FCDOT

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## INFORMATION - 1

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

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

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

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

#### ENCLOSED DOCUMENTS:

Attachment 1: March 2010 Status Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program for FY 2008 through FY 2011

#### STAFF:

Robert A. Stalzer, Deputy County Executive  
James W. Patteson, Director, Department of Public Works and Environmental Services  
Howard J. Guba, Deputy Director, DPWES  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Larry L. Ichter, Chief, Transportation Design Division, FCDOT  
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT  
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT  
Brent Payne, Capital Projects Section, FCDOT

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## INFORMATION – 2

### Contract Award – Engineering Services for Huntsman Lake Pohick Creek Dam Number 8 Rehabilitation (Springfield District)

Huntsman Lake Dam, also known as Pohick Creek Dam Number 8, is operated by the Fairfax County Department of Public Works (DPWES). The facility was built by the Natural Resources Conservation Service (NRCS) in 1973 as one of six flood control facilities in the Pohick Creek watershed. The Huntsman Lake Dam does not meet current state and federal dam safety standards. Fairfax County is collaborating with the NRCS in the development of an environmental assessment and rehabilitation plan (EA) for the facility. The EA will be used by NRCS to request federal cost-share funds to rehabilitate the Huntsman Lake Dam. The EA will also identify the preferred rehabilitation alternatives to be moved forward to design.

This contract will provide the planning, design, and ancillary services needed to rehabilitate the Huntsman Lake Dam. This project is part of Stormwater Management's Dam Safety Program identified in the FY2010 – FY2014 Adopted Capital Improvement Program. It is anticipated that after completion of the Huntsman Lake Dam EA, a workplan agreement will be executed with NRCS. This will allow NRCS to request federal cost-share funds for the project. Once federal funding is approved, and a rehabilitation design for the facility completed, a project agreement will have be executed with the NRCS. The project agreement obligates federal dam rehabilitation funds for the project. It is expected that under the project agreement, the NRCS will fund 65% of the total project cost for the facility rehabilitation, with the County funding the remainder. The cost of the services to be provided under this contract will be credited towards the County's share of total project cost for spillway rehabilitation.

Schnabel Engineering was selected in accordance with the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that Schnabel does not have, and is not required to have, a Fairfax County Business, Professional and Occupational License for this work.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Schnabel Engineering in the amount of \$552,000.

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FISCAL IMPACT:

Funding in the amount of \$552,000 is necessary to award this contract and fund the associated contingency and other project costs. Funding is currently available in Project FX4000, Dam Safety, Fund 318, Stormwater Management Program.

ENCLOSED DOCUMENTS:

Attachment 1: List of Awardees and Other Firms Considered  
(Contract available in the Office of the Clerk to the Board)

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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### INFORMATION – 3

#### Contract Award – Bridle Path Stream Restoration (Dranesville District)

Four sealed bids were received and opened on March 25, 2010, for the construction of the Bridle Path Stream Restoration, Project SC8000-SC001, Scotts Run Watershed Projects, in Fund 318, Stormwater Management Program. This contract award will provide for the restoration of approximately 1,640 linear feet of stream along Bradley Branch and portions of four stormwater outfall channels. This project will restore the stream by establishing a stable stream morphology through the use of natural channel design principles and soil bio-engineering. The riparian area will be restored through establishing a multi-layered riparian forest of native trees, shrubs, herbaceous plants, and grasses. This project is included in the FY 2010 - FY 2014 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Avon Corporation. The firm's bid of \$499,547.00 is \$217,329.48 or 30% lower than the Engineer's Estimate of \$716,876.48. The second lowest bid of \$504,931.47 is \$5,384.47 or 1% above the low bid. The highest bid of \$844,194.90 is \$344,647.90 or 69% above the low bid. There were two bids below the Engineer's Estimate and two bids above the Engineer's Estimate.

The Department of Public Works and Environmental Services has analyzed the bids received on the referenced project and recommends award of the contract. Recent bid experience indicates an extremely competitive bidding climate, especially in horizontal construction projects. This combined with the contractor's experience in stream restoration make this a favorable below estimate bid.

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

This bid may be withdrawn after May 3, 2010.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Avon Corporation in the amount of \$499,547.00.

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FISCAL IMPACT:

Funding in the amount of \$622,079.05 is necessary to award this contract and fund the associated contingency and other project costs including design, testing, contract administration, and inspection. Funds are currently available in the amount of \$4,366,203, in Fund 318, Stormwater Management Program.

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

INFORMATION - 4

Supplemental Agreement with the Virginia Department of Transportation for the Mason Neck Trail Project (Mount Vernon District)

The Mason Neck Trail consists of approximately 5.6 miles of an 8-foot wide asphalt trail from Route 1 along Gunston Road to the Great Marsh Trail area. The Fairfax County Trails and Sidewalk Committee has divided this trail into five segments. A description of each segment is described on the attached project map (Attachment 1).

The construction of the Segment 3 portion of the Mason Neck Trail is complete. The design of the Segment 2A and Segment 2B portions of the Mason Neck Trail are complete. All the required land rights from the Northern Virginia Regional Park Authority (NVRPA) for Segment 2A have been obtained and this segment is being prepared for construction bid advertisement. The construction of Segment 2A is projected to be initiated during summer 2010. It is anticipated that the land acquisition phase for Segment 2B will be completed by summer 2011. The Segment 2B portion of the Mason Neck Trail may be completed in phases based on the funding available after the completion of Segment 2A. At this time, no funding has been allocated towards the completion of Segments 1 and 4.

Partial funding to implement the Segment 2A and Segment 2B portions of the Mason Neck Trail is being provided from \$1,072,000 in Enhancement Funds allocated in the Virginia Department of Transportation (VDOT) Six Year Improvement Program by the Commonwealth Transportation Board (CTB). In accordance with prior Board direction, VDOT Enhancement Funds in the amount of \$450,000 have been reassigned from Richmond Highway to the Mason Neck Trail project, which will result in a total allocation of \$1,522,000. The following summarizes the VDOT Enhancement Program Funds approved for this project and the corresponding required County matching funds:

VDOT Enhancement Funding Allocation	VDOT Contribution (80 Percent)	Fairfax County Contribution (20 Percent)	Total Project Funding
Prior Approved	\$1,072,000	\$268,000	\$1,340,000
Proposed Supplemental Agreement	450,000	112,500	562,500
Total	\$1,522,000	\$380,500	\$1,902,500

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A Supplemental Agreement to the previously approved Project Development and Administration Agreement must be executed in order to expend the additional \$450,000 in Enhancement Funds. By executing the Supplemental Agreement, the terms and conditions of the original executed Project Development and Administration Agreement will continue to be in effect except for modifications of the funding allocations.

The additional \$450,000 in VDOT Enhancement Funds will be used to complete the construction of Segment 2A, and the land acquisition along with providing partial funding for the construction of the Segment 2B portion of the Mason Neck Trail. Funding in the amount of \$112,500 is available to provide the required County matching funds for the supplemental VDOT Enhancement Funds.

Unless otherwise directed by the Board of Supervisors, the County Executive will execute the Supplemental Agreement with VDOT for Project Development.

FISCAL IMPACT:

This Supplemental Agreement will provide \$562,500 in additional funding for the Segment 2A and Segment 2B portions of the Mason Neck Trail, including \$450,000 in VDOT funds and \$112,500 in County matching funds. VDOT funds will be appropriated at a future quarterly review. Funds for the County contribution to this VDOT Enhancement Grant are currently available in the amount of \$23,349 in Project 009473, Mt. Vernon Capital Projects and \$15,772 in Project 009477, At Large Capital Projects, in Fund 303, County Construction; and \$73,379 in Project W00600, in Fund 307, Pedestrian Walkway Improvements.

ENCLOSED DOCUMENTS:

Attachment 1 - Project Sketch  
Attachment 2 - Supplemental Agreement

STAFF:

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

INFORMATION - 5

International Building Safety Week

In observance of International Building Safety Week, May 9-15, 2010, the Department of Public Works and Environmental Services (DPWES) is conducting a campaign to promote public awareness of building safety in Fairfax County. This is in keeping with DPWES' mission to enforce building codes and related County ordinances in order to ensure the construction of safe buildings in the County.

As has been the practice in previous years, staff is working in collaboration with several local hardware stores including Home Depot stores at Seven Corners Center, Fairfax Circle, Alexandria, and Reston, to set up building safety information booths at store entrances during Building Safety Week. Staff from neighboring local government jurisdictions who participated in last year's effort have again enthusiastically expressed their satisfaction with last year's joint effort, and indicated their desire to continue it. So, this year, on May 15 and 16, in another regional collaborative effort, the booths will be staffed jointly by engineers and inspectors from Fairfax County DPWES and Code Enforcement Agencies from Arlington County, the Cities of Alexandria, Fairfax, and Falls Church, and the Town of Herndon.

Customers and visitors will have the opportunity to ask building code-related questions. Building equipment and safety appliances-such as carbon monoxide alarms, smoke detectors, fire extinguishers, and radon test kits-will be displayed. Information brochures on building and elevator safety, as well as permit process information, will be available to all customers and visitors.

This outreach program is designed to educate regional residents on the provisions of the building codes, increase the level of awareness on building safety, and save lives. Since initiating the community outreach visits over fifteen years ago, citizen response has continued to be very positive, and staff reports an increasing level of interest from customers shopping at these stores.

On Monday, May 10, beginning at 11:00 AM, a kickoff brunch presentation and press conference on the theme "High Performance Buildings" will be held at the Herrity Building of the Fairfax County Government Center. This year's event, organized jointly by the Counties of Fairfax and Arlington, the Cities of Alexandria, Fairfax, and Falls Church, and the Town of Herndon, is designed to focus the public's attention on Building Performance and the Importance of Building Codes on the performance and safety of buildings. The featured presentations will be given by two distinguished speakers – Henry Green from the National Institute of Building Sciences, and Sean Kennedy from the engineering firm of O'Donnell & Naccarato.

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As part of today's ceremony recognizing Building Safety Week, DPWES will present its Building Safety Community Partnership Award. This award recognizes private or corporate citizens for their contributions toward the advancement of DPWES' mission of ensuring building and construction safety in Fairfax County. This is the thirteenth year for this award, and the recipient this year is Mr. Henry Green, President and CEO of National Institute of Building Sciences, and Past President of the International Code Council, who is being recognized for his contributions in promoting building safety not only within Fairfax County, but the rest of the nation as well.

He is richly deserving of special recognition, and we are proud to have him as the recipient of our Building Safety Community Partnership Award for 2010.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, DPWES

Michelle Brickner, Acting Director, Land Development Services, DPWES

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11:30 a.m.

Matters Presented by Board Members

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12:20 p.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. *Advanced Towing Company, LLC, Roadrunner Wrecker Service, Inc., and King's Towing, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2008-0011827 (Fx. Co. Cir. Ct.)
  - 2. *Fairfax County Redevelopment and Housing Authority v. James C. Riekse, Rajesh Kapani, Rajinder P. Kapani, and Wells Fargo Bank*, Record No. 092486 (Va. Sup. Ct.) (Mount Vernon District)
  - 3. *Geoff Livingston, et al. v. County of Fairfax and Virginia Department of Transportation*, Case No. CL-2008-0008875 (Fx. Co. Cir. Ct.)
  - 4. *Louise Root v. County of Fairfax, et al.*, Case No. 2008-1735 (United States Court of Appeals for the Fourth Circuit)
  - 5. *Elena Norfolk v. Detective Douglas Middlebrooks*, Case No. CL-2009-0009207 (Fx. Co. Cir. Ct.)
  - 6. *DeCarlo Enterprises, Inc., t/a Fairfax Propane v. Fairfax County, et al.*, Case No. CL-2009-0007414 (Fx. Co. Cir. Ct.) (Hunter Mill District)
  - 7. *T-Mobile Northeast LLC v. Fairfax County, Virginia, and the Board of Supervisors of Fairfax County, Virginia*, Civil Action No. 1:10cv117 (E.D. Va.) (Dranesville District)

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8. *New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility v. The Fairfax County Board of Supervisors*, Civil Action No. 1:10cv283 (E.D. Va.) (Mount Vernon District)
9. *Board of Supervisors of Fairfax County, Virginia v. NewPath Networks, LLC*, Case No. CL-2010-0005141 (Fx. Co. Cir. Ct.) (Dranesville District)
10. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lola Stubblefield*, Case No. CL-2008-0014170 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ramiro Z. Herrera*, Case No. CL-2009-0006973 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Asghar & Sons, Inc.*, Case Nos. CL-2009-0015539 and CL-2009-0011377 (Fx. Co. Cir. Ct.) (Mason District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Demetrios Demetriou and Androulla Demetriou*, Case No. CL-2009-0006842 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. John Y.C. Wang, Trustee of the Living Trust of John Y.C. Wang and Wan Shi Wang, and Wan Shi Wang, Trustee of the Living Trust of John Y.C. Wang and Wan Shi Wang*, Case No. CL-2009-0016276 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Richard Lord and Nancy Lord Zearfoss v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, Case Nos. CL-2009-0012456 and CL-2010-0000197 (Fx. Co. Cir. Ct.) (Springfield District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose R. Melgar*, Case No. CL-2009-0002348 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Debby M. Amaya, Maria E. Amaya, and Jose D. Fernandez*, Case No. CL-2009-0016277 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. H. James Neary and Eileen M. Neary*, Case No. CL-2009-0013822 (Fx. Co. Cir. Ct.) (Mason District)

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19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dong San Juon and Hea Jung Juon*, Case No. CL-2010-0000270 (Fx. Co. Cir. Ct.) (Mason District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Shen*, Case No. CL-2009-0010971 (Fx. Co. Cir. Ct.) (Providence District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kye Ok Hwang*, Case No. CL-2010-0002569 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Darioush David Movafagh and Lili Movafagh*, Case No. CL-2009-0010922 (Fx. Co. Cir. Ct.) (Hunter Mill District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Paul J. Gayet, Trustee, Gayet Living Trust*, Case No. CL-2009-0014359 (Fx. Co. Cir. Ct.) (Dranesville District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricio Paucar and Rafael A. Soler*, Case No. CL-2009-0010199 (Fx. Co. Cir. Ct.) (Mason District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio Moya*, Case No. CL-2009-0017993 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmen A. Portillo and Corina J. Portillo*, Case No. CL-2010-0000612 (Fx. Co. Cir. Ct.) (Springfield District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cleto Rojas, Ismael Dante Casildo-Ordonez, and Delia Luisa Berrospi-Romero*, Case No. CL-2009-0016908 (Fx. Co. Cir. Ct.) (Mason District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Villarroel-Romero, Carlos Rogelio Renjel, and Celia Vargas-Mendez*, Case No. CL-2009-0017629 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nelson G. Lameles*, Case No. CL-2009-0017503 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team/BNV Case)
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Eun S. Sul*, Case No. CL-2009-0017508 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team/BNV Case)

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31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio Pereira*, Case No. CL-2009-0017509 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team Case)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Deutsche Bank National Trust Company*, Case No. CL-2010-0001310 (Fx. Co. Cir. Ct.) (Mount Vernon District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcelo J. Via*, Case No. CL- 2010-0002566 (Fx. Co. Cir. Ct.) (Providence District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. David J. Moore, Jr., and Sterling Moore*, Case No. CL-2010-0004272 (Fx. Co. Cir. Ct.) (Mason District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Hernandez and Paula Argueta*, Case No. CL-2010-0004450 (Fx. Co. Cir. Ct.) (Mason District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jong S. Kim and Myoung S. Kim*, Case No. CL-2010-0004488 (Fx. Co. Cir. Ct.) (Springfield District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nassir Ansary*, Case No. CL-2010-0004598 (Fx. Co. Cir. Ct.) (Springfield District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shaikh M. Shahid and Sadaf S. Shahid*, Case No. CL-2010-0004728 (Fx. Co. Cir. Ct.) (Lee District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tony Marks*, Case No. CL-2010-0004979 (Fx. Co. Cir. Ct.) (Mason District)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mann Realty, Inc., and 495 Shipping, Inc.*, Case No. CL-2010-0005205 (Fx. Co. Cir. Ct.) (Mount Vernon District)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marcos C. Vieira and Maria Elena Vieira*, Case No. CL-2010-0005428 (Fx. Co. Cir. Ct.) (Mason District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ryan Denmark and Amy Denmark*, Case Nos. 09-0031512 and 09-0031513 (Fx. Co. Gen. Dist. Ct.) (Lee District)

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43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher Perreca*, Case No. CL-2010-0001427 (Fx. Co. Cir. Ct.) (Hunter Mill District)
44. *Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Margaret L. Harrison*, Case No. 10-0008977 (Fx. Co. Gen. Dist. Ct.) (Lee District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ivy Inocencio*, Case Nos. 10-0008939 and 10-0008940 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
46. *Board of Supervisors of Fairfax County, Virginia v. Petula Associates, Ltd., n/k/a Petula Associates, LLC, and Travelers Casualty and Surety Company of America*, Case No. CL-2009-0013580 (Fx. Co. Cir. Ct.) (Sully District)
47. *Board of Supervisors of Fairfax County, Virginia v. Oak Street, LLC*, Case No. CL-2010-0004599 (Fx. Co. Cir. Ct.) (Providence District)

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3:00 p.m.

Public Hearing on SEA 2004-MV-001 (Trustees of the Calvary Korean Baptist Church and New Cingular Wireless PCS, LLC D.B.A. AT & T Mobility Washington, DC, SMSA Limited Partnership D.B.A. Verizon Wireless) to Amend SE 2004-MV-001 Previously Approved for a Telecommunications Facility to Permit Site Modifications and Modifications of Development Conditions, Located on Approximately 3.98 Acres Zoned R-1, Mount Vernon District

The application property is located at 8616 Pohick Road, Tax Map 98-1 ((1)) 21.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 18, 2010, the Planning Commission voted unanimously (Commissioners Harsel and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2004-MV-001, subject to the Development Conditions dated March 3, 2010; and
- Modification of the transitional screening requirements and waiver of the barrier requirement, in favor of that shown on the SEA/SPA Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
April 27, 2010

3:30 p.m.

Public Hearing on RZ 2009-HM-019 (Comstock Reston Station Holdings, LC) to Rezone from I-4 to PDC to Permit Transit-Oriented Mixed Use Development with an Overall Floor Area Ratio (FAR) of 2.5 Excluding ADU, WFH and Bonus Density, Located on Approximately 12.47 Acres, Hunter Mill District

The application property Block 2 is located on the southwest quadrant of the intersection of Sunset Hills Road with Isaac Newton Square W. and Block 1 is located in the northwest quadrant of the intersection of Wiehle Avenue and Dulles Airport Access Road, Tax Map 17-4 ((1)) 17A and 17-4 ((24)) 3.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing was held on March 25, 2010 and the Commission deferred its decision to Wednesday, April 14, 2010 and then to Thursday, April 22, 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)  
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
April 27, 2010

3:30 p.m.

Public Hearing on SEA 93-Y-059 (Exxon Mobil Corporation) to Amend SE 93-Y-059 Previously Approved for a Service Station, Quick Service Food Store and Car Wash in a Highway Corridor Overlay District to Permit Modifications to Development Conditions, Located on Approximately 1.17 Acres Zoned C-8, HC, SC and WS, Sully District

The application property is located at 13825 and 13829 Lee Highway, Tax Map 54-4 ((1)) 103A and 104.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 3, 2010, the Planning Commission unanimously voted (Commissioners Alcorn, Flanagan, and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 93-Y-059, subject to the Development Conditions dated February 16, 2010, with the addition of a new Condition 15 to read, "No outdoor storage or display of goods for sale or rent shall be permitted.";
- Waiver of the service drive along Lee Highway in favor of the existing travel lane; and
- Waiver of the transitional screening requirement along the property's western lot line in favor of the existing landscaping.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
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3:30 p.m.

Public Hearing on SE 2009-SP-012 (McDonald's Corporation) to Permit a Fast Food Restaurant with Drive-Through, Located on Approximately 35,000 Square Feet Zoned C-6, HC and WS, Springfield District

The application property is located at 13035-B Lee Jackson Memorial Highway, Tax Map 45-1 ((1)) 10F pt.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 10, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Donahue, and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2009-SP-012, subject to the Development Conditions dated March 10, 2010, revised as follows:
  - Add the word “flags” to the list of prohibited roof displays in Condition 8; and
  - Add new Condition 14 to read, “A copy of the Special Exception Development Conditions and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.”
- Waiver of the on-road bike lane requirement on Route 50;
- Modification of the trail requirement on Route 50;
- Modification of the transitional screening requirement in favor of that shown on the SE Plat;
- Waiver of the barrier requirement in favor of that shown on the SE Plat; and
- Modification of the peripheral parking lot landscape requirement in favor of that shown on the SE Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
April 27, 2010

3:30 p.m.

Public Hearing on RZ 2009-MA-013 (McDonald's Corporation) to Rezone from C-8, C-4 and HC to C-8 and HC to Permit Commercial development with an Overall Floor Area Ratio of 0.08, Located on Approximately 1.23 Acres, Mason District

and

Public Hearing on SEA 83-M-102-03 (McDonald's Corporation) to Amend SE 83-M-102 Previously Approved for a Fast Food Restaurant with Drive-Through to Permit the Demolition and Reconstruction of a Fast Food Restaurant with Drive-Through, Associated Modifications to Site Design and Development Conditions, Located on Approximately 1.23 Acres Zoned C-8 and HC, Mason District

The application property is located on the north side of Little River Tnpk. approx. 250 ft. W. of its intersection with Beauregard St. at 4800 North Chambliss St. and 6302 Little River Tnpk. Tax Map 72-2 ((1)) 44A and 72-4 ((1)) 6E.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 10, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Donahue, and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2009-MA-013, subject to the execution of proffers consistent with those dated March 9, 2010;
- Approval of SEA 83-M-102-03, subject to the Development Conditions dated March 10, 2010, revised as follows:
  - Add the word “flags” to the list of prohibited roof displays in Condition 8;
  - Replace the second sentence in Condition 11 as follows, “Existing trees located within the Fairfax County Water Authority (FCWA) easement shall be removed three years after issuance of the non-RUP.”;
  - Replace Condition 15 as follows, “The applicant shall coordinate with the Landmark Homeowners Association (Stonegate) to purchase and install vegetation, with a minimal value of \$1,500.00, on the adjoining property along the northern and western boundaries of the project site. The vegetation shall be installed prior to the issuance of the non-RUP and maintenance shall be the responsibility of the homeowners at Landmark.”

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- Add Condition 19 to read, “A copy of the Special Exception Development Conditions and the Non-Residential Use Permit shall be posted in a conspicuous place on the property and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.”
- Modification of the transitional screening requirements along a portion of the northern and western boundaries and along the southern boundary, in favor of that shown on the GDP/SEA Plat;
- Waiver of the transitional screening requirement along a portion of the northern boundary, in favor of that shown on the GDP/SEA Plat; and
- Waiver of the barrier requirement along a portion of the northern and western boundaries and along the southern boundary, in favor of that shown on the GDP/SEA Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item  
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4:00 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

The application property is located at 8735 Richmond Hwy. Tax Map 109-2 ((2)) 3A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 14, 2010, the Planning Commission voted 7-0-2 (Commissioners Alcorn and Harsel abstaining; Commissioners Lusk, Murphy, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors related to SEA 79-V-093-02:

- 1) approval of SEA 79-V-093-02, subject to the proposed development conditions dated April 14, 2010;
- 2) modification of the peripheral parking lot landscaping requirements in favor of that shown on the SEA plat;
- 3) modification of the Richmond Highway streetscape requirements along Richmond Highway and Cooper Road to that shown on the SEA plat;
- 4) a deviation of the Tree Preservation target requirements of Chapter 122 of the County Code and the Public Facilities Manual by the Director of the Department of Public Works and the Urban Forestry Department.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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April 27, 2010



4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: State Code Changes; Editorial and Other Minor Revisions

ISSUE:

Proposed Zoning Ordinance amendment to address revisions required as a result of legislative action by the 2009 General Assembly, to correct inconsistencies due to adoption of previous Zoning Ordinance and County Code amendments, and to clarify other provisions.

PLANNING COMMISSION RECOMMENDATION

On Wednesday, March 31, 2010, the Planning Commission voted unanimously (Commissioners Hall, Murphy, and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of the proposed Zoning Ordinance amendment regarding *State Code* changes, editorial and other minor revisions, as presented in the staff report dated February 9, 2010, with the following modification:

Revise the amended reference for Sect. 3-P04 and Sect. 3-C04 (page 5 of the staff report) to refer to "Par. 2 or Par. 3" in lieu of Par. 2 only, with Par. 2 applying to Sect. 3-P04 and Par.3 applying to Sect. 3-C04.

- The entire amendment, as modified, have an effective date of 12:01 a.m. on the day following adoption.

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendation.

TIMING:

Board of Supervisors' authorization to advertise – February 9, 2010; Planning Commission public hearing – March 31, 2010; Board of Supervisors' public hearing –April 27, 2010, at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2009 Priority 1 Zoning Ordinance Amendment Work Program and incorporates changes from the 2009 Virginia General Assembly. The

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amendment also corrects a number of inconsistencies and errors that have resulted from the adoption of previous Zoning Ordinance and County Code amendments. In addition, the amendment makes other minor revisions that clarify existing provisions. Specifically the amendment:

- (1) Revises Sect. 15-103 concerning nonconforming structures damaged or destroyed by a natural disaster or other act of God, by defining "act of God," and granting property owners whose properties are damaged by an accidental fire to have the same rights to rebuild their property as if damaged by an act of God.
- (2) Replaces the reference to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services in the group residential facility definition with a reference to the Virginia Department of Behavioral Health and Developmental Services.
- (3) Replaces the reference to Sect. 2-409 regarding condominiums in Sect. 2-501 with a reference to Sect. 2-518.
- (4) Replaces the references to Chapter 67 (Sanitary Sewers and Sewage Disposal) and Chapter 68 (Individual Sewage Disposal Facilities) of the Fairfax County Code in Sections 2-503 and 7-808 with references to Chapters 67.1 and 68.1, respectively.
- (5) Replaces the reference to Part 6 of Article 8 for kennels and animal shelters in Sect. 2-512 with a reference to Part 5 of Article 9.
- (6) Revises the R-P and R-C District regulations to include a place of worship with a child care center as either a special permit or special exception consistent with existing provisions in Articles 8 and 9.
- (7) Replaces the reference to Par. 5 of Sect. 9-401 in Sect. 2-104 with a reference to Par. 6 of Sect. 9-401.
- (8) Replaces the reference to the Washington Metropolitan Area Transit Authority in Sect. 5-602 with a reference to electrically-powered regional rail transit facilities or regional non-rail transit facilities.
- (9) Clarifies Sect. 16-203 to state that amendments to a previously approved PRC plan shall be subject to Board approval in accordance with Sect. 16-203 governing PRC plan approval.
- (10) Replaces reference to the Fairfax-Falls Church Community Mental Health and Mental Retardation Services Board in Sect. 19-407 with a reference to the Fairfax-Falls Church Community Services Board.

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A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 1.

REGULATORY IMPACT:

The proposed amendment enhances existing regulations, by providing clarification, resolving inconsistencies, and updating the Zoning Ordinance for conformity with the Code of Virginia. The editorial and clarifying revisions do not alter any provisions from that intended by the Board in adoption of the original amendment.

FISCAL IMPACT:

The proposed amendment will not require any additional review by staff or cost to the public and, as such, there will be no fiscal impact to applicants or staff.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission Recommendation

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Douglas W. Hansen, Senior Assistant to the Zoning Administrator, DPZ

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4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Riding and Boarding Stables

ISSUE:

In conjunction with special permit approval for a riding and boarding stable (stable) in the R-A, R-P, R-C, R-E and R-1 Districts and in the PDH and PRC Districts when not shown on an approved development plan, the proposed Zoning Ordinance amendment would allow the Board of Zoning Appeals (BZA) in certain situations to reduce the 100 foot minimum distance between stable structures/riding rings and any lot line and the 50 foot minimum distance between stable parking and loading spaces and adjoining residential properties.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 14, 2010, the Planning Commission voted unanimously (Commissioners Lusk, Murphy and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve the proposed Zoning Ordinance Amendment on Riding and Boarding Stable Setbacks, as set forth in the staff handout dated April 13, 2010 (Attachment 2).

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendation.

TIMING:

Board of Supervisors' authorization to advertise – February 9, 2010; Planning Commission public hearing – March 31, 2010, Planning Commission decision deferred to April 14, 2010; Board of Supervisors' public hearing –April 27, 2010 at 4:30 p.m.

BACKGROUND:

The proposed amendment is on the 2009 Priority 1 Zoning Ordinance Amendment Work Program and is in response to a request from the Board to allow the BZA to modify the 100 foot minimum setback requirement for structures associated with stables from any lot line.

The Zoning Ordinance currently allows stables by special permit in the R-A, R-P, R-C, R-E and R-1 Districts and in the PDH and PRC Districts when not shown on an approved development plan subject to additional standards. One of the standards

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requires that all structures/riding rings associated with the stable must be located at least 100 feet from all property lines and another standard requires that all parking and loading spaces be a minimum of 50 feet from any adjoining residentially zoned property. The BZA does not currently have the authority to modify or waive any of the special permit standards. However, there may be certain situations where the 100 foot separation for the structures/riding rings and the 50 foot separation for the parking and loading spaces may not be required to adequately protect adjacent properties from adverse noise, traffic and dust impacts of the stable structures/riding rings and associated parking and loading. Staff believes that the BZA should be given the flexibility to reduce the 100 foot setback to not less than 40 feet and to reduce or waive the minimum required 50 foot distance between parking and loading spaces and any adjoining residentially zoned property when the applicant has demonstrated to the satisfaction of the BZA that such setback(s) is not necessary to minimize any adverse impacts on adjacent properties due to one or more of the following:

- A. Specific operational characteristics of the stable such as the limits on the: number of horses, students and employees; use of outdoor lighting and public address systems; hours of operation; number and frequency of special events; and amount and type of outdoor activity.
- B. Conditions which adequately buffer adjacent properties from the stable, which may include but are not limited to: topography, vegetation, location and/or orientation of on-site structures, proximity of adjacent dwelling units, development of adjacent properties with non-residential uses, and/or existence of roads and/or major utilities.

In order to provide the Board the flexibility to adopt other minimum setbacks, the proposed amendment provides a minimum required setback range between 0 and 100 feet for the stable structures and riding ring and a range between 0 and 50 feet for the parking and loading spaces. The Board may select any setback within the advertised range and still be within the scope of advertising. A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

On March 31, 2010, the Planning Commission held a public hearing and deferred decision until April 14, 2010 in order to more fully consider comments from citizens and Commissioners. On April 14, 2010 the Planning Commission voted to recommend to the Board of Supervisors approval of the proposed Zoning Ordinance Amendment with three changes to the advertised amendment: (1) clarification that the criteria in subsections A and B apply to both structures and riding rings, as well as to parking and loading; (2) specify that the 50 foot setback for parking and loading spaces may be reduced to not less than 20 feet; and (3) add odor mitigation to the list of operational characteristics for which impacts must be addressed. The proposed amendment as recommended by the Planning Commission is contained in Attachment 1. Staff concurs with the Planning Commission's recommendations.

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REGULATORY IMPACT:

The proposed amendment provides flexibility in the design and operation of stables while ensuring that the adverse impacts of the stable on adjoining properties is minimized.

FISCAL IMPACT:

There will be minimal fiscal impact with this amendment as there are no new submission requirements or additional expenses for the applicant, and minimal additional staff time or resources are required for the review of an application.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission April 13, 2010 Recommended Amendment

Attachment 3 – Planning Commission Recommendation

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Brian Parsons, Senior Assistant to the Zoning Administrator

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4:00 p.m.

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

ISSUE:

Public hearing to consider the proposed amendments to Section 82-5B 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 adopt the proposed amendments (Attachment I) to the Fairfax County Code.

TIMING:

The public hearing was authorized on March 23, 2010, for April 27, 2010, at 4:00 p.m.

BACKGROUND:

On April 27, 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 fine increases became effective July 1, 2009.

Residential Permit Parking Districts represent areas of the County where residents have recognized parking concerns and petitioned for more restrictive parking conditions. The fine for parking violations in these areas should therefore be higher than other parking fines. The proposed amendments to Section 82-5A-12(e) and (g) are intended to increase the current Residential Permit Parking District (RPPD) parking citation fine from \$40 to \$75 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.

On March 23, 2010, during the authorization process, the Board directed County staff to provide information regarding the number of citations issued for this program and questions about the upper limits of fines for repeat offenders. This information was provided to the Board in memoranda dated April 1, 2010 and April 8, 2010.

FISCAL IMPACT:

Based on the number of citations written in fiscal year 2009, an increase in the parking citation fine from \$40 to \$75 would result in an increase in revenue of approximately \$97,000.

ENCLOSED DOCUMENTS:

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

STAFF:

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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April 27, 2010

4:00 p.m.

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

ISSUE:

Public hearing to consider the proposed amendments 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 adopt the proposed amendments (Attachment I) to the Fairfax County Code.

TIMING:

The public hearing was authorized on March 23, 2010, for April 27, 2010, at 4:00 p.m.

BACKGROUND:

On April 27, 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 fine increases became effective July 1, 2009.

Community Parking Districts represent areas of the County where residents have recognized parking concerns and in most cases petitioned for more restrictive parking conditions. The fine for parking violations in these areas should therefore be higher than other parking fines. The proposed amendment to Section 82-5B-7(a) is intended to increase the current Community Parking District (CPD) parking citation fine from \$40 to \$75 for each violation 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. The proposed changes to the Fairfax County Code, Chapter 82, Article 5B are shown in Attachment I.

On March 23, 2010, during the authorization process, the Board directed County staff to provide information regarding the number of citations issued for this program and questions about the upper limits of fines for repeat offenders. This information was

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provided to the Board in memoranda dated April 1, 2010 and April 8, 2010.

FISCAL IMPACT:

Based on the number of citations written in fiscal year 2009, an increase in the parking citation fine from \$40 to \$75 would result in an increase in revenue of approximately \$8,000.

ENCLOSED DOCUMENTS:

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

STAFF:

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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4:30 p.m.

Public Hearing to Expand the Reston Community Parking District (Hunter Mill District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on March 23, 2010, for 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 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

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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 Reston 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:

Katharine D. Ichter, 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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4:30 p.m.

Public Hearing to Lease County-Owned Property at 8350 Richmond Highway to New Cingular Wireless PCS, LLC (AT&T Mobility) (Lee District)

ISSUE:

Public hearing to lease County-owned property at 8350 Richmond Highway to New Cingular Wireless PCS, LLC for the installation of telecommunications equipment for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to execute a lease substantially in the form of the Lease Agreement with New Cingular Wireless to permit the installation of telecommunications equipment at 8350 Richmond Highway. The proposed lease will have an initial term of five years with 3 five year options.

TIMING:

On March 23, 2010, the Board authorized the advertisement of a public hearing for the leasing of County-owned property at 8350 Richmond Highway to New Cingular Wireless PCS.

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 facade and the related equipment shelter will be located behind the existing screen wall adjacent to the

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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 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.

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: Location Map/Tax Map 101-3

Attachment B: Draft Lease Agreement (Available in the Office of the Clerk to the Board)

STAFF:

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

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4:30 p.m.

Public Hearing to Lease County-Owned Property at 8350 Richmond Highway to Clear Wireless, LLC a Nevada Limited Liability Company (Lee District)

ISSUE:

Public hearing to lease County-owned property at 8350 Richmond Highway to Clear Wireless, LLC for the installation of telecommunications equipment for public use.

RECOMMENDATION:

The County Executive recommends that the Board authorize County staff to execute a lease substantially in the form of the Lease Agreement with Clear Wireless to permit the installation of telecommunications equipment at 8350 Richmond Highway. The proposed lease will have an initial term of five years with 3 five year options.

TIMING:

On March 23, 2010, the Board authorized the advertisement of a public hearing for the leasing of County-Owned property at 8350 Richmond Highway to Clear Wireless, LLC.

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 a 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 facade and the related equipment shelter will blend with existing rooftop penthouse features.

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

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: Location Map/Tax Map 101-3

Attachment B: Draft Lease Agreement (Available in the Office of the Clerk to the Board)

STAFF:

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

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4:30 p.m.

Public Hearing on the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011

ISSUE:

Public hearing for public review and comment before the Fairfax County Board of Supervisors on the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011 as issued by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that, following the public hearing, the Board consider all comments on the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011 for final Board Action on May 11, 2010.

TIMING:

Board action on the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011 is scheduled for May 11, 2010.

BACKGROUND:

A Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011 (One-Year Action Plan for FY 2011) have been issued by the CCFAC for public review and comment. The Five-Year Consolidated Plan for FY 2011 - 2015 replaces the County's Five-Year Consolidated Plan for FY 2006-2010 which is in the fifth and final year that ends on June 30, 2010. The Five-Year Consolidated Plan for FY 2011-2015 is required for funding four federal programs: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The Five-Year Plan identifies a wide range of needs, current programs and strategies, and gaps and priorities for housing, community service, homeless, community development, neighborhood preservation and revitalization, employment and economic opportunity programs and services in the County. The Five-Year Plan also includes broad goals and objectives to address priority needs with the use of resources available through the Consolidated Plan.

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The Proposed One-Year Action Plan for FY 2011 contains the proposed uses of funding for programs to be implemented in the first year of the Five-Year Consolidated Plan for FY 2011-2015. An annual action plan is also required by the U.S. Department of Housing and Urban Development (HUD) for the four federal programs, CDBG, HOME, ESG, and HOPWA. In addition, the document describes the Continuum of Care for homeless services and programs in the Fairfax community, and the Consolidated Community Funding Pool (CCFP). The Proposed Consolidated Plan One-Year Action Plan for FY 2011 includes the first year of the two-year funding cycle for the CCFP. The CCFP was established by the Board and provides funding for community-based programs by nonprofit organizations through a competitive solicitation process. The FY 2011 CCFP funding awards will be made by the Board today, by Action Item 1, subject to annual appropriations.

In accordance with the Fairfax County Citizen Participation Plan for the Consolidated Plan, a public hearing is required to be held before the Board to allow citizens the opportunity to comment on the Proposed Five-Year Consolidated Plan for FY 2011-2015 and the Proposed One-Year Action Plan for FY 2011. On April 6, 2010, the Board authorized advertisement of a public hearing on the proposed documents to be held on April 27, 2010. Citizens may express their views on housing and community development needs, fair housing, and the County's community development program. The documents were released March 26, 2010 to meet the federal requirement for a 30-day public comment period.

The Proposed Five-Year Consolidated Plan for FY 2011–2015 and Proposed One-Year Action Plan for FY 2011 also include the public and private resources available for housing and community development activities, and the CCFP funding priorities adopted by the Board. In accordance with federal requirements, the Proposed Five-Year Consolidated Plan for FY 2011–2015 and Proposed One-Year Action Plan for FY 2011 contain several certifications, including drug-free workplace, affirmatively furthering fair housing, prohibition of excessive force, and lobbying requirements, which will be signed by the County Executive following Board action in May 2010.

Funding levels incorporated in the Proposed One-Year Action Plan for FY 2011 by the CCFAC are based on the funding levels of FY 2010, as formal notification from HUD of actual grant levels had not been received by the County at the time of the release of the documents. The use of funds identified in the Proposed One-Year Action Plan for FY 2011 is summarized below. A description for each activity is provided in the Proposed One-Year Action Plan for FY 2011.

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<u>CDBG Funds</u>	<u>FY 2011</u> <u>Grant</u>	<u>Reallocated</u> <u>Prior Year Funds</u>	<u>Total</u>
Payments on Section 108 Loans	\$1,488,938		\$ 1,488,938
Home Repair for the Elderly Program	\$ 315,937		\$ 315,937
Relocation Program/ Homeownership Initiatives	\$ 296,560		\$ 296,560
Homeownership Program	\$ 327,274		\$ 327,274
Fair Housing	\$ 57,514		\$ 57,514
Planning (Programs and Compliance)	\$ 468,540		\$ 468,540
General Administration	\$ 670,409		\$ 670,409
Affordable Housing Fund (Consolidated Community Funding Pool)	\$1,113,445		\$ 1,113,445
Targeted Public Services - CCFP (@maximum 15% of CDBG grant)	\$ 897,345		\$ 897,345
Affordable Housing Preservation/ Workforce Housing		\$ 70,000	\$ 70,000
Senior/Disabled/Homeless Housing	\$ 146,342	\$ 200,000	\$ 346,342
Neighborhood Revitalization Neighborhood Outreach		(\$ 270,000)	(\$ 270,000)
Rehabilitation of FCRHA Properties	<u>\$ 200,000</u>	<u>                    </u>	<u>\$ 200,000</u>
<b><u>TOTAL CDBG Funds</u></b>	<b><u>\$5,982,304</u></b>	<b><u>\$ 0</u></b>	<b><u>\$ 5,982,304</u></b>
<u>HOME Funds</u>	<u>FY 2011</u> <u>Grant</u>	<u>Reallocated</u> <u>Prior Year Funds</u>	<u>Total</u>
Silver Lining Initiative	\$1,354,236		\$ 1,354,236
Tenant Based Rental Assistance (TBRA) Homeless Prevention & Elderly	\$ 245,584		\$ 245,584
TBRA - Partnership for Permanent Housing and Homeless	\$ 232,048		\$ 232,048
CHDO Set-Aside	\$ 605,025		\$ 605,025
HOME Administration	\$ 246,337		\$ 246,337
Fair Housing	<u>\$ 24,427</u>	<u>                    </u>	<u>\$ 24,427</u>
<b><u>TOTAL HOME Funds</u></b>	<b><u>\$2,707,657</u></b>	<b><u>\$ 0</u></b>	<b><u>\$ 2,707,657</u></b>

Based on program income during FY 2010, \$330,000 in CDBG program income is estimated for FY 2011 and \$46,000 in HOME program income is estimated for FY 2011.

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<b><u>Emergency Shelter Grant (ESG)</u></b>	<b>\$ 263,978</b>
<b><u>Housing Opportunities for Persons with AIDS (HOPWA)</u></b>	<b><u>\$ 180,000</u></b>
<b>Total Funding</b>	<b>\$9,133,939</b>

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

The funding available through the CCFP is allocated bi-annually through a competitive Request for Proposals process. The County Executive appoints a Selection Advisory Committee of citizens to review and rank applications received and make funding recommendations to the Board, which makes the final project funding awards. The One-Year Action Plan for FY 2011 will cover the first year of projects for the two-year funding cycle (FY 2011 – 2012). The Board made final awards for FY 2011 with action on the annual County budget.

The following are estimated amounts that will be available for the CCFP for FY 2011:

*CDBG Affordable Housing Funds	\$ 1,113,445
*CDBG Targeted Public Services Funds	\$ 897,345
**Federal and State Community Services and Block Grant (CSBG) Funds	\$ 390,157
**County General Funds	<u>\$ 8,580,530</u>
<b>Total Proposed CCFP Funding:</b>	<b>\$10,981,477</b>

\*CDBG Affordable Housing Funds and CDBG Targeted Public Services Funds totaling \$2,010,790 estimated to be available for the CCFP are a part of the total \$5,982,304 in FY 2011 CDBG funds incorporated in the Proposed One-Year Action Plan for FY 2011.

\*\*These amounts are based on the FY 2010 County budget and will be revised subject to the final federal entitlement amounts for the CSBG program and the appropriation of local General Funds by the Board for FY 2011.

Since the release of the Proposed One-Year Action Plan for FY 2011 for public comment, the County has received notification of actual grant levels. The public hearing is held on the Proposed Five-Year Consolidated Plan for FY 2011-2015 and

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Proposed One-Year Action Plan for FY 2011 that included the proposed funding allocations identified above. The May 11<sup>th</sup> Board Action Item on the One-Year Action Plan for FY 2011 will include the final grant levels and recommended allocation. In the Proposed One-Year Action Plan for FY 2011, guidance was provided by the CCFAC regarding recommended funding allocations should the FY 2011 funding level be different from the FY 2010 level. The guidance states that, should the County's FY 2011 funding exceed the FY 2010 amount, the additional funds first would be allocated to projects that have percentage limitations attached to them, up to the limit allowed by HUD. These projects are the CDBG-funded Targeted Public Services, CDBG administrative projects, HOME administrative projects, and Community Housing Development Organization (CHDO) Set-Aside under HOME. Any additional funds will be distributed to projects consistent with the Fairfax County Housing Blueprint adopted by the Fairfax County Board of Supervisors.

Total entitlement funding to be received by Fairfax County for FY 2011 is anticipated to be \$9,598,513: for CDBG – Fund 142 (\$6,463,133), HOME – Fund 145 (\$2,692,612), and ESG (\$262,768) The projected HOPWA award (\$180,000) is estimated and actual funding will depend on the final allocation made available to Northern Virginia jurisdictions through the Northern Virginia Regional Commission and the District of Columbia, recipient of the funds.

FISCAL IMPACT:

Total entitlement funding anticipated of \$9,133,939, based on FY 2010 funding levels, has been recommended in this item: for CDBG – Fund 142 (\$5,982,304), HOME – Fund 145 (\$2,707,657), ESG (\$263,978), and HOPWA (\$180,000). In addition, reallocated funds of prior year monies of \$270,000 have also been recommended as well as total program income anticipated of \$376,000: for CDBG – Fund 142 (\$330,000) and HOME – Fund 145 (\$46,000).

Funding for the HOPWA Program is estimated and actual funding will depend on the final allocation made available to Northern Virginia jurisdictions through the Northern Virginia Regional Commission and the District of Columbia, recipient of the funds. The CSBG and County General Funds for the CCFP are based on the FY 2010 County budget and will be revised subject to the final federal entitlement amounts for the CSBG program and the appropriation of local General Funds by the Board for FY 2011.

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ENCLOSED DOCUMENTS:

None. The Proposed Five-Year Consolidated Plan for FY 2011-2015 and the Proposed One-Year Action Plan for FY 2011 are the same documents that were enclosed with the April 6, 2010 Board Item for authorization to advertise the public hearing. The documents are also available on line at <http://www.fairfaxcounty.gov/rha/consolidatedplanshomepage.htm>.

STAFF:

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

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5:00 p.m.

Public Hearing to Consider Amendments to Ordinance Codified as Appendix P of the County Code that Created the Mosaic District Community Development Authority in Merrifield (Providence District)

ISSUE:

Public hearing on the adoption of amendments to the ordinance which created the Mosaic District Community Development Authority (CDA).

RECOMMENDATION:

The County Executive recommends that the Board amend and readopt Appendix P of the County Code with the proposed additional language.

TIMING:

On March 27, 2010, the Board authorized advertisement of this public hearing. Upon Board approval of the proposed amendments, CDA Articles of Incorporation can be filed with the State Corporation Commission as required by statute, which will permit the CDA Board to meet to consider and approve various documents that will permit development of the Project (as described below) to commence on or after May 15, 2010, as currently planned by Edens & Avant, the developer. Assuming that Edens & Avant waives a statutory 30-day waiting period following the public hearing, the Board would be able to adopt the proposed amendments effective immediately upon adoption.

BACKGROUND:

The public hearing is on the question of adopting certain technical amendments to Appendix P of the County Code to ensure that it complies with all statutory requirements. These include approving Articles of Incorporation for the CDA, making a finding authorized by statute regarding certain estimates and projections, and explicitly providing that all debt incurred by the CDA will not be debt of the County.

On October 15, 2007, The Board of Supervisors approved RZ 2005-PR-041, a request by Edens & Avant to rezone approximately 31 acres of land to the PDC and PRM Districts in order to develop the Project in a portion of Merrifield designated as the town center in the Comprehensive Plan. The Project is located south of Lee Highway/Rt. 29, west of Yates Way, east of Eskridge Road, and north of the Luther Jackson Middle School. The Project was approved for approximately 1000 dwelling units, a multi-plex theatre, 125,000 square feet of office space, 500,000 square feet of other non-

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residential uses and a 150 room hotel. Among the public improvements to be constructed as part of the Project are two parks, the realignment and widening of Eskridge Road, the widening of Lee Highway, improvements to the Lee Highway/Gallows Road intersection and construction of a grid of streets. Virtually all parking will be provided in structures.

Pursuant to a formal petition by Edens & Avant, on April 27, 2009, the Board adopted an ordinance creating the CDA, in order to permit the CDA to issue bonds to assist in the funding of the public infrastructure associated with the Project. At the same time, the Board approved a Memorandum of Understanding (MOU) regarding the Project to be entered into by and on behalf of Edens & Avant, the County, and the CDA. As a result, it is planned to, among other things, fund 30 million dollars of public improvements through a 30 year bond to be issued by the CDA whose debt service will be paid by a self assessment on properties within the CDA, and also to fund 42 million dollars of public improvements (including road improvements, parks, and a small portion of a parking garage) through a 22 year bond also issued by the CDA whose debt service will be paid through incremental real estate tax revenues. Liability for the debt service will be secured by the CDA, not the County.

In reviewing the ordinance adopted by the Board in April 2009, County staff has determined that it would be desirable and prudent to adopt several technical amendments to ensure compliance with all statutory requirements. These include approval of proposed articles of incorporation for the Commission of the Mosaic CDA and a provision expressly recognizing that any bonds issued by the CDA shall be debt of the CDA and not the County, as well as a finding as authorized by Va. Code Ann. § 15.2-5103(B) that it would be impracticable to include certain details regarding planned public improvements in the actual text of the ordinance (such details in the ordinance itself being unnecessary because of the Board's action last April approving the MOU at the same time it created the CDA).

Va. Code Ann. § 15.2-5156 provides that after a public hearing on the adoption of an ordinance creating a community development authority, petitioning landowners are entitled to a 30-day period to consider whether they wish the ordinance to be adopted. It can be argued that a similar 30-day period should be accorded in the case of amendments to such an ordinance. However, County staff believes that a representative of Edens & Avant, the only landowner in the CDA, will appear at the public hearing to waive the right to the 30-day period. If so, then the Board may proceed to adopt the proposed amendments immediately following the public hearing.

FISCAL IMPACT:

Adoption of the proposed amendments to Appendix P will have no fiscal impact.

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ENCLOSED DOCUMENTS:

Attachment 1: Proposed Appendix P to the County Code (the proposed amendments to the existing text of Appendix P are indicated by underlining, and consist of the sections numbered 3A, 3B, and 3C; also included is the Articles of Incorporation, referenced in new § 3A)

STAFF:

Anthony H. Griffin, County Executive

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

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5:00 p.m.

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

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