

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 26, 2010**

AGENDA

8:45	Held	Reception for Don Smith Award Reception Area of the Government Center
9:30	Done	Presentations
10:15	Done	Presentation of the Don Smith Award
10:20	Report Approved	Report on General Assembly Activities
10:30	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
10:30	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Northern Virginia Community College Residential Permit Parking District, District 39 (Braddock District)
2	Approved	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Mount Vernon, Mason, Springfield and Dranesville Districts)
3	Approved	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Establishing the Tapestry Residential Permit Parking District, District 42 (Braddock District)
4	Approved	Authorization to Advertise a Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5A (Residential Permit Parking Districts)
5	Approved	Streets into the Secondary System (Sully District)
6	Approved	Extension of Review Periods for 2232 Review Applications (Dranesville, Hunter Mill, Lee, Mount Vernon, Providence, Springfield, and Sully Districts)
7	Approved w/amendment	Authorization for the Department of Transportation to Apply for Funding from the Federal Transit Administration for the Exempt Discretionary Program Grants (Section 5309) for an Urban Circulator Program

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 26, 2010**

ACTION ITEMS

- | | | |
|---|-----------------|--|
| 1 | Approved | Execute an Agreement with VDOT Relating to Maintenance of a Road Over a Dam/Buckley's Reserve Regional Stormwater Management Pond (Springfield District) |
|---|-----------------|--|

INFORMATION ITEMS

- | | | |
|-------|--------------|---|
| 1 | Noted | Annual Status Report on the Board's Second Four-Year Transportation Program |
| 2 | Noted | Contract Award – Dolley Madison Library (Dranesville District) |
| 11:00 | Done | Matters Presented by Board Members |
| 11:50 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|---|--|
| 3:00 | Held | Annual Meeting of the Fairfax County Solid Waste Authority |
| 3:30 | Approved | Public Hearing on SEA 85-L-022-03 (Public Broadcasting Service) (Mason District) |
| 3:30 | Approved | Public Hearing on SE 2008-LE-027 (Trustees, Springfield Masonic Lodge, 217, A.G. & A.M.) (Lee District) |
| 3:30 | Public hearing deferred to 3/9/2010 at 3:30 p.m. | Public Hearing on RZ 2009-DR-016 (Madison Building Associates LLC and Second Madison Building Associates LLC) (Dranesville District) |
| 3:30 | Public hearing deferred to 3/9/2010 at 3:30 p.m. | Public Hearing on RZ 2009-HM-014 (Reston Hospital Center LLC) (Hunter Mill District) |
| 3:30 | Public hearing deferred to 3/9/2010 at 3:30 p.m. | Public Hearing on PRC 2009-HM-014 (Reston Hospital Center LLC) (Hunter Mill District) |
| 3:30 | Public hearing deferred to 3/9/2010 at 3:30 p.m. | Public Hearing on PCA 89-C-025-05 (Reston Hospital Center LLC) (Hunter Mill District) |
| 3:30 | Public hearing deferred to 3/9/2010 at 3:30 p.m. | Public Hearing on DPA 89-C-025-04 (Reston Hospital Center LLC) (Hunter Mill District) |

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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PUBLIC HEARINGS
(continued)

4:00	Approved	Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Planned Development District Recreational Fees
4:00	Approved	Public Hearing on Spot Blight Abatement Ordinance for 5120 Veronica Road (Sully District)
4:00	Approved	Public Hearing on Spot Blight Abatement Ordinance for 7900 Rolling Road (Mount Vernon District)
4:00	Approved	Public Hearing to Consider Adopting an Ordinance Establishing the Laurel Hill Residential Permit Parking District, District 41 (Mount Vernon District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
January 26, 2010

9:30 a.m.

PRESENTATIONS:

1. CERTIFICATE – To recognize the Lake Braddock Secondary School Girls Cross Country Team for winning the 2009 Virginia AAA State Championship. Requested by Supervisor Cook.
2. CERTIFICATE – To recognize Brianna Hussein for her quick thinking and response to a medical emergency. Requested by Supervisor Cook.
3. CERTIFICATE – To recognize the Boy Scouts of Fairfax County, who were the vanguard of the Western Fairfax Christian Ministries annual food drive. Requested by Supervisor Frey.
4. CERTIFICATE – To recognize the Reston Accessibility Committee for its commitment to ensure barrier-free access for people with physical and mobility impairments. Requested by Supervisor Hudgins.
5. CERTIFICATE – To recognize the Reston Association and the Friends of Reston for the construction of the Reston Nature House, which is LEED Gold Certified. Requested by Supervisor Hudgins.
6. PROCLAMATION – To designate January 29, 2010, as Earned Income Tax Credit Awareness Day in Fairfax County. Requested by Chairman Bulova.
7. PROCLAMATION – To designate February 2010 as African American History Month in Fairfax County. Requested by Chairman Bulova.

— more —

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8. RESOLUTION – To urge all Fairfax County residents to fill out and return their census form by April 1, 2010. Requested by Chairman Bulova.

STAFF:

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

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10:15 a.m.

Presentation of the Don Smith Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Anita Baker, Chairperson, Employee Advisory Council (EAC)
Judy Schambach, Group 3, EAC Representative

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10:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment: Appointments to be heard January 26, 2010

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:30 a.m.

Items Presented by the County Executive

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Board Agenda Item
January 26, 2010

ADMINISTRATIVE - 1

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

ISSUE:

Board authorization to advertise a public hearing for February 23, 2010, at 4:00 p.m., to consider a 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 authorize advertisement of a public hearing for February 23, 2010, at 4:00 p.m., to consider adopting 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:

The Board should take action on January 26, 2010, to advertise a public hearing for 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.

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

Robert A. Stalzer, Deputy County Executive
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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ADMINISTRATIVE - 2

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program (Mount Vernon, Mason, Springfield and Dranesville Districts)

ISSUE:

Board endorsement of a Traffic Calming plan, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plans for Cavalier Drive (Attachment I), Jayhawk Street (Attachment II), Field Master Drive (Attachment III) and Valley Wood Road (Attachment IV) consisting of the following:

- Two speed humps on Cavalier Drive (Mount Vernon District)
- Two speed humps on Jayhawk Street (Mason District)
- One speed hump on Field Master Drive (Springfield District)
- Three speed humps on Valley Wood Road (Dranesville District)

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

TIMING:

Board action is requested on January 26, 2010.

BACKGROUND:

Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Cavalier Drive, Valley Wood Road, Jayhawk Street, and Field Master Drive, plans were approved by staff and VDOT. The traffic calming plans were subsequently submitted for approval to residents of the petition area in each community. On November 20, 2009 (Cavalier Drive), December 9, 2009 (Jayhawk Street), (Field Master Drive), and December 11, 2009 (Valley Wood Road), FCDOT received written verification from the appropriate local supervisor confirming community support.

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FISCAL IMPACT:

The estimated cost of \$33,600 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Cavalier Drive
Attachment II: Traffic Calming Plan for Jayhawk Street
Attachment III: Traffic Calming Plan for Field Master Drive
Attachment IV: Traffic Calming Plan for Valley Wood Road

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT
William P. Harrell, Transportation Planner, FCDOT
Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 3

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

ISSUE:

Board authorization to advertise a public hearing for February 23, 2010, at 4:30 p.m., to consider 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 authorize advertisement of a public hearing for February 23, 2010, at 4:30 p.m., to consider adopting 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 authorized by the Board of Supervisors on January 26, 2010.

TIMING:

The Board should take action on January 26, 2010, to advertise a public hearing for 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

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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 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 authorization for the advertisement of a public hearing to amend Section 82-5A is approved, it is recommended that the Board authorize the advertisement of a public hearing to consider establishing the Tapestry RPPD. The request meets the proposed 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:

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

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ADMINISTRATIVE - 4

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

ISSUE:

Board authorization to advertise a public hearing for February 23, 2010, at 4:30 p.m., to consider 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 included in the criteria to establish a Residential Permit Parking District (RPPD).

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 23, 2010, at 4:30 p.m. to consider adopting the proposed amendment (Attachment I) to the Fairfax County Code.

TIMING:

The Board should take action on January 26, 2010, to advertise a public hearing 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 RPPD be submitted in writing from all affected homeowners associations representing the area.

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

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

FISCAL IMPACT:

Staff anticipates that a new RPPD will be established if the Board adopts the proposed amendment. 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:

Robert A. Stalzer, Deputy County Executive

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

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

Selby Thannikary, Chief, Traffic Operations Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

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ADMINISTRATIVE – 5

Streets into the Secondary System (Sully District)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Faircrest Landbay 1 Section 1	Sully	Village Square Drive
		Stringfellow Road (Route 645) (Additional Right-of-Way Only)
MP Centreville Venture Fort Drive	Sully	Fort Drive

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

Michelle Brickner, Acting Director, Land Development Services, DPWES

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ADMINISTRATIVE – 6

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-L09-155 to April 4, 2010; applications FS-V09-140, FS-P09-141, FS-P09-143, FS-D09-145, FS-Y09-156, FS-S09-160, and FS-H09-169 to April 5, 2010; and applications FS-H09-115, FS-H09-159, FS-S09-166, and FS-S09-168 to April 9, 2010.

TIMING:

Board action is required on January 26, 2010, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review periods for applications FS-H09-115, FS-V09-140, FS-P09-141, FS-P09-143, FS-D09-145, FS-L09-155, FS-Y09-156, FS-H09-159, FS-S09-160, FS-S09-166, FS-S09-168, and FS-H09-169, which were accepted for review by the Department of Planning and Zoning between November 5, 2009, and November 10, 2009. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for

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the Planning Commission to act on these applications by no more than sixty additional days.

- | | |
|------------|---|
| FS-H09-115 | Clearwire US LLC
Antenna colocation on existing monopole
2455 Fox Mill Road (Stratton Woods Park)
Hunter Mill District |
| FS-V09-140 | Clearwire US LLC
Rooftop antennas
6677 Richmond Highway
Mount Vernon District |
| FS-P09-141 | Clearwire US LLC
Rooftop antennas
1430 Spring Hill Road
Providence District |
| FS-P09-143 | Clearwire US LLC
Rooftop antennas
8028 Leesburg Pike
Providence District |
| FS-D09-145 | Clearwire US LLC
Antenna colocation on existing bell tower
1089 Liberty Meeting Court
Dranesville District |
| FS-L09-155 | New Cingular Wireless PCS LLC
Antenna colocation on existing transmission pole
Fleet Drive
Lee District |
| FS-Y09-156 | Clearwire US LLC
Antenna colocation on existing transmission tower
Bay Valley Lane
Sully District |
| FS-H09-159 | Clearwire US LLC
Rooftop antennas
11500 Fairway Drive
Hunter Mill District |

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- FS-S09-160 Clearwire US LLC
Antenna colocation on existing tower
6199 Old Arrington Lane
Springfield District
- FS-S09-166 Clearwire US LLC
Antenna colocation on existing tower
11209 Fairfax Station Road
Springfield District
- FS-S09-168 Clearwire US LLC
Antenna colocation on existing monopole
4641 West Ox Road
Springfield District
- FS-H09-169 Clearwire US LLC
Rooftop antennas
13861 Sunrise Valley Drive
Hunter Mill 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

Authorization for the Department of Transportation to Apply for Funding from the Federal Transit Administration for the Exempt Discretionary Program Grants (Section 5309) for an Urban Circulator Program

ISSUE:

Board approval for the Department of Transportation to apply for Urban Circulator Program grant funds from the Federal Transit Administration (FTA) in the amount of \$11,250,000, including a 20 percent Local Cash Match requirement of \$2,250,000. This funding will be used to purchase buses and support pedestrian and bus stop improvements for the circulator bus service in the Tysons area (Tysons Circulator Phase II) following the opening of the Dulles Rail extension. The Local Cash Match is available in Fund 304, Transportation Improvements, Project 4YP216, November 2007 Bond Referendum Transit. Funding is also available in Fund 124, County and Regional Transportation Projects, Project BUS000, Bus Stop Improvement Program, and Project PPTF01, Pedestrian Task Force Recommendations.

Board authorization is also requested to comply with certifications and requirements in order to apply for FTA funding.

Department of Transportation staff is evaluating the annual operating costs of the planned circulator service. Full details on planned capital improvements, future operating costs, and management of the service will be brought back to the Board of Supervisors for approval prior to the acceptance of this grant. The Transit Development Plan study indicates that annual operating costs for the Tysons Circulator Phase II may be up to \$6,300,000.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors:

1. Authorize the Department of Transportation to apply for funding from the FTA in the amount of \$11,250,000, including \$2,250,000 in Local Cash Match, in Urban Circulator Program grant funds for the Tysons Circulator service; and
2. Authorize staff to take all necessary measures to ensure County compliance with the conditions of the FTA grants, as authorized by Virginia law.

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TIMING:

Board approval is requested on January 26, 2010, in order to meet the FTA's February 8, 2010, submission deadline.

BACKGROUND:

On December 8, 2009, the FTA announced a competitive grant program utilizing previously unallocated funding. In hopes of building on the momentum of the American Recovery and Reinvestment Act of 2009, FTA targeted this funding to be used for Urban Circulator systems that foster livable communities and sustainable transit development.

While the County had several projects that initially appeared to qualify for this funding, certain FTA requirements eliminated most of them from consideration. Eligible projects must be based on the results of an alternative analysis and preliminary engineering.

In addition, a project must meet one of the following guideway criteria:

1. Be a fixed guideway for at least 50% of the project length in the peak period—

AND/OR—

2. Be a corridor-based bus project with the following minimum elements:
 - a. Substantial Transit Stations
 - b. Signal Priority/Pre-emption (for Bus/LRT)
 - c. Low Floor/Level Boarding Vehicles
 - d. Special Branding of Service
 - e. Frequent Service—10 min peak/15 min off peak
 - f. Service offered at least 14 hours per day

Staff primarily considered projects included in the Board of Supervisors' Four Year Transportation Program, the TransAction 2030 Plan, the VDOT Six-Year Program, and the list of projects included in the item presented to the Board at the July 13, 2009, Board of Supervisors' meeting outlining transportation funding strategies. After reviewing these projects and the FTA requirements for eligibility, staff recommends requesting \$11,250,000 in Urban Circulator program funds, including \$2,250,000 in Local Cash Match, for Phase II of the Tysons Circulator service.

This project was developed from recommendations of the Tysons Land Use Task Force, and the analysis conducted in the County's Transit Development Plan. The transit infrastructure is in need of capital improvements and acquisition of vehicles. This project will assist in the implementation and operation of one of the County's top priority

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transportation projects, Dulles Rail. Using the alternative analysis and preliminary engineering from the Dulles Rail project helped determine the scope and demand for the circulator service. This documentation will be used to address the FTA requirements. The County will be requesting that WMATA operate this Tysons service. At this time staff is determining whether the County or WMATA should ultimately apply for the funds. If it is determined that WMATA will apply for the funding, staff will work with WMATA to submit the application and implement the projects.

In order to apply for this grant funding, the FTA requests that each applicant provide as many certifications and assurances as needed for all programs for which the applicant intends to seek FTA assistance during the federal fiscal year. Staff is requesting authorization to take all necessary measures to ensure County compliance with the conditions of the FTA grants, as authorized by Virginia law.

FISCAL IMPACT:

The County is applying for grant funding of \$11,250,000, including a 20 percent Local Cash Match requirement of \$2,250,000, from the FTA Urban Circulator program to support circulator bus service in the Tysons area following the completion of the Dulles Rail project (Tysons Circulator Phase II). The County will use a combination of transportation bond funds and commercial and industrial real estate tax revenues for transportation to meet the Local Cash Match requirement. Funding of \$16,000,000 is available in Project 4YP216, November 2007 Bond Referendum Transit, in Fund 304, Transportation Improvements. Funding of \$2,702,311 is also available in Fund 124, County and Regional Transportation Projects, including \$1,000,000 in Project BUS000, Bus Stop Improvement Program and \$1,702,311 in Project PPTF01, Pedestrian Task Force Recommendations.

The total \$11,250,000 requirement would meet the estimated capital costs component of the circulator program, including bus purchases and pedestrian and bus stop/transit infrastructure improvements. The County will be requesting that WMATA operate this Tysons service. At this time staff is determining whether the County or WMATA should ultimately apply for the funds. If it is determined that WMATA will apply for the funding, staff will work with WMATA to submit the application and implement the projects.

Department of Transportation staff is evaluating the annual operating costs of the planned circulator service. Full details on planned capital improvements, future operating costs, and management of the service will be brought back to the Board of Supervisors for approval prior to the acceptance of this grant. The Transit Development Plan study indicates that annual operating costs for the Tysons Circulator Phase II may be up to \$6,300,000.

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Funding adjustments in Fund 102, Federal/State Grant Fund, will be made at a quarterly review. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

None.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Ellen F. M. Posner, Assistant County Attorney

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Jay Guy, Senior Transportation Planner, Coordination and Funding FCDOT

Board Agenda Item
January 26, 2010

ACTION - 1

Execute an Agreement with VDOT Relating to Maintenance of a Road Over a Dam/Buckley's Reserve Regional Stormwater Management Pond (Springfield District)

ISSUE:

Authorization for the County Executive to execute an Agreement with the Commonwealth of Virginia Department of Transportation (VDOT) with respect to maintenance of the road over the Buckley's Reserve Regional Stormwater Management Pond R-8 dam.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the County Executive to execute the Agreement.

TIMING:

Routine.

BACKGROUND:

On June 17, 2002, the Board of Supervisors entered into an Agreement with Centex Homes for the construction of Regional Pond R-8 in connection with the development of the Buckley's Reserve subdivision located off Route 29 near the Fairfax County Parkway in the Springfield District. Regional Pond R-8 is a "wet pond" facility that is a planned component of the County's Regional Stormwater Management Plan. Pursuant to that Agreement, Centex Homes is to be reimbursed for the remainder of the regional pond construction cost once the bond for the facility has been released. The dam for the regional pond is also used for a roadway, a portion of Muddler Way, which runs across the dam embankment. Muddler Way will become a part of the Secondary System of State Highways once VDOT accepts the road for maintenance. The bond release process requires VDOT approval of Muddler Way. The VDOT road acceptance process, in turn, requires that the Board of Supervisors enter into the Agreement with VDOT for "Maintenance of a Road over a Dam" since the roadway is located, in part, on the dam embankment for Regional Pond R-8.

VDOT is requiring that an Agreement be executed to assure that VDOT will not be responsible for maintenance of the dam. After the Agreement is executed, VDOT will proceed to process the acceptance of Muddler Way for their maintenance as part of the Secondary System of State Highways. Construction of the dam/road embankment and Regional Pond R-8 are complete. The Department of Public Works and Environmental Services has determined that construction of the dam embankment and regional pond fully complies with the approved plans and specifications. The County is responsible for maintenance of Regional Pond R-8 and its dam structure, as is the case with other regional

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stormwater management pond facilities created under the County's regional stormwater management program.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 -Location Map
Attachment 2 -Agreement without attachments (Copy of the agreement with attachments at the Office of the Clerk to the Board)

STAFF:
Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services

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INFORMATION - 1

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

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

Enclosed is an annual status report on the Board's Four-Year Transportation Program and other active transportation projects. This report has been compiled by Fairfax County Department of Transportation (FCDOT) staff in consultation with their implementation partners in the Department of Public Works and Environmental Services (DPWES) and the Virginia Department of Transportation (VDOT) Northern Virginia District.

The information provided in the attached December 2009 report is an update to the September 2009 quarterly status report which was provided to the Board on October 19, 2009. The December 2009 report also includes the annual update of non-capital strategies and other transportation projects.

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

ENCLOSED DOCUMENTS:

Attachment I: December 2009 Status Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program for FY 2008 through FY 2011 and Other Active Transportation Projects

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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

Karyn L. Moreland, Chief, Capital Projects Section, FCDOT

Brent Payne, Capital Projects Section, FCDOT

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INFORMATION - 2

Contract Award – Dolley Madison Library (Dranesville District)

A total of 31 contractors were prequalified to bid on the project for the construction of the Dolley Madison Library, Project 004844, in Fund 302, Library Construction. Eleven sealed bids were received and opened on December 17, 2009. This contract award will provide for the construction of a 10,500 square foot addition to the existing building and the renovation of an 8,500 square foot existing space. This project is included in the FY 2010 - FY 2014 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is David E. Harvey Builders, Inc. d.b.a. Harvey-Cleary Builders (Harvey-Cleary Builders). The firm's bid of \$3,873,000 is \$649,392 or 14.4% below the Engineer's Estimate of \$4,522,392. The second lowest bid of \$4,200,000 is \$327,000 or 8.4% above the low bid. The highest bid of \$5,034,000 is \$1,161,000 or 30.0% above the low bid.

The Department Public Works and Environmental Services has analyzed the bids received on the referenced project. The fact that seven bids were below the Engineer's Estimate and four bids above indicate a very competitive solicitations resulting in this favorable below estimate bid.

The firm of Harvey-Cleary Builders has successfully performed work for other governmental jurisdictions, and is considered a responsible contractor. They have demonstrated success in LEED certified commercial construction in the DC metro area. The Martha Washington Library Renovation and Expansion Project is currently under construction by this firm.

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

This bid may be withdrawn after February 15, 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 \$3,873,000.

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FISCAL IMPACT:

Funding in the amount of \$6,765,750 is necessary to award this contract and fund the associated contingency and other project costs such as utilities relocations and upgrades, shelving, systems furniture, temporary facilities, off-site road and pedestrian improvements, inspections, and construction management. Funding is currently available in Project 004844, Fund 302, Library Construction. The approved total project estimate is \$10,970,453 and based on extremely favorable bidding conditions, the excess balance of appropriated library bond funds will be re-allocated to the Library Contingency project at a future budget cycle.

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

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11:00 a.m.

Matters Presented by Board Members

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11:50 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *General Excavation, Inc., and Waste Water Management, Inc. v. Fairfax County Department of Public Works and Environmental Services*, CL-2010-0000413 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 2. *Parkridge 6 LLC and WFLP-H LLC v. County of Fairfax and Board of Supervisors of Fairfax County*, Record No. 091926 (Virginia Supreme Court)
 - 3. *Target Corp. v. Board of Supervisors, et al.*, Case No. CL-2009-0006783 (Fx. Co. Cir. Ct.) (Countywide)
 - 4. *Costco Wholesale Corp. v. Board of Supervisors, et al.*, Case No. CL-2009-0006761 (Fx. Co. Cir. Ct.) (Springfield and Sully Districts)
 - 5. *Janet Lyon Haight v. Fairfax County Employees' Retirement System*, Case No. CL-2009-0011834 (Fx. Co. Cir. Ct.)
 - 6. *Melia Nebeker v. Fairfax County, Virginia, and Steven Souder*, Case No. CL-2009-0014802 (Fx. Co. Cir. Ct.)
 - 7. *Stephen B. Wood, Trustee, Johnie R. Muncy, Trustee, and F & M Services, LC, Trustee v. The Fairfax County Redevelopment and Housing Authority and the Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2009-0016302 (Fx. Co. Cir. Ct.) (Sully District)

8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Record No. 091925 (Sup. Ct. Va.) (Providence District)
9. *Bentley Properties, LLC, and Papermoon-Springfield, Inc. v. Board of Zoning Appeals of Fairfax County, Virginia, Board of Supervisors of Fairfax County, Virginia, and Eileen M. McLane, Fairfax County Zoning Administrator*, Case No. CL-2009-0006589 (Fx. Co. Cir. Ct.) (Lee District)
10. *Washington D.C. SMSA Limited Partnership, d/b/a Verizon Wireless v. Fairfax County Board of Zoning Appeals*, Case No. CL-2008-0014622 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Joseph B. Long and Alma J. Long*, Case No. CL-2009-0013120 (Fx. Co. Cir. Ct.) (Springfield District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Scott W. Pruitt and Paula E. Pruitt*, Case No. CL-2008-0001802 (Fx. Co. Cir. Ct.) (Sully District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Forrest J. Hatcher, Sr., and Marva K. Hatcher*, Case No. CL-2008-0003912 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
15. *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)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mary Ann R. Devine*, Case No. CL-2009-0011063 (Fx. Co. Cir. Ct.) (Mount Vernon District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sergio Monterey and Christian Monterey*, Case No. CL-2009-0009728 (Fx. Co. Cir. Ct.) (Mason District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Ashok Bhagi and Anumati Bhagi*, Case No. 2010-0000271 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team/BNV Case)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Melissa M. Schwartz, Trustee of the Schwartz Living Trust*, Case No. CL-2009-0010970 (Fx. Co. Cir. Ct.) (Dranesville District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel Park Futrell and You Sook Lund*, Case No. CL-2009-0006457 (Fx. Co. Cir. Ct.) (Mason District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Louise K. Runquist and Jacqueline B. Bossi*, Case No. CL-2009-0010261 (Fx. Co. Cir. Ct.) (Mason District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert J. Ayoub and Jack J. Ayoub*, Case No. CL-2009-0003281 (Fx. Co. Cir. Ct.) (Providence District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Larry Joe Thompson and Marlene K. Hattermann-Thompson*, Case No. CL-2009-0008544 (Fx. Co. Cir. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Rocha*, Case No. CL-2009-0014358 (Fx. Co. Cir. Ct.) (Lee District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marlon J. Reyes*, Case No. CL-2009-0011062 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edilberto Vasquez, Gertrudis Vasquez, and Maria I. Vasquez*, Case No. CL-2009-0009422 (Fx. Co. Cir. Ct.) (Springfield District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elmer A. Canas, Mauro R. Canas, and Lorenza A. Canas*, Case No. CL-2009-0012492 (Fx. Co. Cir. Ct.) (Lee District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hector Portillo*, Case No. CL-2009-0013578 (Fx. Co. Cir. Ct.) (Lee District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vincente Lazarte-Zurita and Alex G. Lazarte-Lopez*, Case No. CL-2009-0018221 (Fx. Co. Cir. Ct.) (Mason District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dong San Juon and Hea Jung Juon*, Case No. CL-2009-0018554 (Fx. Co. Cir. Ct.) (Mason District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dong San Juon and Hea Jung Juon*, Case No. CL-2010-0000270 (Fx. Co. Cir. Ct.) (Mason District)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Wells Fargo Bank, N.A., Trustee for Carrington Mortgage Loan Trust*, Case No. CL-2010-0000347 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul M. Clark, Sr., and Carolyn Thorne-Clark*, Case No. CL-2010-0000346 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher Perreca*, Case Nos. 09-0022648 and 09-0022649 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young B. Cho*, Case Nos. 09-0031115 and 09-0031116 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ryan Denmark and Amy Denmark*, Case Nos. 09-0031512 and 09-0031513 (Fx. Co. Gen. Dist. Ct.) (Lee District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carolina Thomas*, Case Nos. 09-0032664 and 09-0032665 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Claudio Perez-Labrayo*, Case Nos. 09-0032787 and 09-0032788 (Fx. Co. Gen. Dist. Ct.) (Mason District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pascal M. Fontaine and Nadine Fontaine*, Civil Case No. 09-0032789 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Board of Supervisors of Fairfax County, Virginia v. Fairfax Homes, Inc., and A Money Matter Mortgage, Inc.*, Case No. CL-2009-0001185 (Fx. Co. Cir. Ct.) (Springfield District)

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January 26, 2010

3:00 p.m.

Annual Meeting of the Fairfax County Solid Waste Authority

ISSUE:

Fairfax County Solid Waste Authority annual meeting.

RECOMMENDATION:

The County Executive recommends that the Fairfax County Solid Waste Authority hold its annual meeting in accordance with the Bylaws for the Authority; appoint officers; approve the minutes of the February 23, 2009 and December 7, 2009, meetings; and approve the financial statements.

TIMING:

Immediate. The Bylaws of the Fairfax County Solid Waste Authority require the annual meeting to coincide with the time for the last regular meeting of the Board of Supervisors set in January.

BACKGROUND:

According to the Bylaws of the Fairfax County Solid Waste Authority, the regular annual meeting of the Authority shall coincide with the time for the last regular meeting of the Board of Supervisors set in January. The proposed agenda of the Authority meeting is included as Attachment I. The Bylaws further require a review and approval of the minutes of the previous year's meetings (Attachments II and III) and that officers of the authority be appointed to serve for a one-year term.

During FY 2009, the I-95 Energy/Resource Recovery Facility (E/RRF) processed 1,059,104 tons of municipal solid waste. Service Agreement tons totaled 991,934 tons, 6.6% above the Guaranteed Annual Tonnage (GAT) of 930,750 tons required by the Service Agreement with Covanta Fairfax, Inc. (CFI), owner and operator of the facility. County waste delivered to the facility totaled 846,649 tons. This was below the GAT level but additional waste from the District of Columbia and Prince William County accounted for the remaining tons. In addition, 67,170 tons of spot market waste was received.

The June 2009 stack and ash tests documented emissions from the E/RRF that were well below regulatory and permit limits established by the U.S. Environmental Protection

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Agency (EPA) and the Virginia Department of Environmental Quality. The report from the independent engineering firm of Dvirka and Bartilucci confirmed in its report of October 2009 that “CFI has complied with the requirements of the Service Agreement, as amended and has complied with the Facility’s various environmental permit and regulatory obligations.” Covanta Fairfax continues to be certified as a Virginia Environmental Excellence Enterprise Program (E3) enterprise.

Covanta is current in paying the construction bonds, and these bonds will be paid off in February 2011. The Service Agreement and extension continue until 2016. Other financial information is contained in the Financial Statements (Attachment IV).

Recently, the Solid Waste Authority approved an amendment to the Service Agreement that allows the facility to use reclaimed water from the Norman M. Cole, Jr. Pollution Control Plant. This project will benefit Fairfax County by using reclaimed water for industrial purposes instead of potable water and will help reduce the nutrient load being discharged to the Chesapeake Bay.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I – Fairfax County Solid Waste Authority Meeting Agenda, January 26, 2010

Attachment II – Minutes of the February 23, 2009, Solid Waste Authority Meeting

Attachment III – Minutes of the December 7, 2009, Solid Waste Authority Special Meeting

Attachment IV – Financial Statements and Supplemental Information

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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3:30 p.m.

Public Hearing on SEA 85-L-022-03 (Public Broadcasting Service) to Amend SE 85-L-022 Previously Approved for Radio and Television Broadcasting Facilities, Microwave Facilities and Satellite Earth Station to Permit Building Addition and Associated Modifications to Site Design and Development Conditions, Located on Approximately 4.31 Acres Zoned I-5, Mason District

The application property is located at 6455 Stephenson Way, Tax Map 81-1 ((9)) A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SEA 85-L-022-03 will be held on January 21, 2010. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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3:30 p.m.

Public Hearing on SE 2008-LE-027 (Trustees, Springfield Masonic Lodge, 217, A.G. & A.M.)
to Permit a Private Club, Located on Approximately 1.45 Acres Zoned R-1, Lee District

The application property is located at 7001 Backlick Road, Tax Map 90-2 ((1)) 19.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 22, 2009, the Planning Commission voted unanimously to recommend that the Board of Supervisors approve SE 2008-LE-027, subject to the Development Conditions dated October 22, 2009.

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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3:30 p.m.

Public Hearing on RZ 2009-DR-016 (Madison Building Associates LLC and Second Madison Building Associates LLC) to Rezone from C-6, CRD, HC and SC to PDC, CRD, HC and SC to Permit Mixed Use Development with an Overall Floor Area Ratio of 1.22, Located on Approximately .2.66 Acres, Dranesville District

Public hearing on RZ 2009-DR-016 (Madison Building Associates LLC and Second Madison Building Associates LLC) to be deferred to 3/9/2010 at 3:30 p.m.

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3:30 p.m.

Public Hearing on RZ 2009-HM-014 (Reston Hospital Center LLC) to Rezone from I-5 and C-3 to PRC to Permit Mixed Use Development (Including Office and Medical Care Facilities) with an Overall Floor Area Ratio of .70, Located on Approximately 31.65 Acres, Hunter Mill District

and

Public Hearing on PRC 2009-HM-014 (Reston Hospital Center LLC) to Approve the PRC Plan Associated with RZ 2009-HM-014 to Permit Mixed Use Development (Including Office and Medical Care Facilities), Located on Approximately 31.65 Acres Zoned PRC, Hunter Mill District

and

Public Hearing on PCA 89-C-025-05 (Reston Hospital Center LLC) to Amend the Proffers for RZ 89-C-025 Previously Approved for Mixed Use Development to Permit the Deletion of Land Area and Associated Modifications to Site Design, Located on Approximately 9.33 Acres Zoned PRC, Hunter Mill District

and

Public Hearing on DPA 89-C-025-04 (Reston Hospital Center LLC) to Permit the 4th Amendment of the Development Plan for RZ 89-C-025 to Permit Mixed Use Development (Including Office and Medical Care Facility) with an Overall Floor Area Ratio of .70 and Associated Modifications to Site Design, Located on Approximately 9.33 Acres Zoned PRC, Hunter Mill District

The application property is located in the northeast quadrant of the intersection of the Fairfax County Parkway and New Dominion Parkway and on the west side of Town Center Parkway.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 7, 2010, the Planning Commission voted 7-0-1 (Commissioner Lawrence abstaining; Commissioners Alcorn, Donahue, Harsel, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2009-HM-014 and the associated Development Plan, subject to the execution of proffers consistent with those dated December 16, 2009;

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- Approval of PRC 2009-HM-014, subject to the Development Conditions dated December 23, 2009;
- Approval of PCA 89-C-025-05 and DPA 89-C-025-04, subject to the execution of proffers consistent with those dated December 16, 2009; and
- Modification of transitional screening and barrier requirements along the periphery of the site to that shown on the Development and PRC Plans.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
January 26, 2010



4:00 p.m.

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

ISSUE:

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

PLANNING COMMISSION RECOMMENDATION

On Thursday, November 19, 2009, the Planning Commission voted unanimously (Commissioners Hall, Lusk, and Sargeant absent from the meeting) to recommend that the Board of Supervisors adopt the proposed Planned Development District Recreational Facilities Zoning Ordinance Amendment, as advertised and contained in the staff report dated October 19, 2009, with an effective date of 12:01 a.m. on the day following adoption.

The Commission noted that this amendment may impact certain applications and/or prior approvals and therefore also recommended that the Board approve the following grandfather provisions:

- Rezoning applications to the PDH, PDC or PRM Districts containing dwelling units, including proffered condition amendments which propose to add dwelling units, that are accepted prior to the effective date of the amendment and approved by July 1, 2010 shall be grandfathered and not be subject to this amendment; and
- Proffered condition amendments which propose to add dwelling units and are accepted on or after the effective date of the amendment shall be subject to the requirements of this amendment for the additional density.

RECOMMENDATION:

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

TIMING:

Board authorization to advertise on October 19, 2009; Planning Commission public hearing on November 19, 2009; Board public hearing on January 26, 2010, at 4:00 p.m.

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BACKGROUND:

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

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

The \$1500 expenditure has been in effect since 2007 and was last adjusted based on the Construction Cost Index (CCI) increase between 1997 and 2007. According to the Architects Contractors Engineers Guide to Construction Costs, 2009 Edition, Volume XL, the CCI has increased by 7% since 2007. Given the 7% increase in construction costs since 2007, it is appropriate to adjust the current \$1500 fee accordingly. The proposed amendment increases the fee from \$1500 to \$1600 in the PDH, PDC, and PRM Districts, which is a 7% increase.

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

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

REGULATORY IMPACT:

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

FISCAL IMPACT:

The proposed amendment increases the developers cost of each dwelling unit in the PDH, PDC and PRM Districts by \$100. Given that there would be no additional review required by staff, there would be no additional staff costs. If the P district recreation amenity

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contribution is increased, it could result in additional on-site and/or off-site recreational facilities being provided to serve the recreational needs of a P district development.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission Recommendation

STAFF:

John W. Dargle, Jr., Director, Fairfax County Park Authority (FCPA)

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

Eileen M. McLane, Zoning Administrator, DPZ

Lorrie Kirst, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ

Andrea L. Dorlester, Senior Park Planner, Park Planning Branch, FCPA

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January 26, 2010

4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 5120 Veronica Road (Sully District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 5120 Veronica Road, Centreville VA 22020 (Tax Map No. 055-1-((02))-0032) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 5120 Veronica Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On December 7, 2009, the Board authorized advertisement of this public hearing to be held Tuesday, January 26, 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 if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2009) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

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

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

The property located at 5120 Veronica Road was referred to the Blight Abatement Program (BAP) on October 14, 2008. Located on the subject property is a vacant, one and ½ half story dwelling on a crawlspace. The property also contains a large open shed near the rear property line, a small shed in partial collapse and a large pond.

The residential structure was constructed in 1954 according to Fairfax County Tax Records and has been vacant since at least October 2004, when the well that was located under the house was abandoned by the owner who planned to redevelop the property. On January 29, 2009, the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. There is extensive damage to the dwelling and partial collapse of the roof. The dwelling is not economically feasible to repair and needs to be demolished. Staff also recommends the removal of the partially collapsed shed and open shed at the rear property line as part of the Spot Blight Abatement plan.

On March 25, 2009, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. The letter was signed by a representative of the company and shortly afterwards BAP staff received a blight abatement plan from the owners that they would demolish the structures by July 6, 2009. To date this action has not been completed. On November 30, 2009, the owner of the property sold it to another developer. Legal Notice was served to the new owners and they stated they would demolish the structures. They stated they would try to get this action accomplished by the January 26, 2010 hearing. To date the structures remain and pose an attractive nuisance to the surrounding community.

State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on January 7, 2010 and January 14, 2010.

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Although the County will continue to seek cooperation from the owners to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structures 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 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 owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$35,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 5120 Veronica Road (Sully District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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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4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 7900 Rolling Road (Mount Vernon District)

ISSUE:

Public hearing by the Board to consider adoption of a Spot Blight Abatement Ordinance for 7900 Rolling Road, Springfield VA 22153 (Tax Map No. 098-2-((04))-0002) (Property) and approval of a blight abatement plan for the Property.

RECOMMENDATION:

The County Executive recommends that the Board adopt an ordinance to declare 7900 Rolling Road blighted, constituting a nuisance, and approve the blight abatement plan for the Property.

TIMING:

On December 7, 2009, the Board authorized advertisement of this public hearing to be held Tuesday, January 26, 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 if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2009) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

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

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

The property located at 7900 Rolling Road was referred to the Blight Abatement Program (BAP) May 18, 2009. Located on the subject property is a vacant, one story dwelling on a crawlspace. The property also contains several accessory structures in disrepair and an in-ground swimming pool. The residential structure was constructed in 1945 according to Fairfax County Tax Records. This single family dwelling has been vacant since at least November 24, 2004, when the property was purchased for redevelopment purposes. On July 27, 2009, the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. There is extensive damage to the dwelling; it is not economically feasible to repair and needs to be demolished. Staff also recommends the removal of the accessory structures, the in-ground swimming pool and all debris as part of the Spot Blight Abatement plan.

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 registered agent for the property and the developer advised staff that their blight abatement plan was to demolish the structures within forty five days once they got the monies together for the conservation escrow that was required for their demolition grading plan. The forty-five days requested expired and the developer asked for a couple of more weeks. This additional time was granted but again this timeframe expired and compliance was not achieved as promised. These structures in their current state pose an attractive nuisance to the surrounding community and all attempts by BAP staff to achieve voluntary compliance from the property owners have been unsuccessful.

State code requires that the Board provide notice concerning adoption of such an ordinance. Notice was published on January 7, 2010 and January 14, 2010.

Although the County will continue to seek cooperation from the owners to eliminate the blighted conditions on the Property, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the

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Property to be blighted and to constitute a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the 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 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 owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, the County will fund the demolition in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately \$50,000.

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

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Ordinance for 7900 Rolling Road (Mount Vernon District)

Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:

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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4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Establishing the Laurel Hill Residential Permit Parking District, District 41 (Mount Vernon District)

ISSUE:

Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to establish the Laurel Hill Residential Permit Parking District (RPPD), District 41.

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 Laurel Hill RPPD, District 41.

TIMING:

On December 7, 2009, 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 January 26, 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 establishment of the RPPD were received on December 11, 2009. The proposed District establishment includes the following street blocks: Indian Paintbrush Way from Silverbrook Road to Flowering Dogwood Lane, Flowering

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Dogwood Lane from Indian Paintbrush Way to Segó Lily Court, and Segó Lily Court from Flowering Dogwood Lane to both ends.

The signatures on the petitions represent more than 60 percent of the eligible addresses of the proposed District establishment and represent more than 50 percent of the eligible addresses on each block face of the proposed District establishment, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District establishment is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on December 11, 2009, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to establish the Laurel Hill RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$3700 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 Establishment

STAFF:

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