

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

AGENDA

9:00	Done	Presentations
10:00	Adopted	Report on General Assembly Activities
10:15	Done	Presentation of the Proposed FY 2011 Budget by the County Executive
11:45	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
12:00	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Supplemental Appropriation Resolution AS 10114 for the Fairfax County Juvenile and Domestic Relations District Court to Accept Grant Funding from the Northern Virginia Regional Gang Task Force Through the City of Manassas Park, Virginia
2	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7206 Poplar Street (Mason District)
3	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6439 Little Ox Road (Springfield District)
4	Approved	Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5400 Goolsby Way (Springfield District)
5	Approved w/amendment	Authorization to Advertise a Public Hearing Regarding Chapter 67.1 County Code Amendment for Sewer Rate Changes
6	Approved	Extension of Review Periods for 2232 Review Applications (Mount Vernon and Providence Districts)
7	Approved	Discontinuance of Route 3454 (Hospital Loop Road) from the Secondary System of State Highways (Providence District)
8	Approved	Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts

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

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Approval of Revisions to Personnel Regulations Modifying Extension of Probationary Period Provisions, Expanding Family Medical Leave, Updating Performance Management Process, and Increasing Employee Response Period to Proposed Discipline (Chapters 7, 10, 12 and 16) |
| 2 | Approved | Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the United States Bureau of Alcohol, Tobacco, Firearms and Explosives |
| 3 | Approved | Parking Reduction for Hunter Mill Plaza (Providence District) |

**INFORMATION
ITEMS**

- | | | |
|-------|--------------|--|
| 1 | Noted | Contract Award – Great Falls Fire Station (Dranesville District) |
| 12:30 | Done | Matters Presented by Board Members |
| 1:20 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|--|--|
| 3:00 | Approved | Public Hearing on PCA 79-P-038-02 (Nevzat Kansu and Hacer K. Kansu) (Providence District) |
| 3:00 | Approved | Public Hearing on PCA 1998-LE-048-03 (CSHV Metro Park LLC) (Lee District) |
| 3:30 | Approved | Public Hearing on SEA 85-D-033-02 (Metropolitan Washington Airports Authority in Coordination with the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) (Dranesville District) |
| 3:30 | Denied | Public Hearing on SE 2008-MV-031 (Trustees for Mount Vernon Lodge NO. 219, A.F. & A.M., New Cingular Wireless PCS, LLC D/B/A AT&T Mobility and T-Mobile Northeast, LLC) (Mount Vernon District) |
| 3:30 | Approved | Public Hearing on SEA 2006-HM-017 (Fiaza Hannifa, Montessori Children's Center) (Hunter Mill District) |
| 3:30 | Public hearing deferred to 3/23/10 at 3:30 p.m. | Public Hearing on SEA 87-D-025 (Vinson Hall Corporation) (Dranesville District) |

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

PUBLIC HEARINGS

4:00	Approved	Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Limitations on Yards that Abut Outlots that are Contiguous to Streets
4:00	Approved	Public Hearing on Proposed Area Plans Review (APR) Item 08-III-3UP, Located Northeast of the Ruby Road and Alderwoods Drive Intersection (Sully District)
4:00	Approved	Public Hearing on Proposed Area Plans Review (APR) Item 08-III-6DS, Located Southeast of the Route 28 and Frying Pan Road Intersection (Sully and Hunter Mill Districts)
4:00	Approved	Public Hearing on Proposed Out of Turn Plan Amendment (OTPA) Item S08-III-DS1, Located Northwest of the Route 28 and Willard Road Intersection (Sully District)
4:00	Approved	Public Hearing on Proposed Area Plans Review (APR) Item 08-III-25UP, Located Northeast of the Fairfax County Parkway and New Dominion Parkway Intersection (Hunter Mill District)
4:00	Approved	Public Hearing to Consider Adopting an Ordinance Expanding the Northern Virginia Community College Residential Permit Parking District, District 39 (Braddock District)
4:30	Approved	Public Hearing to Establish the Springfield Community Parking District (Springfield District)
4:30	Approved	Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5A (Residential Permit Parking Districts)
4:30	Approved	Public Hearing to Consider Adopting an Ordinance Establishing the Tapestry Residential Permit Parking District, District 42 (Braddock District)
4:30	Approved	Public Hearing on Proposed Amendment to <i>The Code of the County of Fairfax, Virginia</i> , to Add a New Chapter, Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance) RE: Protection of Coastal Sand Dunes and Beaches
4:30	Approved	Public Hearing to Lease County-Owned Property to Celco Partnership d/b/a Verizon Wireless (Providence District)
5:00	Held	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
February 23, 2010

9:00 a.m.

PRESENTATIONS:

1. PROCLAMATION – To designate March 2010 as Women’s History Month in Fairfax County. Requested by Chairman Bulova.
2. CERTIFICATE – To recognize the Chantilly Youth Association Cheer Select Squad for winning the U.S. National Competition, as well as the Cheer Select Under Team for being named the Overall Level Winner. Requested by Supervisor Frey.
3. PROCLAMATION – To designate February 7-14, 2010, as Congenital Heart Defect Awareness Week in Fairfax County. Requested by Chairman Bulova.
4. CERTIFICATE – To recognize Marvin Cantor for his service on the Board of Building and Fire Prevention Code Appeals. Requested by Chairman Bulova.
5. CERTIFICATE – To recognize the Tysons Land Use Task Force for its work to develop a community vision for the redevelopment of Tysons Corner. Requested by Chairman Bulova and Supervisors Foust, Hudgins and Smyth.
6. PROCLAMATION– To designate March 2010 as Alternative Dispute Resolution Month in Fairfax County. Requested by Supervisor Smyth.
7. RESOLUTION – To congratulate the Park Authority for its 60th anniversary. 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
February 23, 2010

10:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 23, 2010

PRESENTED BY:

Supervisor Jeff McKay, Chairman, Board of Supervisor's Legislative Committee
Anthony H. Griffin, County Executive

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Board Agenda Item
February 23, 2010

10:15 a.m.

Presentation of the Proposed FY 2011 Budget by the County Executive

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 23, 2010.

PRESENTED BY:

Anthony H. Griffin, County Executive

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Board Agenda Item
February 23, 2010

11:45 a.m.

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

ENCLOSED DOCUMENTS:

Attachment: Appointments to be heard February 23, 2010

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item
February 23, 2010

12:00 p.m.

Items Presented by the County Executive

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Board Agenda Item
February 23, 2010

ADMINISTRATIVE – 1

Supplemental Appropriation Resolution AS 10114 for the Fairfax County Juvenile and Domestic Relations District Court to Accept Grant Funding from the Northern Virginia Regional Gang Task Force Through the City of Manassas Park, Virginia

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 10114 for the Fairfax County Juvenile and Domestic Relations District Court to accept funding from the Northern Virginia Regional Gang Task Force through the City of Manassas Park, VA in the amount of \$351,874. Funding will be used to continue the Intervention, Prevention and Education (IPE) Program, which allows counselors to provide direct services to gang at-risk youth in the region as well as conduct community outreach and coordination of services for youth and their families. The funding period for this award is through August 31, 2010. No Local Cash Match is required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 10114 for the Fairfax County Juvenile and Domestic Relations District Court to accept funding from the Northern Virginia Regional Gang Task Force through the City of Manassas Park in the amount of \$351,874 to continue to provide regional gang prevention and intervention services through the IPE Program.

TIMING:

Board approval is requested on February 23, 2010.

BACKGROUND:

The Northern Virginia Regional Gang Task Force has been in existence since 2004 as a result of a federal appropriation. The U.S. Congress appropriates this funding for the Northern Virginia Region Gang Task Force. The purpose of the grant is to provide assistance to jurisdictions within the congressional district in prosecuting and decreasing gang activity.

The first award for the Intervention, Prevention and Education (IPE) Program was in October 2006. Through IPE, contracted staff work with youth who are at risk of becoming gang involved and through community outreach, provide information and referrals to gang members or at-risk youth. This outreach takes place in the

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neighborhood where youth naturally congregate. Other services include providing individual intervention strategies, working with the family and youth to assess the environment and the opportunities available to address the needs, counseling, providing family education and volunteer mentoring, and assisting youth in finding employment as appropriate.

The Gang Response Intervention Team (GRIT) Coordinators will meet monthly to coordinate service delivery, address issues in implementation, make necessary adjustments to service, and ensure that services are appropriate.

FISCAL IMPACT:

Grant funding in the amount of \$351,874 is available from the Northern Virginia Regional Gang Task Force through the City of Manassas Park, VA for the Fairfax County Juvenile and Domestic Relations District Court to continue the IPE Program. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2010. This grant does not allow the recovery of indirect costs. No Local Cash Match is required.

CREATION OF NEW POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 - Notice of Grant Funding for IPE
Attachment 2 - Supplemental Appropriation Resolution AS 10114

STAFF:

Patricia Harrison, Deputy County Executive
Robert Bermingham, Director, Court Services
Kim McCarthy, Director, Administrative Services, Juvenile Court

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ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7206 Poplar Street (Mason District)

ISSUE:

Board authorization to advertise a public hearing for adoption of a Spot Blight Abatement Ordinance for 7206 Poplar Street, Annandale, VA 22003 (Tax Map No. 071-1-((04))-0103, 0104).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Tuesday, March 23, 2010, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Tuesday, February 23, 2010, for the public hearing to be held Tuesday, March 23, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes 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 7206 Poplar Street was referred to the Blight Abatement Program (BAP) on May 22, 2009. Located on the subject property is a vacant, one story dwelling on a slab. The residential structure was constructed in 1947 according to Fairfax County Tax Records and has been vacant since at least May 15, 2005, when the utilities were abandoned. There are cracks in the foundation walls and a hole in the roof allowing water to penetrate the structure. The structure is boarded, heavily overgrown, covered with graffiti and squatters have been found to frequent the property. The structure is not economically feasible to repair and needs to be demolished.

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

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

At the public hearing, 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 owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, the County will proceed with the demolition process for the structure.

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The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition 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 \$30,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

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Board Agenda Item
February 23, 2010

ADMINISTRATIVE - 3

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

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6439 Little Ox Road, Fairfax Station, VA 22039 (Tax Map No. 077-3-((01))-0032).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Tuesday, March 23, 2010, at 4:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Tuesday, February 23, 2010, and the public hearing to be held Tuesday, March 23, 2010, at 4:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2009) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes 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 6439 Little Ox Road was referred to the Blight Abatement Program (BAP) on July 21, 2009. Located on the subject property is a dilapidated, abandoned, two story dwelling with a basement. The residential structure was constructed in the 1950's according to Fairfax County Tax Records and has been vacant since at least the late 1980's. The dwelling is in partial collapse and has suffered significant water damage throughout. There are noticeable cracks in the foundation walls. There is an accessory structure at the rear of the property that is in complete collapse. The area around the dwelling is heavily overgrown and the property is littered with debris and abandoned construction materials. The structures are not economically feasible to repair and need to be demolished.

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

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions and work with him towards that resolution, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt

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an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, the County will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition 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 \$55,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

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

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Board Agenda Item
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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5400 Goolsby Way (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 5400 Goolsby Way, Fairfax, VA 22030 (Tax Map No. 067-1-((01))-0042).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Tuesday, March 23, 2010, at 4:30 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Tuesday, February 23, 2010, and the public hearing to be held Tuesday, March 23, 2010, at 4:30 p.m.

BACKGROUND:

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

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

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

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 to the property owners of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition 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 \$30,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

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

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ADMINISTRATIVE – 5

Authorization to Advertise a Public Hearing Regarding Chapter 67.1 County Code Amendment for Sewer Rate Changes

ISSUE:

Board authorization is needed to advertise a public hearing for the purpose of amending the County's sewer ordinance. As shown in the proposed advertisements provided in Attachments Ia and Ib, the sewer ordinance is being amended to revise Sewer Service Charge and Availability Fee rates to be consistent with the Wastewater Management Program's "Revenue Sufficiency and Rate Analysis" (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these sewer rate revisions are as follows:

1. To establish the Sewer Service rates for FY 2010 through FY 2014
2. To establish the Base Charge rates for FY 2010 through FY 2014
3. To establish the Availability Fee rates for FY 2010 through FY 2014
4. To maintain a five-year (FY 2010 - FY 2014) sewer rate schedule; FY 2009 rates will be deleted, and new FY 2014 rates will be added

Although the sewer rate schedule in the sewer ordinance is multi-year, all sewer rates are reviewed, adjusted as necessary, and adopted annually to ensure sewer rates are accurately priced.

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

PROPOSED SEWER SERVICE CHARGE RATE SCHEDULE

<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>
\$4.50	\$5.27 (\$5.27)	\$6.17 (\$6.17)	\$7.03 (\$7.03)	\$7.72

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

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The revised, five-year rate schedule for the Base Charge per bill, with previously adopted rates in parentheses, is as follows:

PROPOSED BASE CHARGE RATE SCHEDULE				
<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>
\$5.00	\$5.00 (\$5.00)	\$5.00 (\$5.00)	\$5.00 (\$5.00)	\$5.00

This rate schedule reflects a new charge implemented in FY 2010 (in addition to sewer service charge rates), to partially recover fixed expenses for billing, engineering, planning, and administrative. The County is currently considering increasing the amount of fixed costs recovered, which would result in an increase in the base charge and a corresponding decrease in the volumetric rate (sewer service charge rate). It is anticipated that the County's consideration will be incorporated into the rate recommendations beginning in FY 2012 or later.

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

PROPOSED AVAILABILITY FEE RATE SCHEDULE				
<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>
\$7,310	\$7,750 (\$7,750)	\$7,750 (\$7,750)	\$7,750 (\$7,750)	\$7,750

Availability charges for all nonresidential uses will be computed as the number of fixture units (including roughed-in fixture units) in accordance with Part I of the current Virginia Uniform Statewide Building Code, Section 101.2, Note 1, which incorporates by reference the 2006 International Plumbing Code (Chapter 7, Section 709), times the fixture unit rate with a minimum charge equivalent to one (1) single family detached dwelling per premises.

RECOMMENDATION:

The County Executive recommends that the Board authorize two separate sewer rate advertisements, one for Sewer Service Charges including the Base Charge, and another for Availability Fees, as proposed in Attachments Ia and Ib.

TIMING:

Action must be taken on February 23, 2010, to provide adequate notice of a public hearing for comments on the proposed sewer rate revisions. The public hearing will be held on April 6, 2010 at 2:30 p.m. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2011 Advertised Budget Plan. FY 2011 sewer rates will become effective on July 1, 2010.

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BACKGROUND:

In February 2010, the Wastewater Management Program and PRMG completed the Rate Study. Minimum fund balances or “reserves” are maintained to comply with bond requirements and to fund major capital expenditures such as the addition of nitrogen removal facilities at wastewater treatment plants. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment II).

A forecasted, four-year rate schedule (FY 2011 - FY 2014) is recommended for the County's Sewer Service Charge (see Staff Report, Attachment III). The Sewer Service Charge is based on the volume of water used by a sewer customer and is billed quarterly to offset the operations, maintenance, debt, and capital costs allocated to “existing customers.” For FY 2011 and FY 2012, annual service charge increases of 17.1 percent are being recommended and for FY 2013, an annual sewer service charge increase of 13.9 percent is being recommended. The rate increases will provide for inflation and the cost of constructing nitrogen removal facilities at wastewater treatment plants to comply with new discharge requirements imposed by the state and the Chesapeake Bay Program. These rate increases are consistent with this year's Rate Study recommendations.

For FY 2011, the continuation of the \$5.00 per bill Base Charge is recommended.

With regard to the Availability Fees and commercial fixture unit rates, a four-year rate schedule is proposed. Availability Fees are one-time “tap fees” paid by sewer customers to connect to the system. The revenue from Availability Fees is used to offset the costs of expanding major treatment facilities. FY 2010 through FY 2011 rates are indexed at 6.0 percent. Indexing recognizes the time value of money being used now to construct capacity for future customers. The FY 2012 through FY 2014 rate will be held equal to the FY 2011 rates pending a pricing analysis planned later this year.

The County's Sewer Service Charges and Availability Fees remain very competitive on a local basis. Below are average annual water and sewer service billings and Availability Fees per Single Family Residential Equivalent (SFRE) for Fairfax County compared to other regional jurisdictions. Rates are effective as of January 2010 (FY 2010). Average sewer service billings for the other regional jurisdictions have been developed by applying each jurisdiction's sewer service rate to appropriate SFRE water usage determined from Fairfax Water's average water usage for SFREs.

Comparison of Average Service Charges and Availability Fees for SFREs

Jurisdiction	Average Annual Water and Sewer Service Billing	Average Annual Sewer Service Billing (a)	Sewer Availability Fees (b)
Fairfax County (c)	\$ 529*	\$ 420*	\$ 7,750*
Loudoun County (c)	498	284	6,945
WSSC (d)	777	431	2,850
Stafford County (e)	625	402	6,135
DCWASA (d)	767	439	----
Prince William County (d)	842	552	9,000
City of Alexandria (c)	865	580	7,091
Arlington County (d)	950	660	1,976

(a) Each jurisdiction's sewer service rate is applied to the average usage as specified.

(b) Each jurisdiction's Availability Fee is per SFRE; the Sewer Availability Fee for Arlington assumes 26 fixture units (FU's) per SFRE at a cost of \$76/FU.

(c) These jurisdictions use a winter quarter billing method for residential customers, eliminating billing of water usage such as lawn irrigation, which does not enter the sewer system. The average winter quarter usage of 19,000 gallons is based on an analysis of Fairfax Water's annual usage report.

(d) Average billed usage of 21,200 gallons is based on Fairfax Water's annual usage reports.

(e) Stafford County uses a modified winter six month period billing method for residential customers. The average winter quarterly usage is 20,200 gallons based on an analysis of Fairfax Water's annual usage reports.

***Fairfax County is the proposed rate. All other jurisdictions are current. The Wastewater Management Program anticipates similar rate increases.**

FISCAL IMPACT:

In FY 2011, assuming a typical water usage per household of 19,000 gallons/quarter (or 76,000 gallons/year) and a \$5 quarterly billing charge (or \$20 per year), the average homeowner's sewer bill will be approximately \$420 per year, which is an increase of \$58.52 over the FY 2010 sewer bill. Because of construction requirements for building nitrogen removal facilities and for renovating aging infrastructure, the annual cost impact of the FY 2011 to FY 2014 rate increases for a typical homeowner will be less than \$69 a year as outlined in the following table.

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<u>Fiscal Year</u>	<u>Base Charge \$/Quarterly Billing</u>	<u>Service Charge (\$/1,000 gallons)</u>	<u>Annual Bill (\$)</u>	<u>Increase, \$ (% Increase)</u>
2010	\$5.00	\$4.50 (9.7%)	\$362.00	\$50.40 (16.17%)
2011	\$5.00	\$5.27 (17.1%)	\$420.52	\$58.52 (16.17%)
2012	\$5.00	\$6.17 (17.1%)	\$488.92	\$68.40 (16.27%)
2013	\$5.00	\$7.03 (13.9%)	\$554.28	\$65.36 (13.37%)
2014	\$5.00	\$7.72 (9.8%)	\$606.72	\$52.44 (9.5%)

In perspective, the FY 2011 to FY 2014 cost impact on a typical homeowner of the rate increases will be approximately an additional \$4.37 to \$5.70 monthly or \$13.11 to \$17.10 quarterly as follows:

<u>Fiscal Year</u>	<u>Monthly Bill (\$)</u>	<u>Increase (\$)</u>	<u>Quarterly Bill (\$)</u>	<u>Increase (\$)</u>
2010	\$30.17	\$4.20	\$90.51	\$12.61
2011	\$35.04	\$4.87	\$105.12	\$14.61
2012	\$40.74	\$5.70	\$122.22	\$17.10
2013	\$46.19	\$5.45	\$138.57	\$16.35
2014	\$50.56	\$4.37	\$151.68	\$13.11

The new Total Nitrogen (TN) removal requirements began affecting sewer rates in FY 2007. As shown in the following chart, the cumulative cost impact to a typical homeowner's annual bill for additional TN removal and related construction will be about \$183 per year by FY 2014.

<u>Fiscal Year</u>	<u>Annual Bill, \$ (% Increase) w/o TN cost effects in rates</u>	<u>Annual Bill, \$ (% Increase) w/TN cost effects in rates</u>	<u>Increase, \$ TN cost effects</u>
2007	\$256 (2.5%)	\$266 (6.71%)	\$10
2008	\$263 (3.0%)	\$284 (6.86%)	\$21
2009	\$274 (4.0%)	\$312 (9.63%)	\$38
2010	\$302 (3.0% + \$20)	\$362 (16.17%)	\$60
2011	\$331 (3.0% + \$20)	\$421 (16.17%)	\$90
2012	\$361 (3.0% + \$20)	\$489 (16.27%)	\$128
2013	\$392 (3.0% + \$20)	\$554 (13.37%)	\$162
2014	\$424 (3.0% + \$20)	\$607 (9.5%)	\$183

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In FY 2011, approximately \$18.275 million in additional Sewer Service Charge revenues will be generated with the Sewer Service Charge increase.

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

ENCLOSED DOCUMENTS:

Attachment Ia & Ib - Proposed Public Hearing Advertisements

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

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

(Copies of PRMG's "Five-year Financial Forecast" are available upon request)

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

Randy Bartlett, Deputy Director, DPWES

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

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ADMINISTRATIVE – 6

Extension of Review Periods for 2232 Review Applications (Mount Vernon and Providence Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: applications FS-P09-188 and FS-P09-190 to April 24, 2010; and application 2232-V09-39 to August 3, 2010.

TIMING:

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

BACKGROUND:

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

The Board should extend the review period for application 2232-V09-39, which was accepted for review by the Department of Planning and Zoning (DPZ) on January 4, 2010. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

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The Board also should extend the review periods for applications FS-P09-188 and FS-P09-190, each of which was accepted for review by DPZ on November 25, 2009. These two 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 them by no more than sixty additional days.

The review periods for the following applications should be extended:

2232-V09-39 Fairfax County Dept. of Public Works and Environmental Services
91,100 square-foot vehicle maintenance facility
6900 Newington Road (Newington Maintenance Facility)
Mount Vernon District

FS-P09-188 Clearwire US LLC
Antenna colocation on existing tower
8101A Lee Highway
Providence District

FS-P09-190 Clearwire US LLC
Antenna colocation on existing tower
7330 Ronald Street
Providence District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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ADMINISTRATIVE - 7

Discontinuance of Route 3454 (Hospital Loop Road) from the Secondary System of State Highways (Providence District)

ISSUE:

Board adoption of the attached resolution requesting that Route 3454 (Hospital Loop Road) be discontinued from the Secondary System of State Highways (Secondary System).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) requesting that the subject segment of roadway be discontinued from the Secondary System.

TIMING:

Routine.

BACKGROUND:

This request to discontinue Route 3454 is being made at the request of Inova Fairfax Hospital. The subject roadway was constructed to serve the hospital site. Although it was included in the VDOT system for maintenance, the roadway has been effectively maintained by Inova for at least 25 years. Building programs on the Inova campus have incorporated the roadway to serve hospital uses exclusively resulting in roadway redesigns that no longer qualify it to meet VDOT standards for maintenance. Formal release of VDOT responsibility for the roadway will allow additional flexibility in reconstructing the on-site roadway network and the building of new hospital facilities as proposed in RZ 2008-PR-009/SEA 80-P-078-15 which was approved by the Board of Supervisors on July 13, 2009.

An agreement (Attachment III) formally vests maintenance responsibility for the discontinued roadway with Inova. Discontinuance will not remove the roadway from the public domain. As such, public access within the Inova campus and to the adjoining Northern Virginia Mental Health Center will continue on Hospital Loop Drive.

If approved, the request to discontinue this segment of Route 3454 will remove 0.68 mile of roadway from VDOT maintenance responsibility. The action taken to

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discontinue the subject roadway assists VDOT in revising its maintenance mileage logs that are used to determine levels of State maintenance funding within Fairfax County.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Resolution

Attachment II: Plat

Attachment III: Map

Attachment IV: Maintenance Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michael A. Davis, FCDOT

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ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend Chapter 7 of the Fairfax County Code to (1) move the polling place for Coppermine precinct and rename the precinct; (2) temporarily move the polling place for Masonville precinct; (3) move the polling place for Skyline precinct; and (4) temporarily move the polling place for Greenway precinct.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, March 9, 2010, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on February 23, 2010, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on March 9, 2010, at 4:00 p.m. and to complete the federal preclearance process thereafter in advance of the 2010 primary and general elections.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of Virginia Code Sections 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their polling place will be mailed a new Virginia Voter Information Card following federal preclearance of the proposed changes.

(1) In Hunter Mill District, staff recommends moving the polling place for Coppermine precinct from the McNair Elementary School located at 2499 Thomas Jefferson Drive, Herndon, to the new Lutie Lewis Coates Elementary School located at 2480 River Birch Road, Herndon. Currently, Coppermine and McNair precincts vote at the same location. This proposed change will reduce the congestion at McNair Elementary School and provide a convenient and easily accessible public facility for the voters in this

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precinct. Additionally, staff recommends changing the name of the name of the precinct from "Coppermine" to "Coates" to be consistent with the name of the school.

(2) In Mason District, staff recommends temporarily moving the polling place for the Masonville precinct from the Lacey Center located at 3705 Crest Drive, Annandale, to the Westminster School located at 3819 Gallows Road, Annandale. The Lacey Center is being demolished and reconstructed beginning in the summer of 2010. The new building is expected to be completed by the summer of 2012. The Westminster School has kindly offered the use of their facility as a temporary polling place while the Lacey Center is under construction.

(3) In Mason District, staff recommends permanently moving the polling place for the Skyline precinct from the Skyline Sport and Health Club located at 5115 Leesburg Pike, Falls Church, to the National Association of Power Engineers, located in the Bank of America Building at 5707 Seminary Road, Falls Church. Shortly before the November 2009 General Election, the Skyline Sport and Health Club notified the Electoral Board that a portion of their facility was being leased to another organization and that there would be insufficient space for a polling place following the November 2, 2009, General Election. After an extensive search in the Skyline area, the Office of Elections was able to reach an agreement with the National Association of Power Engineers to use their training facility for a polling place.

Since the Fairfax County Circuit Court ordered a Special Election to be held on March 2, 2010, to fill the vacant School Board seat in Mason District, and since the Board of Supervisors' schedules did not allow sufficient time to advertise and hold a public hearing prior to the March 2 Special Election, the Electoral Board voted on February 1 to temporarily move the polling place to the National Association of Power Engineers training facility under the emergency provision as outlined in Va. Code § 24.2-310 (D). On February 9, the State Board of Elections approved this emergency change which was then submitted to the U.S. Department of Justice for preclearance pursuant to Section 5 of the Voting Rights Act.

(4) In Providence District, staff recommends temporarily moving the polling place for the Greenway precinct from the Devonshire Administrative Center located at 2831 Graham Road, Falls Church, to the Timber Lane Elementary School located at 2737 West Street, Falls Church. The Devonshire Administrative Center is being demolished and reconstructed beginning in the summer of 2010. The new building, which will become the new Graham Road Elementary School, is expected to be completed by the summer of 2012.

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FISCAL IMPACT:

Insignificant. Funding for polling place change notifications is provided in the agency's FY 2010 Adopted Budget.

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code Pertaining to Election Precincts and Polling Places

Attachment 2 - Summary of Proposed Changes

Attachment 3 – Maps and Descriptions of Proposed Polling Place Changes

Attachment 4 - Proposed Ordinance

Attachment 5 - Draft Advertisement

STAFF:

Edgardo Cortés, General Registrar

Michael Long, Deputy County Attorney

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Board Agenda Item
February 23, 2010

ACTION - 1

Approval of Revisions to Personnel Regulations Modifying Extension of Probationary Period Provisions, Expanding Family Medical Leave, Updating Performance Management Process, and Increasing Employee Response Period to Proposed Discipline (Chapters 7, 10, 12 and 16)

ISSUE:

Board approval of revisions to Chapters 7, 10, 12 and 16 of the Personnel Regulations modifying the conditions under which an employee's initial probationary period may be extended, expanding Family Medical Leave to incorporate recent federal revisions, updating the performance management process, and increasing the number of days for employee response to proposed disciplinary actions.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed revisions to Chapters 7, 10, 12 and 16 of the Personnel Regulations. The Personnel and Reorganization Committee reviewed these revisions at the November 23, 2009 meeting.

TIMING:

Routine.

BACKGROUND:

Revisions are proposed to the Personnel Regulations as outlined below: Changes to Chapter 7 limit the criteria for granting extensions of the probationary period to those situations where an employee is unable to perform the full duties of his or her position for an extended period of time during the probationary period. The revision eliminates the current option to extend the probationary period for an employee who receives a negative determination on their initial performance evaluation.

Revisions to Chapter 10 expand family and medical leave coverage to all active duty military personnel regardless of assignment. These changes bring the county's policies and procedures into compliance with recent Family Medical Leave Act regulation revisions.

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Chapter 12 is being revised at the request of the Civil Service Commission and in conjunction with the Employees Advisory Council. The revisions clarify the phases of the performance management process, as well as the roles of the employee, supervisor, reviewing authority, and department head. The rewritten chapter provides a clear “roadmap” for county employees and managers as they move through the performance management process. There are no substantive changes to procedural requirements or to employee/supervisor rights and responsibilities.

Chapter 16 is being revised at the request of the Employees Advisory Council to afford employees five days to respond to proposed disciplinary actions (suspensions, demotions or terminations) instead of the current three days permitted. The Employees Advisory Council also requested that employees be granted the right to meet with the department director within that five day period and prior to a final decision being made on the proposed disciplinary action. After testimony at the public hearing, the Civil Service Commission recommended against this revision indicating that while employees may request such a meeting, it should not be mandatory as it might unduly delay the process. The Commission further directed that the Department of Human Resources review this section and if appropriate, draft revisions for future consideration. The Department of Human Resources will monitor this issue and work with the Employees Advisory Council to resolve issues if they arise.

In accordance with the Merit System Ordinance, the proposed revisions were forwarded to the Civil Service Commission for public hearing. The public hearing was held on January 13, 2010. The Commission’s comments are included as Attachment 2. The recommendations of the Commission and the Employees Advisory Council have been incorporated in the attached proposed revisions.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Chapters 7, 10, 12 and 16 of the Personnel Regulations

Attachment 2: Memorandum from the Civil Service Commission

STAFF:

Edward L. Long, Jr., Deputy County Executive

Susan Woodruff, Director, Department of Human Resources

Edward E. Rose, III, Senior Assistant County Attorney

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ACTION - 2

Approval of a Memorandum of Understanding Between the Fairfax County Police Department and the United States Bureau of Alcohol, Tobacco, Firearms and Explosives

ISSUE:

Board approval of a Memorandum of Understanding between the Fairfax County Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF), authorizing the assignment of police officers to the Northern Virginia Violent Crimes Task Force. The ATF will compensate the County for incurred overtime costs.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Chief of Police to sign the Memorandum of Understanding between the Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

TIMING:

Board action is requested on February 23, 2010.

BACKGROUND:

In response to violent crime along the Route One corridor, the Police Department, working in conjunction with BATF, Arlington County, Alexandria City, Prince William County, and Stafford County, recognizes the benefit of creating a closer partnership and creating a joint law enforcement task force to address violent crimes and firearm violations using a closely coordinated regional/federal approach.

The advantages of a joint task force include the use of certain technical investigative support and surveillance systems; the sharing of investigative information; developing criminal intelligence across jurisdictional lines; and the option of pursuing enhanced federal firearms charges for selected firearm violations.

BATF will compensate the County for incurred overtime costs.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 - Memorandum of Understanding between the Bureau of Alcohol, Tobacco, Firearms and Explosives and Fairfax County Police Department in regard to the Northern Virginia Violent Crimes Task Force (Separate from package)

STAFF:

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

ACTION – 3

Parking Reduction for Hunter Mill Plaza (Providence District)

ISSUE:

Board approval of a 6.9 percent or 21 parking spaces reduction in required parking for Hunter Mill Plaza, Tax Map #047-2-01-0027-F and 0027-G, Providence District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 6.9 percent for Hunter Mill Plaza, pursuant to Paragraph 4(B), Section 11-102 of Chapter 112 of The Code of the County of Fairfax, Virginia (Zoning Ordinance), based on an analysis of the parking requirements for each use on the site and parking reduction study, on condition that:

1. A minimum of 283 parking spaces must be maintained on site at all times for the Hunter Mill Plaza.
2. The following uses permitted per this parking reduction are:

Alternative I

- Shopping Center uses 29,682 gsf
- Office uses 22,913 gsf
- Eating Establishment uses 8,782 gsf
(with a maximum of 257 tables, 8 counter seats, and 28 employees total for this use group)

Alternative II

- Shopping Center uses 26,682 gsf
- Office uses 22,913 gsf
- Eating establishments uses 11,782 gsf
(with a maximum of 324 table seats, 8 counter seats, and 38 employees total for this use group)

3. The current owners, their successors or assignees of the parcels identified as Fairfax County Tax Map #047-2-01-0027-F and 0027-G, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all

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uses to comply with the full parking space requirements as specified in Article 11 of the Zoning Ordinance.

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

TIMING:

Board action is requested on February 23, 2010.

BACKGROUND:

Hunter Mill Plaza is an existing shopping center built on an 5.33 acre site which is zoned C-2 on Tax Map #047-2-01-0027-G and zoned C-5 on Tax Map #047-2-01-0027-F. Phase I of Hunter Mill Plaza consist of retail, office, and restaurant uses along Chain Bridge Road in Oakton. Phase II of Hunter Mill Plaza consists of townhouse office uses along Hunter Mill Road. The owner of the shopping center is requesting a reduction of the parking required by code to accommodate full service restaurants (eating establishments) on this site. The owner will be converting existing shopping center space to restaurant space.

A parking study dated November 10, 2009, prepared by a professional engineer was submitted to the County for review. An analysis of the study indicates that the parking accumulations will support the requested parking reduction based on the sharing of on-site parking. The study projects a parking demand of 277 spaces for Alternative I and 281 spaces for Alternative II. Code required parking is 296 spaces for Alternative I and 304 spaces for Alternative II. The existing parking supply of 283 spaces will be maintained. The request also includes a proposal to redelineate the parking lot layout that is acceptable to the County. Therefore, the staff supports this parking reduction.

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Parking Reduction Study and Letter of Request dated November 10, 2009, from Douglas R. Kennedy, P.E., Vice President, Director of Transportation Planning, Patton, Harris, Rust, & Associates

Attachment II – Proposed Parking Designation Plan dated November 2009, prepared by Patton, Harris, Rust and Associates (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

Michelle Brickner, Acting Director, Land Development Services, DPWES

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INFORMATION – 1

Contract Award – Great Falls Fire Station (Dranesville District)

A total of 28 contractors were prequalified to bid on the project for the construction of the Fairfax County Station #12 Great Falls Volunteer Fire Department, Project 009224, in Fund 312, Public Safety Construction. Fifteen sealed bids were received and opened on January 21, 2010. This contract award will provide for the construction of an 18,867 square-foot fire station located at 9916 Georgetown Pike, Great Falls to replace the existing facility, as well as temporary facilities to maintain full-time operations during the construction period. This project is included in the FY 2010 - FY 2014 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Harvey David E. Builders. Inc. (Harvey-Cleary Builders). The firm's bid of \$5,578,000 is \$795,320 or 12.5% below the Engineer's Estimate of \$6,373,320. The second lowest bid of \$5,913,000 is \$335,000 or 6.0% above the low bid. The highest bid of \$7,288,000 is \$1,710,000 or 30.7% above the low bid. Review of the order of bidders indicates that there are seven bids below the Engineer's Estimate and eight bids above the Engineer's Estimate. The contractor's experience in this type of work and a competitive bidding environment are reflected in the lowest responsive and responsible bid.

The firm of Harvey-Cleary Builders has successfully performed work for other governmental jurisdictions and is considered a responsible contractor. The Martha Washington Library Renovation and Expansion Project is currently under construction by this firm and the renovation and expansion of the Dolley Madison Library has recently been awarded to Harvey-Cleary Builders as well.

The Department of Tax Administration has verified that Harvey-Cleary Builders has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after March 22, 2010.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Harvey-Cleary Builders in the amount of \$5,578,000.

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FISCAL IMPACT:

Funding in the amount of \$9,621,578 is necessary to complete the project. This will address funding for building construction and other project costs such as utilities relocations and upgrades, temporary facilities, off site employee parking, drainage improvements, inspections, and construction management. This amount also includes funding to address the septic field requirements to support the new fire station. Funding of \$11,293,311 is currently available in Project 009224, Fund 312, Public Safety Construction. The approved total project estimate is \$12,000,000. An additional \$850,000 payment from the Great Falls Volunteer Fire Department will also be used for this project. Based on the favorable bidding result, the excess balance of appropriated bond funds will be re-allocated at a future budget cycle to other Public Safety projects.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders
Attachment 2 – Vicinity Map

STAFF:

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

Board Agenda Item
February 23, 2010

12:30 p.m.

Matters Presented by Board Members

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Board Agenda Item
February 23, 2010

1:20 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. *Andrew Chiles, et al. v. Melvin M. Dunn, Jr., et al.*, Case No. CL-2009-0007555 (Fx. Co. Cir. Ct.)
 - 2. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, Case No. CL-2007-0011679 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 3. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Kevin R. DeCourcy and Robyn L. Fortune*, Case No. CL-2009-0005333 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 4. *Mark J. Stadskev and Susan M. K. Stadskev v. Board of Zoning Appeals of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0015290 and Case No. CL-2009-0015289 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 5. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Curtis O. Williams and Barbara J. Williams*, Case No. CL-2009-0011792 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)

Board Agenda Item
February 23, 2010

6. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Timothy A. Veto, Case No. CL-2008-0016333 (Fx. Co. Cir. Ct.) (Dranesville District)*
7. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tito Vallejos, Case No. CL-2009-0004251 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olumuyiwa Olaseinde and Wuraola Olaseinde, Case No. CL-2009-0015549 (Fx. Co. Cir. Ct.) (Lee District)*
9. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ronald Tonstad, Case No. CL-2009-0013132 (Fx. Co. Cir. Ct.) (Mason District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. U.S. Bank National Association, Case No. CL-2009-0015518 (Fx. Co. Cir. Ct.) (Providence District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolina Ventura, Case No. CL-2009-0015574 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Wayne Oliver, Case No. CL-2010-0001140 (Fx. Co. Cir. Ct.) (Springfield District)*
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Servet Dag and Cemile Dag, Case No. CL-2009-0007699 (Fx. Co. Cir. Ct.) (Springfield District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noor Enterprises, LLC, Case No. CL-2010-0001468 (Fx. Co. Cir. Ct.) (Mason District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ruben Perez and Sonia M. Montecinos, Case No. CL-2010-0001725 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)*
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Azhar Iqbal, Case No. CL-2010-0001666 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)*

Board Agenda Item
February 23, 2010

17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolina Thomas*, Case Nos. 09-0032664 and 09-0032665 (Fx. Co. Gen. Dist. Ct.) (Lee District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacqueline Jones*, Case No. 10-0001648 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Latitia D. Jarvis*, Case No. 10-0001646 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Collins*, Case No. 10-0001474 (Fx. Co. Gen. Dist. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Trung Dinh-Chi Phan*, Case No. 10-0002907 (Fx. Co. Gen. Dist. Ct.) (Lee District)
22. *Board of Supervisors of Fairfax County, Virginia v. Ashcraft, LLC*, Case No. CL-2009-0002486 (Fx. Co. Cir. Ct.) (Dranesville District)

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Board Agenda Item
February 23, 2010

3:00 p.m.

Public Hearing on PCA 79-P-038-02 (Nevzat Kansu and Hacer K. Kansu) to Amend RZ 79-P-038 Previously Approved for Industrial Development to Permit Modifications to the Approved Proffers and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.45, Located on Approximately 20,066 Square Feet Zoned I-5, Providence District

The application property is located on the west side of Juniper Street approximately 700 feet north of Lee Highway, Tax Map 49-2 ((5)) 5.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 4, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 79-P-038-02, subject to the execution of proffers consistent with those dated January 28, 2010;
- Modification of the open space requirement to ten percent for the interim development plan;
- Modification of the 10-foot setback for off-street parking to permit a 7-foot setback from Juniper Street and a 4.5-foot setback from any future connector road; and
- Direct the Director of the Department of Public Works & Environmental Services to waive the tree inventory and poor condition analysis, as outlined in Sect. 12.0502.1A of the Public Facilities Manual.

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
February 23, 2010

3:00 p.m.

Public Hearing on PCA 1998-LE-048-03 (CSHV Metro Park LLC) to Amend the Proffers for RZ 1998-LE-048 Previously Approved for Commercial Development to Permit an Increase in Proffered Building Height and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.62, Located on Approximately 29.09 Acres Zoned PDC, Lee District

The application property is located in the southeast and southwest quadrants of the intersection of Walker Lane and Metro Drive and on the west side of Walker Lane. Tax Map 91-1 ((1)) 11B2 and 23E; 91-1 ((28)) 1 and 2A; 91-1 ((31)) 1, 1A, 2, 2A, 2B, 3, 3A, 3B, 4A, 4B and 4C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 28, 2010, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 1998-LE-048-3 and the associated Conceptual Development Plan, Amendment, subject to the execution of proffers consistent with those dated January 28, 2010;
- Modification of the transitional screening yard and barrier requirements along the southern and eastern boundaries and within Metro Park, in favor of that shown on the Conceptual Development Plan Amendment and referenced in the proffers; and
- Approval of a variance, pursuant to Sect. 16-401 of the Zoning Ordinance, to allow a seven-foot tall wall in a front yard with regard to the proffered fence along the southern boundary of the site.

The Planning Commission also voted unanimously (Commissioners Hall and Harsel absent from the meeting) to approve FDPA 1998-LE-048-1-3, subject to Board approval of PCA 1998-LE-048-3 and the Conceptual Development Plan Amendment.

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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Board Agenda Item
February 23, 2010

3:30 p.m.

Public Hearing on SEA 85-D-033-02 (Metropolitan Washington Airports Authority in Coordination with the Virginia Department of Rail and Public Transportation on Behalf of Washington Metropolitan Area Transit Authority) to Amend SE 85-D-033 Previously Approved for WMATA Facilities to Permit Electrically Powered Regional Rail Transit Facility (Rail Yard and Accessory Uses) and Associated Modifications to Site Design and Development Conditions, Located on Approximately 39.16 Acres Zoned R-1, R-2 and HC, Dranesville District

The application property is located at 7305 M Idylwood Road, Tax Map 40-1 ((1)) 25B; 40-3 ((1)) 85, 86, 91A and 93B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 28, 2010, the Planning Commission voted 7-0-2 (Commissioners de la Fe and Lawrence abstaining; Commissioner Sargeant not present for the vote; Commissioners Hall and Harsel absent from the meeting) to recommend that the Board of Supervisors approval of SEA 85-D-033-02, subject to the Development Conditions dated January 28, 2010, with the following revision:

Modify the first sentence of Condition 8 to read, "The maximum stationary noise level generated by the rail yard at the property line of abutting residential properties shall be in accordance with the Noise Ordinance except as may be permitted in accordance with Article 6 of the Noise Ordinance."

The Planning Commission then voted 8-0-1 (Commissioner Lawrence abstaining; Commissioner Sargeant not present for the vote; Commissioners Hall and Harsel absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Modification of the transitional screening requirements and waiver of the barrier requirements along the northern property line in favor of that shown on the SEA Plat; and
- Waiver of the Comprehensive Plan trail requirement along Idylwood Road.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
February 23, 2010

3:30 p.m.

Public Hearing on SE 2008-MV-031 (Trustees For Mount Vernon Lodge No. 219, A.F. & A.M., New Cingular Wireless PCS, LLC D/B/A AT&T Mobility and T-Mobile Northeast, LLC) to Permit an Existing Public Benefit Association to Continue and to Install a Telecommunications Facility (Tree Pole Monopole), Located on Approximately 1.03 Acres Zoned R-3, Mount Vernon District

The application property is located at 8717 Fort Hunt Road, Tax Map 111-2 ((3)) 11.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 24, 2009, the Planning Commission voted unanimously (Commissioners Alcorn and Hall not present for the votes) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-MV-031, subject to the Development Conditions dated September 23, 2009, as amended by the Planning Commission during the course of the public hearing as follows:
 - Condition 8 – Add a period at the end of the last sentence;
 - Condition 10 – Indicate that the equipment shelter would be designed and finished to reflect the architecture of the Masonic Lodge building;
 - Condition 13 – Change the first "e" in "Engineering" to lowercase; add a comma between "SE Plat" and "Engineering" in the second line; and, delete "...should the need arise to alter the telecommunication tree monopole from that shown on the SE Plat" from the end of the last sentence;
 - Condition 23 – Indicate that if it is determined that water quality controls are required, then the applicants would have to file for a Special Exception Amendment.
 - In all Conditions – Ensure that any reference to the "tree monopole" are consistent;
- Waiver of the transitional screening requirements along the northern and western property lines;
- Modification of the transitional screening requirements along the southern and eastern property lines in favor of the vegetation shown on the SE Plat and as contained in the Development Conditions;

Board Agenda Item
February 23, 2010

- Waiver of the barrier requirements along the northern and western property lines; and
- Modification of the barrier requirements along the southern and eastern property lines in favor of that shown on the SE Plat and as contained in the Development Conditions.

In a related action, the Planning Commission voted unanimously (Commissioners Alcorn and Hall not present for the vote) to approve 2232-V08-6 and find that the proposed facility at 8717 Fort Hunt Road satisfies the criteria of location, character, and extent as specified in Sect. 15.2-2232 of the *Code of Virginia*, as amended, and is substantial conformance with the provisions of the Comprehensive Plan.

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

Board Agenda Item
February 23, 2010

3:30 p.m.

Public Hearing on SEA 2006-HM-017 (Fiaza Hannifa, Montessori Children's Center) to Amend SE 2006-HM-017 Previously Approved for a Child Care Center with a Maximum Enrollment of 150 Students to Permit Site Modifications and Modifications of Development Conditions, Located on Approximately 2.69 Acres Zoned R-1, Hunter Mill District

The application property is located at 2745 Centreville Road, Tax Map 25-1 ((1)) 34C and 34D.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 7, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Donahue, Harsel, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2006-HM-017, subject to the Development Conditions dated December 23, 2009;
- Modification of the transitional screening yard requirement along the northern, southern, and eastern boundary lines and modification of the barrier requirement along all lot lines, in favor of the existing screening and barriers shown on the SEA Plat; and
- Waiver of constructing a third lane on Centreville Road.

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
February 23, 2010

3:30 p.m.

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

Public hearing on SEA 87-D-025 Vinson Hall Corporation, is to be deferred to 3/23/2010 at 3:30 p.m.

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Board Agenda Item
February 23, 2010



4:00 p.m.

Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Limitations on Yards that Abut Outlots that are Contiguous to Streets

ISSUE:

The proposed Zoning Ordinance amendment places specific limitations on yards on lots that abut outlots that are contiguous to streets by requiring that the minimum distance between the principal structure on the building lot and the front street line on the outlot must be equal to or greater than the minimum required front yard of the district in which the building lot is located. In addition, the minimum yard dimension of the building lot that is abutting the outlot shall be equal to or greater than the applicable required yard for the district in which the building lot is located.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 21, 2010, the Planning Commission voted unanimously (Commissioners Harsel and Lawrence absent from the meeting) to recommend that the Board of Supervisors adopt the proposed Zoning Ordinance Amendment regarding Limitations on Yards that Abut Outlots that are Contiguous to Streets, as set forth in the staff report dated December 7, 2009, and that the following be grandfathered from the proposed amendment:

- Lots that existed prior to the effective date of this amendment, provided that such lots are located in a County-approved subdivision, or are validated under Sections 101-1-12, 101-1-13 or 101-1-14 of the Subdivision Ordinance;
- All special permit, special exception, and proffered rezoning applications and amendments thereto that contain outlots that abut a street, when approved prior to the effective date of this amendment;
- All preliminary subdivision plans submitted on or before the effective date of the amendment, provided that the preliminary plan is approved within 12 months of the effective date of the amendment, and the subdivision plat is recorded within 24 months of the effective date of the amendment; and
- All site plans submitted on or before the effective date of the amendment, provided that the site plan is approved within 12 months of the effective date of the amendment, and the site plan remains valid.

Board Agenda Item
February 23, 2010

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendation. However, in recognition that there are existing lots that are five acres or more in size and not subject to the Subdivision Ordinance, staff recommends that the first bullet under the Planning Commission's recommended grandfather provisions be revised to read as follows:

- Lots that existed prior to the effective date of this amendment, provided that such lots were created in accordance with the Subdivision Ordinance or are validated under Sections 101-1-12, 101-1-13 or 101-1-14 of the Subdivision Ordinance.

TIMING:

Board authorization to advertise on December 7, 2009; Planning Commission public hearing on January 21, 2010; Board public hearing on February 23, 2010, at 4:00 p.m.

BACKGROUND:

The Board has expressed concern that narrow outlots often have an effect of reducing the required distance between a principal structure and an adjacent street, thereby potentially changing the character of the neighborhood. In the design of new subdivisions, builders have created narrow outlots between a building lot and a street in order to avoid the creation of corner or through lots, as both corner and through lots have two or more front yards and the minimum setbacks for front yards are greater than the minimum yard requirements for either a side or rear yard.

In response, the proposed amendment requires that certain minimum yards (setbacks) be maintained on a lot that abuts an outlot that is contiguous to a street. First, a minimum distance that is equal to the minimum dimension of the minimum required front yard of the district in which the building lot is located must be maintained between a street and a principal structure. Second, the dimension of the yard of the building lot that is abutting the outlot must be equal to or greater than the dimension of the applicable minimum required yard for the district in which the building lot is located. It is recommended that this proposed yard requirement be applicable in all zoning districts, but that the Board may modify or waive the requirement with the approval of a rezoning or special exception when it is determined that such modification will have minimal adverse impacts on adjacent properties.

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

Board Agenda Item
February 23, 2010

REGULATORY IMPACT:

The proposed amendment adds new minimum yard (setback) requirements for building lots that are contiguous to outlots that abut a street. This amendment would have minimal impacts on the amount of time required for staff review of grading, site and building plans and/or house location plats as staff is already reviewing minimum yard requirements as part of such plats and plans.

FISCAL IMPACT:

An additional cost to the property owner of approximately \$200 - \$300 may be incurred to show the dimensions of the outlot on a grading or site plan and/or house location plat to demonstrate yard compliance. It is anticipated that there will be minimal additional staff costs to verify this new setback requirement.

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

Michelle Brickner, Acting Director, Land Development Services, Department of Public Works and Environmental Services

Jack Reale, Senior Assistant to the Zoning Administrator, DPZ

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Board Agenda Item
February 23, 2010

4:00 p.m.

Public Hearing on Proposed Area Plans Review (APR) Item 08-III-3UP, Located Northeast of the Ruby Road and Alderwoods Drive Intersection (Sully District)

ISSUE:

Area Plans Review (APR) 08-III-3UP addresses approximately 73 acres located northeast of the Rugby Road and Alderwoods intersection. The nomination proposes an increase of the FAR from .30 to .40, allowance of two additional vehicle access points to and from Rugby Road, and an adjustment of buffer recommendations to allow the new driveway connections. The staff analysis and recommendation are found in the Staff Report, Attachment I. The Sully District APR Task Force recommendation is found in Attachment II. The VDOT Chapter 527 Comments and FCDOT comments are found in the Attachment V.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 28, 2010, the Planning Commission voted unanimously (Commissioner Sargeant not present for the vote; Commissioners Hall and Harsel absent from the meeting) to recommend that the Board of Supervisors approve the Task Force alternative with modifications as shown in the handout dated January 28, 2010. This recommendation adds text for screening hospital uses from neighboring properties, and provisions to minimize light emissions. The Planning Commission verbatim is found in Attachment III. The proposed Plan text recommended by the Planning Commission is found in Attachment IV.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Task Force alternative with modifications as recommended by the Planning Commission.

TIMING:

Planning Commission public hearing – January 14, 2010
Planning Commission mark-up session – January 28, 2010
Board of Supervisors' public hearing – February 23, 2010

APR BACKGROUND:

The Board of Supervisors designated 2008-2009 as the timeframe to review and evaluate recommendations contained in the Comprehensive Plan for the northern part of the County.

Board Agenda Item
February 23, 2010

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for APR Item 08-III-3UP

Attachment II: Sully District APR Task Force Report for APR Item 08-III-3UP

Attachment III: Planning Commission Verbatim and Recommendation

Attachment IV: Plan Text Recommended by the Planning Commission, Jan. 28, 2010

Attachment V: VDOT Chapter 527 Comments and FCDOT comments

STAFF:

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

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

Sterling R. Wheeler, Chief, Policy & Plan Development Branch, PD, DPZ

Bernard Suchicital, Planner II, Environmental & Development Review Branch, PD, DPZ

Board Agenda Item
February 23, 2010

4:00 p.m.

Public Hearing on Proposed Area Plans Review (APR) Item 08-III-6DS, Located Southeast of the Route 28 and Frying Pan Road Intersection (Sully and Hunter Mill Districts)

ISSUE:

Area Plans Review (APR) 08-III-6DS addresses approximately 74 acres located southeast of the intersection of Route 28 and Frying Pan Road. The nomination proposes increasing the FAR of the first option from .25 to .35, include complementary service retail, the deletion of dedication for the right-of-way for transit, allow office/mixed-use north of the EQC, and the removal of the requirement to consolidate all parcels. Changes to the second option include increasing the FAR from .35 to .40. The staff analysis and recommendation are found in the Staff Report, Attachment I. The Sully and Hunter Mill District APR Task Force recommendation is found in Attachment II. The VDOT Chapter 527 Comments and FCDOT comments are found in Attachment V.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 28, 2010, the Planning Commission voted unanimously (Commissioner Sargeant not present for the vote; Commissioners Hall and Harsel absent from the meeting) to recommend that the Board of Supervisors approve the Task Force alternative as shown in the handout dated January 28, 2010. This recommendation clarifies the heights of the proposed buildings and adds text to minimize light emissions. The Planning Commission verbatim is found in Attachment III. The proposed Plan text recommended by the Planning Commission is found in Attachment IV.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Task Force alternative with modifications as recommended by the Planning Commission.

TIMING:

Planning Commission public hearing – January 14, 2010
Planning Commission mark-up session – January 28, 2010
Board of Supervisors' public hearing – February 23, 2010

Board Agenda Item
February 23, 2010

APR BACKGROUND:

The Board of Supervisors designated 2008-2009 as the timeframe to review and evaluate recommendations contained in the Comprehensive Plan for the northern part of the County.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for APR Item 08-III-6DS

Attachment II: Sully and Hunter Mill District APR Task Force Report for APR Item 08-III-6DS

Attachment III: Planning Commission Verbatim and Recommendation

Attachment IV: Plan Text Recommended by the Planning Commission, Jan. 28, 2010

Attachment V: VDOT Chapter 527 Comments and FCDOT comments

STAFF:

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

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

Sterling R. Wheeler, Chief, Policy & Plan Development Branch, PD, DPZ

Bernard Suchicital, Planner II, Environmental & Development Review Branch, PD, DPZ

Board Agenda Item
February 23, 2010

4:00 p.m.

Public Hearing on Proposed Out of Turn Plan Amendment (OTPA) Item S08-III-DS1,
Located Northwest of the Route 28 and Willard Road Intersection (Sully District)

ISSUE:

Plan Amendment S08-III-DS1 addresses approximately 39 acres located east of Lee Road, south of Albemarle Point Place, west of Route 28 and north of Willard Road. The nomination proposes allowing office and hotel uses up to a 1.0 FAR. The staff analysis and recommendation are found in the Staff Report, Attachment I. The Sully District APR Task Force recommendation is found in Attachment II. The VDOT Chapter 527 Comments and FCDOT comments are found in Attachment V.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 28, 2010, the Planning Commission voted unanimously (Commissioner Sargeant not present for the vote; Commissioners Hall and Harsel absent from the meeting) to recommend that the Board of Supervisors approve the Task Force recommendation, as shown on the handout dated January 28, 2010. This recommendation supports the nomination at .70 FAR with a mix of office and hotel uses. The Planning Commission verbatim is found in Attachment III. The proposed Plan text recommended by the Planning Commission is found in Attachment IV.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Task Force alternative with modifications as recommended by the Planning Commission.

TIMING:

Planning Commission public hearing – January 14, 2010
Planning Commission mark-up session – January 28, 2010
Board of Supervisors' public hearing – February 23, 2010

APR BACKGROUND:

The Board of Supervisors designated 2008-2009 as the timeframe to review and evaluate recommendations contained in the Comprehensive Plan for the northern part of the County.

Board Agenda Item
February 23, 2010

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for APR Item S08-III-DS1

Attachment II: Sully District APR Task Force Report for APR Item S08-III-DS1

Attachment III: Planning Commission Verbatim and Recommendation

Attachment IV: Plan Text Recommended by the Planning Commission, Jan. 28, 2010

Attachment V: VDOT Chapter 527 Comments and FCDOT comments

STAFF:

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

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

Sterling R. Wheeler, Chief, Policy & Plan Development Branch, PD, DPZ

Bernard Suchicital, Planner II, Environmental & Development Review Branch, PD, DPZ

Board Agenda Item
February 23, 2010

4:00 p.m.

Public Hearing on Proposed Area Plans Review (APR) Item 08-III-25UP, Located Northeast of the Fairfax County Parkway and New Dominion Parkway Intersection (Hunter Mill District)

ISSUE:

Area Plans Review (APR) 08-III-25UP addresses a 30.44 acre area that contains the Reston Hospital Center, located northeast of the Fairfax County Parkway and New Dominion Parkway intersection. The nomination proposes to add an option for a mix of hospital and medical office uses up to 1.0 FAR with conditions. Staff, in collaboration with the nominator, formulated alternative text, which was supported by the Hunter Mill District APR Task Force. Staff subsequently modified the alternative text that had been supported by the Task Force. These modifications expanded upon the transportation-related text. The staff analysis and recommendation are found in the Staff Report, Attachment I. The Hunter Mill District APR Task Force recommendation is found in Attachment II. The VDOT Chapter 527 Comments and FCDOT comments are found in Attachment V.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 28, 2010, the Planning Commission voted unanimously (Commissioner Sargeant not present for the vote; Commissioners Hall and Harsel absent from the meeting) to recommend that the Board of Supervisors approve the staff alternative with modifications as reflected in the handout dated January 28, 2010. The Planning Commission verbatim is found in Attachment III. The proposed Plan text recommended by the Planning Commission is found in Attachment IV.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the nomination as recommended by the Planning Commission.

TIMING:

Planning Commission public hearing – January 14, 2010
Planning Commission mark-up session – January 28, 2010
Board of Supervisors public hearing – February 23, 2010

Board Agenda Item
February 23, 2010

BACKGROUND:

The Board of Supervisors designated 2008-2009 as the timeframe to review and evaluate recommendations contained in the Comprehensive Plan for the northern part of the County.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for APR Item 08-III-25UP

Attachment II: Hunter Mill District APR Task Force Report for APR Item 08-III-25UP

Attachment III: Planning Commission Verbatim and Recommendation

Attachment IV: Plan Text Recommended by the Planning Commission

Attachment V: VDOT and FCDOT Comments on Chapter 527 TIA

STAFF:

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

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

Sterling R. Wheeler, Chief, Policy and Plan Development Branch, PD, DPZ

Faheem Darab, Planner II, Policy and Plan Development Branch, PD, DPZ

Board Agenda Item
February 23, 2010

4:00 p.m.

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

ISSUE:

Public hearing on proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Northern Virginia Community College Residential Permit Parking District (RPPD), District 39.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Northern Virginia Community College RPPD, District 39.

TIMING:

On January 26, 2010, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on February 23, 2010, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Petitions requesting expansion of the RPPD were received on December 7, 2009. The proposed District expansion includes the following streets: Ardfour Lane (Route 3030)

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from Wakefield Chapel Road to Lorene Lane and Lorene Lane (Route 2275) from Ardfour Lane to the end.

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on December 7, 2009, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to expand the Northern Virginia Community College RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$900 and are to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, FCDOT
Hamid Majdi, FCDOT

Board Agenda Item
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4:30 p.m.

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

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on January 12, 2010, for February 9, 2010, at 4:00 p.m. The Board deferred the public hearing from February 9, 2010 to February 23, 2010.

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 large area CPD if the proposed District contains all of a magisterial district, excluding certain areas that meet minimum size requirements. In this case, the proposed District will encompass the entire Springfield District. Staff has verified that the requirements for a large area CPD have been satisfied.

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

If approved, the proposed Springfield large area CPD would be the fourth non-petition based CPD established in the County. Existing CPD signs within the Burke Station Square, Caroline Oaks, Cedar Lakes, Cherry Run, Davenry, Greentree Village, Hillside, Keene Mill Village IV, North Lake Village, Old Mill, Orange Hunt, Somerset, South Run Crossing, Stone Creek Crossing, Timber Ridge, and White Oaks CPDs that are within the new district will not be removed.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
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4:30 p.m.

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

ISSUE:

Public hearing on a proposed amendment to Section 82-5A of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to allow townhouse communities that are within 2,000 feet of a college or university pedestrian entrance to be specifically included in the criteria to establish a Residential Permit Parking District (RPPD).

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 January 26, 2010, for February 23, 2010, at 4:30 p.m.

BACKGROUND:

On January 12, 2010, the Board directed County staff to prepare an amendment to the RPPD Ordinance that will allow townhouse communities to request an RPPD on a local street adjacent to their community where they have an entrance if the requested street restriction is within 2,000 feet of a college or university pedestrian entrance and does not contain residential addresses. Similar to the procedures for establishing a temporary RPPD, staff is proposing that a request for a University-Townhouse type RPPD be in writing from all affected homeowners associations representing the area.

A separate Board Agenda Item has been prepared for the public hearing for establishment of the Tapestry RPPD in the Braddock District should the Board approve the amendment to the Fairfax County Code to allow the creation of University-Townhouse type RPPDs.

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

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FISCAL IMPACT:

Staff anticipates that a new RPPD will be established. The cost is approximately \$600 and will be paid out of Fairfax County Department of Transportation (FCDOT) funds.

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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February 23, 2010

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Establishing the Tapestry Residential Permit Parking District, District 42 (Braddock District)

ISSUE:

Public hearing on a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Tapestry Residential Permit Parking District (RPPD), District 42.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Tapestry RPPD, District 42 if the proposed change to Section 82-5A for a University–Townhouse type RPPD is approved by the Board of Supervisors on February 23, 2010.

TIMING:

On January 26, 2010, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on February 23, 2010, at 4:30 p.m.

BACKGROUND:

On January 12, 2010, the Board directed County staff to prepare an amendment to Section 82-5A to allow townhouse communities that are within 2,000 feet of a Virginia college or university pedestrian entrance to request an RPPD. A separate Board Agenda Item has been concurrently prepared specifically to address the University–Townhouse type request.

The Board also directed staff to prepare a Board item for authorization for a public hearing for an RPPD on a portion of Tapestry Drive that would meet the anticipated new University–Townhouse RPPD requirements.

The Braddock District office has forwarded written requests from the Kings Park West Townhouse Homeowners Association and the Kingsberry Townhouse Community to restrict both sides of Tapestry Drive in the area that is adjacent to their communities. Both townhouse communities have vehicular and pedestrian entrances within 2,000 feet of a university pedestrian entrance. Tapestry Drive is functionally classified as a local

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street by the Virginia Department of Transportation (VDOT) and the requested block faces are within 2,000 feet of a university pedestrian entrance and do not contain residential addresses.

If the Code Amendment to Section 82-5A to allow a University–Townhouse type RPPD is approved on February 23, 2010, it is recommended that the Board adopt the proposed amendment to establish the Tapestry RPPD. The request meets the University-Townhouse RPPD requirements.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$600 and will be paid out of Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*
Attachment II: Map Depicting Proposed Limits of RPPD Establishment

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, FCDOT
Hamid Majdi, FCDOT

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4:30 p.m.

Public Hearing on Proposed Amendment to *The Code of the County of Fairfax, Virginia*, to Add a New Chapter, Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance) RE: Protection of Coastal Sand Dunes and Beaches

ISSUE:

Public Hearing on proposed amendment to *The Code of the County of Fairfax, Virginia*, to add a new chapter, Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance) regarding protection of coastal sand dunes and beaches.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendment to *The Code of the County of Fairfax, Virginia*, as set forth in the Staff Report dated December 14, 2009 included as Attachment 2.

TIMING:

Board action is requested on February 23, 2010. The Board authorized advertisement of the amendment on January 12, 2010. The Board deferred the public hearing from February 9, 2010 to February 23, 2010.

BACKGROUND:

Chapter 14 of Title 28.2 of the *Code of Virginia*, the Coastal Primary Sand Dune Protection Act (the Act), was originally adopted in 1980 to provide authority to only eight coastal localities to adopt ordinances to protect their coastal primary sand dunes and beaches. (The name of the Act was later changed to the Coastal Primary Sand Dune and Beach Act.) During the 2008 legislative session, the General Assembly extended the Act to all Tidewater Virginia localities, including Fairfax County.

The rationale for expanding the Act in 2008 was based on the findings from a multi-year study performed by the Virginia Institute of Marine Science in the late 1990s. The study determined that:

- Beaches and dunes perform a broader spectrum of ecosystem services than was originally understood;
- Beaches and dunes provide critical habitat and act as a natural buffer to erosion from wind and wave energy; and
- Beaches and dunes are more prevalent within the Virginia coastal zone than was known when the Act was originally adopted.

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At its June 22, 2009 meeting, the Board of Supervisors directed staff to draft a Coastal Primary Sand Dune Zoning Ordinance for its consideration.

PROPOSED AMENDMENT:

The proposed amendment adds a new chapter, Chapter 123, Coastal Primary Sand Dune Zoning Ordinance, to *The Code of the County of Fairfax, Virginia* and would regulate beaches and dunes on the tidal shoreline. See Attachment 3 in the Staff Report for a depiction of the jurisdictional area that would be affected by the proposed new ordinance. The proposed amendment would be similar in structure to and complement the County's Wetlands Zoning Ordinance.

The new Chapter 123 proposes the following:

- Definitions of relevant terms;
- Authorized (allowed) uses and activities;
- Uses and activities subject to the ordinance;
- Public hearing process;
- Charge to the applicant for expense of the public notice; and
- Permit processing fee of \$300 paid by the applicant. Any project involving both tidal wetlands and beach would be processed as one application under one public hearing with one fee.

The proposed amendment would enable the Fairfax County Wetlands Board to administer tidal shoreline permitting that encompasses both beach permits and wetlands permits.

REGULATORY IMPACT:

Dunes and beaches are currently regulated by the Virginia Marine Resources Commission, located in Newport News, Virginia, and wetlands permits are regulated by the Fairfax County Wetlands Board. Under the proposed amendment, a shoreline property owner in Fairfax County would seek review and approval from the Fairfax County Wetlands Board for a proposed project that affects beach and/or wetlands on the tidal shoreline. If the proposed new ordinance is not established for Fairfax County, under the Act, beaches on our tidal shoreline would continue to be regulated by the Virginia Marine Resources Commission.

FISCAL IMPACT:

Under the proposed Code amendment, an applicant would pay \$300 to Fairfax County for processing of a beach permit or a combined beach/wetlands permit as well as the cost for advertising the public hearing by the county's Wetlands Board. (Currently, the fee for submittal of a wetlands permit to the county is \$300.) The Department of Planning and Zoning staff liaison to the Fairfax County Wetlands Board would process the permit.

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If the proposed new ordinance is not established for Fairfax County, an applicant would make an application to the Virginia Marine Resources Commission located in Newport News and pay the cost of advertising the Commission's public hearing. Currently, there is not a fee for processing of a beach permit by the Virginia Marine Resources Commission.

ENCLOSED DOCUMENT:

Attachment I: Staff Report on Proposed Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance)

STAFF:

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

Pamela G. Nee, Chief, Environment and Development Review Branch, DPZ

Mary Ann Welton, Environmental Planner, DPZ

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February 23, 2010

4:30 p.m.

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

ISSUE:

Public hearing to lease County-Owned property to Cellco Partnership d/b/a Verizon Wireless for the purpose of installing a telecommunications base station.

RECOMMENDATION:

The County Executive recommends that the Board authorize the County to enter into a communications lease with Verizon Wireless that is substantially in accordance with the Lease Agreement attached hereto as Attachment B.

TIMING:

On December 7, 2009, the Board of Supervisors authorized the advertisement of a public hearing to be held on January 12, 2010, at 4:00 p.m. The item was deferred on January 12, 2010, to February 9, 2010 and deferred from February 9, 2010 to February 23, 2010 at 4:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of real property located at 3300 Gallows Road (Tax Map 59-2 ((1)) 1A). Verizon Wireless is currently expanding their network in the Baltimore/Washington/Northern Virginia area and identified a Fairfax County Water Authority water tower and the associated ground area as an excellent location for a base station for their telecommunications network. The County proposes to enter into a communications lease with Verizon Wireless that is substantially in accordance with the Lease Agreement attached hereto as Attachment B. The item was previously deferred because Verizon Wireless dissolved Washington, D.C. SMSA Limited Partnership (the entity that was to be the tenant under this lease) and conveyed all of its assets to its general partner, Cellco Partnership. The revised Lease that is attached is with Cellco Partnership.

Verizon Wireless plans to install a telecommunications facility on an existing 183.5 foot tall Fairfax County Water Authority water tank located within close proximity of Fairfax Hospital. The telecommunications facility will consist of up to eight (8) panel antennas mounted on the water tank and up to eight (8) outdoor equipment cabinets and one (1) generator on the ground. The total area for the ground base station will be

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approximately 798 square feet. The Board owns the land and the Water Authority owns the water tower.

On September 9, 2009, the Planning Commission voted unanimously to concur with the determination that modifications proposed by Verizon Wireless to a previously approved telecommunications facility located at 3300 Gallows Road (TM 59-2 ((1)) 1A) is substantially in accordance with the recommendations of the adopted Comprehensive Plan, and should be considered a “feature shown” pursuant to Virginia Code Section 15.2-2232, as amended.

Staff recommends that the Board authorize the County to enter into a communications lease with Verizon Wireless, which will permit the installation of a new telecommunications base station at 3300 Gallows Road. The proposed lease will have an initial term of five years with 3 five year options.

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

FISCAL IMPACT:

The proposed ground lease will generate \$20,000 the first year with a 3% annual increase in revenue for the County of Fairfax.

ENCLOSED DOCUMENTS:

Attachment A – Location Map

STAFF:

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

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5:00 p.m.

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

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